MARINE POLICY & OCEAN MANAGEMENT

93d Congress
2d Session

COMMITTEE PRINT

TREATIES AND OTHER INTERNATIONAL AGREEMENTS ON FISHERIES, OCEANOGRAPHIC RESOURCES, AND WILDLIFE TO WHICH THE UNITED STATES IS PARTY

PREPARED AT THE REQUEST OF

Honorable WARREN G. MAGNUSON, *Chairman*

FOR THE USE OF THE

COMMITTEE ON COMMERCE
UNITED STATES SENATE

BY THE

CONGRESSIONAL RESEARCH SERVICE
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DECEMBER 31, 1974

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Printed for the use of the Committee on Commerce

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LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON COMMERCE,
December 31, 1974.

To Members of the Committee on Commerce, U.S. Senate:

I am pleased to transmit herewith for your information and use a compilation of the texts of treaties and other international agreements containing provisions on oceanographic resources, fisheries and wildlife to which the United States is party.

The committee staff received great assistance from the Congressional Research Service of the Library of Congress in the preparation of the publication. We thank them for their aid and guidance. I am, especially, mindful of the professional assistance rendered by Marjorie Ann Browne, Analyst in International Relations, in the Foreign Affairs Division of the Congressional Research Service of the Library of Congress with the assistance of Brenda M. Branaman, Foreign Affairs Analyst.

It is now evident that to conserve properly and perpetuate these resources, international agreements and understandings are necessary. Lack of coordination among nations could lead to the ruination and destruction of this vast ocean treasure. Living resources must have international protection.

This is the third compilation of treaties of the United States in the realm of fish and wildlife.

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

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INTRODUCTION

The Third United Nations Conference on the Law of the Sea provides an appropriate occasion for the revision of the December 1970 publication, Treaties and Other International Agreements on Oceanographic Resources, Fisheries, and Wildlife to which the United States is Party. Recent U.S. treaty-making activity and concern has coincided with increasing international community awareness of the importance of issues involving ocean uses and resources.

In this compilation multilateral treaties and international agreements have been arranged according to subject categories, whereas bilateral treaties and agreements have been arranged, first, alphabetically according to country and, then, according to subject.

In addition to updating the materials contained in the compilation (through December 31, 1974, unless otherwise noted), this third edition reflects a restructuring of the contents to facilitate its use. New major sections have been established covering "Ocean Mammals" (whales, seals, and polar bears) and "Protection of the Marine Environment" (including conventions to control pollution in the oceans). All of the relevant information relating to the citation, parties, and entry into force of an agreement have been placed on the page where the text of the treaty starts. For the first time a citation to the U.S. legislation implementing the agreement or treaty has been given. As part of the overall expansion and restructuring of the compilation, not-in-force agreements have been put in the main body of the publication and clearly marked as such both in the Table of Contents and at the place of insertion.

Among the key sources for the texts of documents are two which were not used in the previous compilation:

(*1*) *Executive Documents* (*cited by Congress, session, and letter*)

This is the form by which the Senate, having received from the President a treaty for its advice and consent, identifies and prints the text of that treaty and any pertinent remarks and documents provided by the Secretary of State.

(*2*) *International Legal Materials*

International Legal Materials, Current Documents, is a bi-monthly publication of the American Society of International Law (Washington, D.C.), which holds the copyright on the publication and has given its permission for six items to be reprinted herein.

Abbreviations Used in Citations

Stat	United States Statutes at Large.
UST	United States Treaties and Other International Agreements (volumes published on a calendar-year basis beginning as of January 1, 1950).
TS	Treaty Series, issued singly in pamphlets by the Department of State (until replaced in 1945 by the TIAS).
EAS	Executive Agreement Series, issued singly in pamphlets by the Department of State (until replaced in 1945 by the TIAS).
TIAS	Treaties and Other International Acts Series, issued singly in pamphlets by the Department of State.
Bevans	Treaties and Other International Agreements of the United States of America 1776–1949, compiled under the direction of Charles I. Bevans.
I Malloy, II Malloy	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers, 1776–1909, compiled under the direction of the Committee on Foreign Relations of the United States Senate by William M. Malloy and published by the Government Printing Office.
III Redmond	Volume III of above compilation, 1910–1923, compiled by C. F. Redmond.
IV Trenwith	Volume IV of above compilation, 1923–1937, compiled by Edward J. Trenwith.
UNTS	United Nations Treaty Series.

I. MULTILATERAL

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A. ANTARCTICA

1. THE ANTARCTIC TREATY*

Signed at Washington December 1, 1959; Ratification advised by the Senate August 10, 1960; Ratified by the President August 18, 1960; Ratification deposited at Washington August 18, 1960; Proclaimed by the President June 23, 1961; Entered into force June 23, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Antarctic Treaty was signed at Washington on December 1, 1959 by the respective plenipotentiaries of the United States of America, Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland;

WHEREAS the text of the said Treaty, in the English, * * * languages, is word for word as follows:

The Antarctic Treaty

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony

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Citation: 12 UST 794; TIAS 4780.

States which are parties: Argentina, Australia, Belgium, Chile, Czechoslovakia, Denmark, France, German Democratic Rep. (with declaration), Japan, Netherlands (including Surinam and Netherlands Antilles), New Zealand, Norway, Poland, Romania (with a statement), South Africa, Union of Soviet Socialist Republics, United Kingdom, United States.

in Antarctica will further the purposes and principles embodied in the Charter of the United Nations; [1]

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a

[1] TS 993; 59 Stat. 1031.

claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

Article V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.
2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

Article VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

Article VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.
2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.
3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.
4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.
5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals; and
(c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

Article VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antartica shall immediately consult together with a view to reaching a mutually acceptable solution.

Article IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;
(b) facilitation of scientific research in Antarctica;
(c) facilitation of international scientific cooperation in Antarctica;
(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
(e) questions relating to the exercise of jurisdiction in Antarctica;
(f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the dispatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the

Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

Article XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings pro-

vided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian, and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of

America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

* * * * * * *

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

WHEREAS the Senate of the United States of America by their resolution of August 10, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Treaty;

WHEREAS the said Treaty was duly ratified by the President of the United States of America on August 18, 1960, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of the said Treaty that upon the deposit of instruments of ratification by all the signatory States, the said Treaty shall enter into force for those States and for States which have deposited instruments of accession;

Whereas instruments of ratification were deposited with the Government of the United States of America on May 31, 1960 by the United Kingdom of Great Britain and Northern Ireland; on June 21, 1960 by the Union of South Africa; on July 26, 1960 by Belgium; on August 4, 1960 by Japan; on August 18, 1960 by the United States of America; on August 24, 1960 by Norway; on September 16, 1960 by the French Republic; on November 1, 1960 by New Zealand; on November 2, 1960 by the Union of Soviet Socialist Republics; and on June 23, 1961 by Argentina, Australia, and Chile; and an instrument of accession was deposited with the Government of the United States of America on June 8, 1961 by the Polish People's Republic;

AND WHEREAS, pursuant to the aforesaid provision of Article XIII of the said Treaty, the Treaty entered into force on June 23, 1961;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the Antarctic Treaty to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 23, 1961 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this twenty-third day of June in the year of our Lord one thousand nine hundred sixty-one and of the Independence of the United States of America the one hundred eighty-fifth.

[SEAL]

JOHN F. KENNEDY.

By the President:

DEAN RUSK

Secretary of State

a. Measures Approved Under Article IX, Relating to the Furtherance of the Principles and Objectives of the Antarctic Treaty, adopted July 24, 1961*

Recommendations adopted at the First Consultative Meeting under Article IX of the Antarctic Treaty, at Canberra, July 24, 1961; Effective April 30, 1962.

[RECOMMENDATIONS[1] OF THE FIRST ANTARCTIC TREATY CONSULTATIVE MEETING]

The Meeting agreed unanimously to the adoption of the following recommendations; [2]

I–I

The Representatives recommend to their Governments that they should facilitate the continuation of the exchange of information regarding plans for scientific programmes as now carried on through the Special Committee on Antarctic Research (SCAR) and through other member unions and committees of the International Council of Scientific Unions (ICSU) and by such other means as may ensure the availability of this information.

I–II

The Representatives recommend to their Governments that they should promote the continuation of the exchange, on a basis of bilateral arrangements, of scientific personnel amongst their expeditions, and should make available such of their facilities as may be helpful to this purpose.

I–III

The Representatives recommend to their Governments that they should promote the exchange and making available of observations and results from Antarctica through the recognized international data gathering centres and by such other means as may be appropriate to ensure the exchange and free availability of this information.

**Citation:* 13 UST 1349; TIAS 5094.

[1] The English language text printed herein is a verbatim extract of the Recommendations from the Report of the First Antarctic Treaty Consultative Meeting, as certified by the Chairman of that Meeting at Canberra.

The original documents relating to the said Meeting are held in the archives of the Australian Department of External Affairs, Canberra.

[2] Adopted July 24, 1961. The Recommendations became effective Apr. 30, 1962, in accordance with article IX(4) of the Antarctic Treaty, having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

I–IV

The Representatives agree, without prejudice to the rights of Governments to make such arrangements as they may deem necessary to further the objectives of scientific co-operation set forth in the Treaty:[3]

(1) that the free exchange of information and views among scientists participating in SCAR, and the recommendations concerning scientific programmes and co-operation formulated by this body constitute a most valuable contribution to international scientific co-operation in Antarctica;

(2) that since these activities of SCAR constitute the kind of activity contemplated in Article III of the Treaty, SCAR should be encouraged to continue this advisory work which has so effectively facilitated international co-operation in scientific investigation.

I–V

The Representatives recommend to their Governments that they should individually encourage the work of international organisations having a scientific or technical interest in Antarctica, including the specialised agencies of the United Nations, and should promote on a bilateral basis the establishment and development of co-operative working relations with these organisations.

In this connection, the Representatives take note of the letter to the Minister of State for External Affairs of Australia from the Secretary-General of the World Meteorological Organisation dated 28 June 1961, [4] circulated at the Meeting. They welcome the offer made by the World Meteorological Organisation of co-operation in questions of meteorology and of the collection and relaying of meteorological data in the Antarctic, and recommend to their Governments that they should establish co-operation in these matters through their Representatives in that Organisation.

I–VI

The Representatives recommend to their Governments that information furnished in accordance with Article VII paragraph 5 should be exchanged between Governments through diplomatic channels as early in each year as possible, and in any case before the end of November each year, and should include—

(1) the names, types, numbers, descriptions and armaments of ships, aircraft and other vehicles, introduced, or to be introduced into Antarctica, and information on military equipment, if any, and its location in Antarctica;

(2) dates of expeditions leaving for, and arriving in, Antarctica, duration of stay, itinerary to and from Antarctica and routes followed within Antarctica;

(3) the names, location and date of opening of the Party's bases and subsidiary stations established or planned to be established in Antarctica, listed according to whether they are for summer and/or winter operations;

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[3] TIAS 4780; 12 UST 794.
[4] Not printed.

(4) the names of the officers in charge of each of these bases, subsidiary stations, ships and aircraft; the number and occupations and specialisation of personnel (including any designated by other governments), who are or will be stationed at each of these bases and subsidiary stations and on board these ships and aircraft, including the number of personnel who are members of the military services together with the rank of any officers and the names and professional affiliation of personnel engaged in scientific activities;

(5) the number and types of armaments possessed by personnel;

(6) the programme of work, including scientific investigation, being done and planned at each of these bases and subsidiary stations and on board those ships and aircraft; and also the area or areas of operation to be covered by such programme;

(7) principal scientific equipment;

(8) transportation facilities and communication equipment for use within Antarctica;

(9) facilities for rendering assistance;

(10) notice of any expeditions to Antarctica not organised by the Party but organised, in, or proceeding from, the Party's territory.

I–VII

The Representatives recommend to their Governments that they should undertake to exchange information on logistic problems. This might include information on the design and construction of buildings and airstrips, the provision of power supplies, the performance of aircraft, ships, tractors and other vehicles, techniques of supply of coastal and inland stations, the transport and handling of cargo in Antarctic conditions, food and cold weather clothing. They further recommend that consideration should be given to the calling of a meeting or symposium of experts to consider the question of the exchange of information on experience gained in matters of the organisation of expeditions, logistic support and transport, and that proposals for the calling of such a meeting or symposium should be discussed at or before the next Treaty Consultative Meeting.

I–VIII

The Representatives recommend to their Governments that:

(i) they recognize the urgent need for measures to conserve the living resources of the Treaty area and to protect them from uncontrolled destruction or interference by man;

(ii) they encourage the interchange of information and international co-operation with a view to promoting scientific studies of Antarctic life as the essential basis for long-term conservation measures;

(iii) they bring to the attention of all persons entering the area the need for the protection of living resources;

(iv) they consult on the form in which it would be most suitable to establish in due course internationally agreed measures for the preservation and conservation of the living resources of the Antarctic, taking into account the discussion at and documents submitted to the First Consultative Meeting;

(v) as an interim measure, and to the extent possible under national legislation and binding international conventions, they issue general rules of conduct on the lines of the attached statement extracted from the recommendations of SCAR as contained in the report of the Meeting held at Cambridge in August 1960;

(vi) they exchange information on any major steps taken in accordance with this recommendation with respect to the next Antarctic season;

(vii) this question be included in the Agenda of the next Consultative Meeting.

GENERAL ROLES OF CONDUCT FOR PRESERVATION AND CONSERVATION OF LIVING RESOURCES IN ANTARCTICA

1. Animals and plants indigenous to Antarctica shall not be unnecessarily disturbed and shall not be destroyed or injured. Exceptions shall be permitted on a strictly controlled scale which will not deplete the local stock and only for the following purposes:

(a) collections and studies for scientific purposes;
(b) food (e.g. meat, eggs) for men and dogs;
(c) living specimens for zoological gardens;
(d) taking a strictly limited number of specimens, especially natural casualties, for private purposes.

Exceptions (c) and (d) shall not apply for the time being to fur seals.

2. Alien forms of flora and fauna should not be deliberately introduced except when rigidly controlled having regard to their chances of survival, capacity of reproduction and utilization by man.

3. The following activities should be regulated with a view to preventing serious harm to wildlife:

(a) allowing dogs to run free,
(b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal colonies, or landing near (e.g. within 200 yards) such colonies,
(c) driving vehicles unnecessarily close to breeding colonies of birds and seals,
(d) use of explosive or discharge of firearms close to breeding colonies of birds and seals,
(e) disturbance of bird and seal colonies by persistent attention from people on foot,
(f) the discharge of oil from ships in a manner harmful to animals and plants indigenous to Antarctica.

I–IX

With due regard to Article IV of the Treaty, the Representatives recommend that—

(1) Governments interested in any tombs, buildings or objects of historic interest should consult together whenever appropriate on their restoration or preservation;

(2) appropriate reports on the conditions of such tombs, buildings or objects of historic interest as well as any restoration which

might have been effected should be exchanged among Governments;

(3) Governments adopt all adequate measures to protect such tombs, buildings or objects of historic interest, from damage and destruction.

I-X

The Representatives reaffirm the traditional Antarctic principle that expeditions render all assistance feasible in the event of an emergency request for help and recommend to their Governments that considerations should be given to arranging consultations among them, and to the matter being discussed at the appropriate time at any meeting of experts qualified to discuss it.

I-XI

The Representatives recommend to their Governments:

(1) that they convene as soon as practicable a meeting of specialists in Antarctic radio communications;

(2) that this meeting of specialists should discuss the telecommunications facilities needed for scientific, technical and other purposes in the Treaty area, and their use;

(3) that the meeting should take into consideration—

(a) the requirements of governments;

(b) the viewpoint of the United Nations Specialised Agencies and other International organisations having a scientific or technical interest in Antarctic communications;

(c) the relevant recommendations of the communications working group of SCAR;

(d) the experience of the various Antarctic expeditions;

(4) that the meeting should examine and make recommendations regarding such matters as—

(i) the routing required to meet demands of users most effectively;

(ii) the modes of transmission;

(iii) the power requirements for effective reception;

(iv) the rationalisation of schedules and the evaluation of priorities for traffic in normal and post blackout conditions;

(v) new developments in the field of communications relevant to Antarctic requirements;

(vi) emergency radio procedures;

(vii) such other matters of an engineering or traffic nature as may be appropriate;

(5) that the Governments should consult regarding the date, place and definitive agenda of the meeting, and as to which specialised agencies and other international organisations referred to in paragraph 3(b) should be informed of the meeting and be invited to send observers.

I-XII

The Representatives recommend to their Governments that they should:

1. promote co-operation among expeditions in the Treaty area in the collection and distribution of mail for expedition members;

2. advise each other of opportunities for forwarding mail to and from stations in the Treaty area;

3. consult together with a view to reaching agreement on further practical measures for improving postal communications in the Treaty area.

I–XIII

Taking into consideration the provisions established in Article V of the Antarctic Treaty, the Representatives recommend to their Governments that they exchange by all means deemed advisable information on the application of nuclear equipment and techniques in the Treaty area.

I–XIV

Pending any further recommendation which may be adopted at a future Meeting concerning the procedures to be followed in connection with the Consultative Meetings provided for in Article IX of the Treaty, the Representatives recommend to their Governments that as an interim measure:

(1) the Government of the host country of the present Meeting shall send to each of the participating Governments a certified copy of the Final Report containing the authentic texts of all documents agreed and adopted by the Meeting. It shall also send to the other participating Governments any other documents relative to the Meeting and comply with any additional request, or answer any questions on the subject, and supply any information which the participating Governments may subsequently request regarding the First Consultative Meeting or recommendations of that Meeting;

(2) the Government of the country where the next Meeting is to be held shall consult the other Governments entitled to participate in the Consultative Meetings in regard to the provisional agenda and the choice of the opening date of the Meeting;

(3) the Governments shall consult through diplomatic channels as they deem necessary on matters of common interest relating to the Treaty area including matters which may be proposed for consideration at future Consultative Meetings;

(4) notifications of approval by Governments of recommendations adopted at Consultative Meetings shall be communicated through diplomatic channels to all other such Governments entitled to participate in the Consultative Meetings;

(5) the depositary Government designated in the Antarctic Treaty shall inform all signatory and acceding states when any recommendation has been approved in accordance with Article IX (4) of the Treaty by all the Contracting Parties whose representatives were entitled to participate in the Meeting held to consider that recommendation.

I–XV

The Representatives recommend to their Governments that they accept the offer by the Delegation of Argentina of the city of Buenos Aires as the seat of the Second Consultative Meeting under Article IX of the Antarctic Treaty, to be held on a date mutually decided upon by the participating Governments.

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I–XVI

The Representatives recommend to their Governments that reports, studies and all other documentation, including any specific proposal or draft recommendation, which any participating Government may desire to place before the next Consultative Meeting, shall be forwarded through diplomatic channels so as to reach all Governments entitled to participate in that Consultative Meeting, at least one month prior to the Meeting, except in circumstances of urgency.

[STATEMENTS]

In respect of Recommendation I–IX, the French Delegation stated that the French Government would wish to give the word "object" a fairly broad significance.

In respect of Recommendation I–XII, the United Kingdom Delegation stated that it considered that Goverments should, in consulting together with a view to reaching agreement on further practical measures for improving postal communications in the Treaty area, give consideration to the following measures:

(a) accept for transmission to the Antarctic by all available means of transport correspondence or mails, other than philatelic mail, addressed to Antarctic stations occupied by other participating countries;

(b) invite the International Bureau of the Universal Postal Union to advise other postal administrations to send correspondence addressed to an Antarctic station to the postal administration of the country occupying the station for onward transmission;

(c) recognize as duly prepaid correspondence originating in an Antarctic station occupied by another participating country and prepaid in postage stamps issued by that country;

(d) accept such prepaid correspondence for transmission from the Antarctic by all available means of transport to the most convenient office of exchange in a participating country;

(e) reforward the correspondence from the office of exchange to its destination in accordance with the provisions of the Universal Postal Convention, [5] particularly those concerning transit payments;

(f) put their mail services, subject to prepayment in the normal way, at the disposal of the personnel at any Antarctic station occupied by another participating country which is for any reason prevented from using the stamps of that country for the prepayment of its correspondence.

In respect of Recommendation I–XIII, the Chilean Delegation stated that it understood that the declaration in no way implied a change in Article V of the Antarctic Treaty, and the French Delegation stated that it considered that the information exchanged should also be brought to the notice of the International Atomic Energy Agency when Governments considered this was appropriate.

In respect of Recommendation I–XIV, the New Zealand Delegation expressed the hope that any consultations pursuant to paragraphs 2 and 3 would take place in a capital where New Zealand had diplomatic representation.

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[5] TIAS 4202; 10 UST 413.

b. Measures Approved Under Article IX, Relating to the Furtherance of the Principles and Objectives of the Antarctic Treaty, adopted July 28, 1962*

Recommendations adopted at the Second Consultative Meeting under Article IX of the Antarctic Treaty, at Buenos Aires, July 28, 1962; Effective January 11, 1963.

[RECOMMENDATIONS[1] OF SECOND ANTARCTIC TREATY CONSULTATIVE MEETING]

The Meeting unanimously agreed to adopt the following recommendations:[2]

II–I

The Representatives recommend to their Governments that, in accordance with Article III of the Antarctic Treaty[3] and in the light of recommendations made by SCAR,[4] they take measures contributing to:

1. The completion by July 1, 1963, or as soon thereafter as practicable, of the transmission by scientific organizations to the recognized international data gathering centres of scientific observations carried out in Antarctica from 1957 until 1959 inclusive, and 1960 if possible.

2. (a) The free availability and exchange, by all appropriate means, of scientific observations and results, in every scientific discipline, obtained by expeditions in any part of Antarctica;

(b) the prompt transmission, preferably within a year of the receipt in each country of the data from Antarctica, of such observations and results to the recognized international data gathering centres, where such centres exist.

3. (a) The free availability of published results of Antarctic research carried out since the beginning of the International Geophysical Year;

(b) the transmission to the recognized international data gathering centres, before July 1, 1963, of such publications already issued;

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*Citation: 14 UST 99; TIAS 5274.

[1] The English language text printed herein is a verbatim extract of the Recommendations from the Report of the Second Antarctic Treaty Consultative Meeting, as certified by the Secretary General of that Meeting at Buenos Aires.
The original documents relating to the said Meeting are held in the archives of the Argentine Government, Buenos Aires.

[2] Adopted July 28, 1962. The Recommendations became effective Jan. 11, 1963, in accordance with article IX(4) of the Antarctic Treaty, having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

[3] TIAS 4780; 12 UST 796.

[4] Special Committee on Antarctic Research.

(c) the transmission to these centres of future publications within two months of their issue or as soon thereafter as practicable.

II–II

Recalling and reaffirming Recommendation I–VIII of the First Consultative Meeting,[5] and expressing their conviction that the general rules attached to that Recommendation should be scrupulously observed.

The Representatives recommend to their Governments that:

a) they collect and exchange information on the measures which they have adopted for the protection of living resources in the Antarctic;

b) they promote the further exchange and evaluation of information about the existing state of living resources in the Antarctic;

c) they consult together with a view to the establishment, in an appropriate form and at an early date, of effective and internationally agreed measures on this subject;

d) these consultations should take into account the rules attached to Recommendation I–VIII of the First Consultative Meeting, the recommendations made on this subject by SCAR, the proposal submitted by the Delegation of the United Kingdom in Document P.3 to the Second Consultative Meeting, and the views expressed by Delegations in the discussion of this item;

e) in the course of the meetings held to prepare the Third Consultative Meeting they undertake the task of formulating on the basis of the principles enunciated above, the draft text of measures on this subject to be submitted to that Consultative Meeting with a view to its approval and recommendation to Governments.

II–III

The Representatives, taking into consideration Recommendation I–XI of the First Consultative Meeting concerning Antarctic radio communications, recommend to their Governments that the proposed meeting of specialists in Antarctic radio communications should take place between May 1 and August 31, 1963 on a date and at a place to be fixed.

II–IV

In accordance with Article VII paragraph 5 of the Antarctic Treaty, the Representatives recommend to their Governments that they should endeavor to furnish prompt and full information regarding their Antarctic activities as listed in Recommendation I–VI of the First Consultative Meeting, and within the time limits indicated in that Recommendation.

II–V

The Representatives recommend to their Governments that in view of Recommendation I–VII of the First Consultative Meeting designed to achieve one of the objectives of the Antarctic Treaty, namely the

[5] TIAS 5094; 13 UST 1352.

creation of conditions necessary for carrying out scientific investigation, and in view of the logistic symposium organized by SCAR which is soon to take place:

a) a meeting or symposium of experts should be held, to review the present state of knowledge acquired on the organization of expeditions, logistic support and transport, in order to evaluate such knowledge;

b) consultations be held during the preparations for the next Consultative Meeting to fix a suitable date, place, organization and agenda for such meeting or symposium.

II–VI

The Representatives recommend to their Government that they report through diplomatic channels, as soon as possible, and in any case prior to June 30 of each year, on any extensions, reductions or other modifications in the development of the activities previously reported in accordance with Article VII paragraph 5 of the Antarctic Treaty, and Recommendation I–VI of the First Consultative Meeting.

II–VII

The Representatives recommend to their Governments that, in order better to implement Articles II and III of the Antarctic Treaty and Recommendations I–I and I–II of the First Consultative Meeting, they should make appropriate arrangements:

a) to expedite the execution of administrative procedures required by their Laws, regulations and binding international agreements that apply to shipments of samples, specimens, records and scientific instruments related to Antarctic scientific research;

b) to provide proper care in the handling of this type of shipments.

II–VIII

The Representatives recommend to their Governments that they should encourage, by whatever means they consider appropriate, international cooperation and the interchange of scientific personnel, observations and results, in connection with their respective national programmes of Antarctic scientific investigation and research associated with the International Year of the Quiet Sun (1964–65).

II–IX

The Representatives recommend to their Governments:

a) that they take the necessary steps to examine as soon as possible, in conformity with their legal and constitutional procedures, the recommendations adopted by any Consultative Meeting and that they make a decision on such recommendations as they find themselves able to approve as soon as possible after such recommendations have been officially communicated to them by the Government which was the host for the Consultative Meeting concerned;

b) that if they find themselves unable to give early approval to one or more of the recommendations of a Consultative Meet-

ing, they should signify their approval of the remaining recommendations, whether separately or as a group, as soon as they are able to do so.

II–X

The Representatives recommend that their Governments accept the offer made by the Delegation of Belgium, to the effect that the Third Consultative Meeting under Article IX of the Antarctic Treaty be held in Brussels.

This Meeting will be held on a date to be decided upon by agreement among the participating Governments.

[STATEMENT]

With reference to Recommendation II–X, the Chilean delegation expressed the hope that in the near future the Consultative Meeting will recommend to the Governments that the sessions referred to in Article IX of the Antarctic Treaty be held every two years, on the date considered most appropriate, without prejudice to advancing these dates or convening extraordinary sessions should circumstances render it advisable.

c. Measures Approved Under Article IX, Relating to the Furtherance of the Principles and Objectives of the Antarctic Treaty, adopted June 2–13, 1964*

Certain recommendations adopted at the Third Consultative Meeting under Article IX of the Antarctic Treaty, at Brussels, June 2–13, 1964; Recommendations III–I through III–VI, III–IX, III–X effective July 27, 1966; Recommendation II–XI effective September 1, 1966.

[CERTAIN RECOMMENDATIONS[1] OF THIRD ANTARCTIC TREATY CONSULTATIVE MEETING]

The Meeting agreed unanimously to adopt the following Recommendations:[2]

III–I

INFORMATION ON FACILITIES FOR THE LANDING OF AIRCRAFT

The Representatives, taking into account Recommendation I–VI(8) of the First Consultative Meeting, recommend to their Governments that they exchange, within the framework of Recommendation I–VI (8), information on airfield facilities in the Antarctic Treaty[3] Area. This information should include particulars of location, operating conditions and limitations, radio aids to navigation, facilities for radio communications and instrument landing, and be in detail sufficient to enable an aircraft to make a safe landing.

III–II

NOTIFICATION OF UNOCCUPIED REFUGES

1. The Representatives recommend to their governments that they should exchange through diplomatic channels, before the end of November each year, lists of all unoccupied buildings, huts or caches (hereinafter referred to as refuges) maintained by them in the Treaty Area in a condition suitable for use in emergencies.

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*Citation: 17 UST 991; TIAS 6058.

[1] The English language text printed herein is a verbatim extract of certain Recommendations from the Report of the Third Antarctic Treaty Consultative Meeting.
The original documents relating to the said Meeting are held in the archives of the Belgian Government, Brussels.

[2] Adopted June 2–13, 1964. These Recommendations became effective July 27, and Sept. 1, 1966, in accordance with article IX(4) of the Antarctic Treaty,[3] having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

[3] TIAS 4780; 12 UST 796.

2. Such lists should include:
   I. The name and position of each refuge;
   II. A description of its location;
   III. The date on which it was established;
   IV. The approximate date on which it was last examined;
   V. An estimate of the available accommodation, facilities, food, fuel and supplies of other kinds.

Any changes should be reported before the end of June the following year.

3. The Representatives further recommend that Governments whose expeditions use any refuge should report as rapidly as possible on any such use. Such Governments should also furnish an estimate of the amount of supplies which remain and a report about the condition of the refuge after use; in addition they should:
   a) Ensure that supplies available at these refuges are used only under emergency conditions.
   b) To the greatest extent possible, and as early as possible, replenish the supplies consumed and inform the authorities who maintain the refuge of the action taken.

III–III

LOGISTICS

In view of the Recommendations by the First and Second Consultative Meetings (I–VII and II–V) concerning logistics;

Taking into consideration the Logistic Symposium which took place at Boulder, Colorado, U.S.A., in August 1962 under the auspices of the Scientific Committee on Antarctic Research (SCAR), and the Report on this Symposium published in 1963;

The Representatives recommend to their Governments that the organization, agenda, date and place for the inter-governmental meeting of experts, on the present state of knowledge about useful aspects of logistic activities in the Antarctic to which the above Recommendations refer, be considered during the preparatory meetings for the Fourth Consultative Meeting.

III–IV

THE NEXT MEETING

The Representatives recommend to their Goverments that they accept the offer of the Chilean Delegation to hold the Fourth Consultative Meeting under Article IX of the Antarctic Treaty, in Santiago, Chile.

This Meeting shall take place at a date which shall be agreed upon by the participating Governments.

III–V

TELECOMMUNICATIONS

The Representatives, noting that experts met in an Antarctic Treaty Meeting on Telecommunications in Washington from 24th–28th June, 1963, following upon Recommendations I–XI and II–III

of the First and Second Consultative Meetings, and in accordance with Recommendation II–IX, recommend to their Governments that they take the necessary steps to approve and implement as soon as practicable those Recommendations of the Telecommunications Meeting which they find themselves able to approve, taking into consideration (a) and (b) below.

The Representatives, pointing out the useful and important work effected by the Telecommunications Meetings at Washington, recommend to their Governments that they:

a) Continue their consultations with a view to effecting further improvement in coordinating telecommunications activities.
b) During the Preparatory Meetings for the next Consultative Meeting, examine the results of the Recommendations made by the Washington Telecommunications Meeting, and consider measures to improve Antarctic radio communications in the future.

III–VI

QUESTIONS CONCERNING MEETINGS OF SPECIALISTS

The Representatives, recognizing the importance of the problem raised during the examination of Item 7 (that is, the Item entitled "Questions concerning Meetings of Specialists"), recommend their Governments to examine this question attentively before the Fourth Consultative Meeting and to consider including it on the Agenda of that Meeting.

III–IX

INTERIM GUIDE LINES FOR CONSERVATION OF FAUNA AND FLORA

The Representatives recommend to their Governments that until such time as the Agreed Measures on the Conservation of Antarctic Fauna and Flora may become effective in accordance with Article IX of the Antarctic Treaty, these Agreed Measures as far as feasible be considered as guide lines in this interim period.[4]

III–X

INTEREST OF SCAR IN THE CONSERVATION OF ANTARCTIC FAUNA AND FLORA

Recognizing the initiative already taken by the Scientific Committee on Antarctic Research (SCAR) on matters relating to the conservation of Antarctic fauna and flora, and considering its role as defined in Recommendation I–IV, the Representatives recommend to their Governments that they encourage SCAR to continue its interest in those matters and to prepare reports from time to time on this subject, and especially at this time on the matters that it considers should be listed in the Annexes of the Agreed Measures for the Conservation of Antarctic Fauna and Flora.

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[4] For the text of the Agreed Measures, see Appendix, *post*, p. 31.

III–XI

PELAGIC SEALING AND THE TAKING OF FAUNA ON PACK ICE

The Representatives, at the time of adopting the Agreed Measures on the Conservation of Fauna and Flora,

1. considering that appropriate voluntary regulation of pelagic sealing or the taking of fauna on pack ice is of great importance for the fulfillment of the purposes and principles of these Measures;
2. recommend to their Governments that this matter be considered further by them on as broad a basis as practicable in preparing for the Fourth Consultative Meeting at Santiago, Chile, with a view to its inclusion on the Agenda for the Fourth Consultative Meeting;
3. recommend to their Governments that when ships of their nationality engage in pelagic sealing or the taking of fauna on pack ice south of 60° South Latitude, each Government voluntarily regulate these activities to ensure the survival of any species being taken and to ensure that the natural ecological system is not seriously disturbed.

[APPENDIX]

AGREED MEASURES FOR THE CONSERVATION OF ANTARCTIC FAUNA AND FLORA[5]

The Representatives, taking into consideration Article IX of the Antarctic Treaty, and recalling Recommendation I–VIII of the First Consultative Meeting and Recommendation II–II of the Second Consultative Meeting, recommend to their Governments that they approve as soon as possible and implement without delay the annexed "Agreed Measures for the Conservation of Antarctic Fauna and Flora".

Preamble

The Governments participating in the Third Consultative Meeting under Article IX of the Antarctic Treaty,

Desiring to implement the principles and purposes of the Antarctic Treaty;

Recognising the scientific importance of the study of Antarctic fauna and flora, their adaptation to their rigorous environment, and their interrelationship with that environment;

Considering the unique nature of these fauna and flora, their circumpolar range, and particularly their defencelessness and susceptibility to extermination;

Desiring by further international collaboration within the framwork [sic] of the Antarctic Treaty to promote and achieve the objectives of protection, scientific study, and rational use of these fauna and flora; and

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions;

Hereby consider the Treaty Area as a Special Conservation Area and have agreed on the following measures:

Article I

1. These Agreed Measures shall apply to the same area to which the Antarctic Treaty is applicable (hereinafter referred to as the Treaty Area) namely the area south of 60° South Latitude, including all ice shelves.

   However, nothing in these Agreed Measures shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within the Treaty Area, or restrict the implementation of the provisions of the Antarctic Treaty with respect to inspection.

[5] To be considered as interim guide lines in accordance with Recommendation III–IX, *ante*, p. 29.

2. The Annexes to these Agreed Measures shall form an integral part thereof, and all references to the Agreed Measures shall be considered to include the Annexes.

ARTICLE II

For the purposes of these Agreed Measures:

a) "Native mammal" means any member, at any stage of its life cycle, of any species belonging to the Class Mammalia indigenous to the Antarctic or occurring there through natural agencies of dispersal, excepting whales;
b) "native bird" means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic or occurring there through natural agencies of dispersal;
c) "native plant" means any kind of vegetation at any stage of its life cycle (including seeds), indigenous to the Antarctic or occurring there through natural agencies of dispersal;
d) "appropriate authority" means any person authorised by a Participating Government to issue permits under these Agreed Measures;
e) "permit" means a formal permission in writing issued by an appropriate authority;
f) "participating government" means any Government for which these Agreed Measures have become effective in accordance with Article XIII of these Agreed Measures.

ARTICLE III

Each Participating Government shall take appropriate action to carry out these Agreed Measures.

ARTICLE IV

The Participating Governments shall prepare and circulate to members of expeditions and stations information to ensure understanding and observance of the provisions of these Agreed Measures, setting forth in particular prohibited activities, and providing lists of specially protected species and specially protected areas.

ARTICLE V

The provisions of these Agreed Measures shall not apply in cases of extreme emergency involving possible loss of human life or involving the safety of ships or aircraft.

ARTICLE VI

1. Each Participating Government shall prohibit within the Treaty Area the killing, wounding, capturing or molesting of any native mammal or native bird, or any attempt at any such act, except in accordance with a permit.
2. Such permits shall be drawn in terms as specific as possible and issued only for the following purposes:

a) to provide indispensable food for men or dogs in the Treaty Area in limited quantities, and in conformity with the purposes and principles of these Agreed Measures;
b) to provide specimens for scientific study or scientific information;
c) to provide specimens for museums, zoological gardens, or other educational or cultural institutions or uses.

3. Permits for Specially Protected Areas shall be issued only in accordance with the provisions of Article VIII.
4. Participating Governments shall limit the issue of such permits so as to ensure as far as possible that:
   a) no more native mammals or birds are killed or taken in any year than can normally be replaced by natural reproduction in the following breeding season;
   b) the variety of species and the balance of the natural ecological systems existing within the Treaty Area are maintained.
5. The species of native mammals and birds listed in Annex A of these Measures shall be designated "Specially Protected Species", and shall be accorded special protection by Participating Governments.
6. A Participating Government shall not authorise an appropriate authority to issue a permit with respect to a Specially Protected Species except in accordance with paragraph 7 of this Article.
7. A permit may be issued under this Article with respect to a Specially Protected Species, provided that:
   a) it is issued for a compelling scientific purpose, and;
   b) the actions permitted thereunder will not jeopardise the existing natural ecological system or the survival of that species.

Article VII

1. Each Participating Government shall take appropriate measures to minimize harmful interference within the Treaty Area with the normal living conditions of any native mammal or bird, or any attempt at such harmful interference, except as permitted under Article VI.
2. The following acts and activities shall be considered as harmful interference:
   a) allowing dogs to run free;
   b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal concentrations, or landing close to such concentrations (e.g. within 200 metres);
   c) driving vehicles unnecessarily close to concentrations of birds and seals (e.g. within 200 metres);
   d) use of explosives close to concentrations of birds and seals;
   e) discharge of firearms close to bird and seal concentrations (e.g. within 300 metres);
   f) any disturbance of bird and seal colonies during the breeding period by persistent attention from persons on foot.

   However, the above activities, with the exception of those mentioned in a) and e) may be permitted to the minimum extent necessary for the establishment, supply and operation of stations.

3. Each Participating Government shall take all reasonable steps towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.

Article VIII

1. The areas of outstanding scientific interest listed in Annex B shall be designated "Specifically Protected Areas" and shall be accorded special protection by the Participating Governments in order to preserve their unique natural ecological system.
2. In addition to the prohibitions and measures of protection dealt with in other Articles of these Agreed Measures, the Participating Governments shall in Specially Protected Areas further prohibit:
   a) the collection of any native plant, except in accordance with a permit;
   b) the driving of any vehicle.
3. A permit issued under Article VI shall not have effect within a Specially Protected Area except in accordance with paragraph 4 of the present Article.
4. A permit shall have effect within a Specially Protected Area provided that:
   a) it was issued for a compelling scientific purpose which cannot be served elsewhere; and
   b) the actions permitted thereunder will not jeopardize the natural ecological system existing in that Area.

Article IX

1. Each Participating Government shall prohibit the bringing into the Treaty Area of any species of animal or plant not indigenous to that Area, except in accordance with a permit.
2. Permits under paragraph 1 of this Article shall be drawn in terms as specific as possible and shall be issued to allow the importation only of the animals and plants listed in Annex C. When any such animal or plant might cause harmful interference with the natural system if left unsupervised within the Treaty Area, such permits shall require that it be kept under controlled conditions and, after it has served its purpose, it shall be removed from the Treaty Area or destroyed.
3. Nothing in paragraphs 1 and 2 of this Article shall apply to the importation of food into the Treaty Area so long as animals and plants used for this purpose are kept under controlled conditions.

4. Each Participating Government undertakes to ensure that all reasonable precautions shall be taken to prevent the accidental introduction of parasites and diseases into the Treaty Area. In particular, the precautions listed in Annex D shall be taken.

Article X

Each Participating Government undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Treaty Area contrary to the principles or purposes of these Agreed Measures.

Article XI

Each Participating Government whose expeditions use ships sailing under flags of nationalities other than its own shall, as far as feasible, arrange with the owners of such ships that the crews of these ships observe these Agreed Measures.

Article XII

1. The Participating Governments may make such arrangements as may be necessary for the discussion of such matters as:

   a) the collection and exchange of records (including records of permits) and statistics concerning the numbers of each species of native mammal and bird killed or captured annually in the Treaty Area;

   b) the obtaining and exchange of information as to the status of native mammals and birds in the Treaty Area, and the extent to which any species needs protection;

   c) the number of native mammals or birds which should be permitted to be harvested for food, scientific study, or other uses in the various regions;

   d) the establishment of a common form in which this information shall be submitted by Participating Governments in accordance with paragraph 2 of this Article.

2. Each Participating Government shall inform the other Governments in writing before the end of November of each year of the steps taken and information collected in the preceding period of July 1st to June 30th relating to the implementation of these Agreed Measures. Governments exchanging information under

paragraph 5 of Article VII of the Antarctic Treaty may at the same time transmit the information relating to the implementation of these Agreed Measures.

Article XIII

1. After the receipt by the Government designated in Recommendation I–XIV (5) of notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty, these Agreed Measures shall become effective for those Governments.

2. Thereafter any other Contracting Party to the Antarctic Treaty may, in consonance with the purposes of Recommendation III–VII, accept these Agreed Measures by notifying the designated Government of its intention to apply the Agreed Measures and to be bound by them. The Agreed Measures shall become effective with regard to such Governments on the date of receipt of such notification.

3. The designated Government shall inform the Governments referred to in paragraph 1 of this Article of each notification of approval, the effective date of these Agreed Measures and of each notification of acceptance. The designated Government shall also inform any Government which has accepted these Agreed Measures of each subsequent notification of acceptance.

Article XIV

1. These Agreed Measures may be amended at any time by unanimous agreement of the Governments whose Representatives are entitled to participate in meetings under Article IX of the Antarctic Treaty.

2. The Annexes, in particular, may be amended as necessary through diplomatic channels.

3. An amendment proposed through diplomatic channels shall be submitted in writing to the designated Government which shall communicate it to the Governments referred to in paragraph 1. of the present Article for approval; at the same time, it shall be communicated to the other Participating Governments.

4. Any amendment shall become effective on the date on which notifications of approval have been received by the designated Government from all of the Governments referred to in paragraph 1. of this article.

5. The designated Government shall notify those same Governments of the date of receipt of each approval communicated to it and the date on which the amendment will become effective for them.

6. Such amendment shall become effective on that same date for all other Participating Governments, except those which before the expiry of two months after that date notify the designated Government that they do not accept it.

ANNEXES TO THESE AGREED MEASURES

Annex A

Specially protected species

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Annex B

Specially protected areas

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Annex C

Importation of animals and plants

The following animals and plants may be imported into the Treaty Area in accordance with permits issued under Article IX (2) of these Agreed Measures:

a) sledge dogs;
b) domestic animals and plants;
c) laboratory animals and plants.

35-415 O - 75 - 4

Annex D

Precautions to prevent accidental introduction of parasites and diseases into the Treaty Area

The following precautions shall be taken:

1. Dogs: All dogs imported into the Treaty Area shall be inoculated against the following diseases:

   a) distemper;
   b) contagious canine hepatitis;
   c) rabies
   d) leptospirosis (L. canicola and L. icterohaemorrhagicae).

Each dog shall be inoculated at least two months before the time of its arrival in the Treaty Area.

2. Poultry: Notwithstanding the provisions of Article IX (3) of these Agreed Measures, no living poultry shall be brought into the Treaty Area after July 1st 1966.

[SEAL]

d. Measures Approved Under Article IX, Relating to the Furtherance of the Principles and Objectives of the Antarctic Treaty, adopted November 18, 1966*

Certain recommendations adopted at the Fourth Consultative Meeting under Article IX of the Antarctic Treaty, at Santiago, November 3–18, 1966; Recommendations IV–20 through IV–28 effective October 30, 1968.

[CERTAIN RECOMMENDATIONS[1] OF THE FOURTH ANTARCTIC TREATY CONSULTATIVE MEETING]

The following Recommendations were adopted unanimously: [2]

IV – 20

INTERIM GUIDE LINES FOR THE CONSERVATION OF FAUNA AND FLORA

The Representatives recommend to their Governments that, until such time as the Agreed Measures for the Conservation of Antarctic Fauna and Flora may become effective in accordance with Article IX of the Antarctic Treaty, the following Recommendations as far as feasible be considered as guide lines in the interim period:

Recommendations IV–1 to IV–19 inclusive. [3]

IV—21

INTERIM GUIDE LINES FOR THE VOLUNTARY REGULATION OF ANTARCTIC PELAGIC SEALING

Recognizing that the seal stocks south of 60° South Latitude are a resource of potential value which at some future date may require a binding international agreement for its effective regulation;

Recognizing that this resource should not be depleted by overexploitation, and hence that any harvesting should be regulated at or below the level of the maximum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological research on these seal populations and to gain information from the statistics of future sealing operations;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals;

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*Citation: 20 UST 614; TIAS 6668.

[1] The English language text printed herein is a verbatim extract of certain Recommendations from the Report of the Fourth Antarctic Treaty Consultative Meeting, as certified by the Secretary General of that Meeting at Santiago.

The original documents relating to the said Meeting are held in the archives of the Chilean Ministry of Foreign Affairs, Santiago.

[2] Adopted Nov. 3–18, 1966. These Recommendations became effective Oct. 30, 1968, in accordance with art. IX(4) of the Antarctic Treaty (TIAS 4780; 12 UST 796), having been approved in the English language version by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

[3] For the text of Recommendations IV–1 through IV–19, see Appendix, *post*, p. 44.

The Representatives recommend to their Governments that in accordance with Recommendation III–XI each Government should voluntarily take account of the following Interim Guide Lines for the Voluntarily Regulation of Antarctic Pelagic Sealing:

1. The total number of seals of each species taken in the area south of 60° South Latitude should not exceed the maximum sustainable yield of that species.

2. The maximum sustainable yield of each species in the area south of 60° South Latitude should be regarded as the number of each species specified in Annex A.

3. If the number of seals taken in any locality in any year is such as to disturb the natural ecological system in that locality, no seals should be taken therein until the balance of that system has been restored and in any case until one year has elapsed.

4. A seal should not be killed or taken when it is in the water.

5. The Ross Seal (*Ommatophoca rossi*) should not be killed or taken except for scientific purposes.

6. For the purposes of these Interim Guide Lines, the area south of 60° South Latitude should be divided into the zones set out in Annex B. Seals should be killed or taken only in alternating zones and alternating periods as set out in Annex B.

7. Each Government should provide the other Contracting Governments before 31 October of each year with the following information relating to the preceding period of 1 July to 30 June:

   a) the number, for each species, of adult males, of adult females, of pregnant females, and of pups killed or taken; and

   b) the locations where these seals were killed or taken.

8. At the same time, each Government should provide to the other Contracting Governments information on any steps it has taken in accordance with these Interim Guide Lines.

9. When it appears to any Consultative Party that the harvest of any species of seal in the area of 60° South Latitude is approaching the maximum sustainable yield therein, or in any locality is disturbing the ecological system therein, that Party may propose through diplomatic channels that a Consultative Meeting be convened under Article IX of the Antarctic Treaty. If all Consultative Parties so agree, such a Meeting shall be convened as soon as possible to consider the situation and the steps it may be necessary to take.

ANNEX A
MAXIMUM SUSTAINABLE YIELD

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ANNEX B
SEALING ZONES

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IV – 22

INTEREST OF SCAR IN ANTARCTIC PELAGIC SEALING

Recognizing the initiative already taken by the Scientific Committee on Antarctic Research (SCAR) on matters relating to Antarctic pelagic sealing, and considering its role as defined in Recommendation I–IV, the Representatives recommend to their Governments that they encourage SCAR to continue its interest in these matters and to prepare reports from time to time on this subject, and especially at this time on the matters that it considers should be listed in the annexes to the Interim Guide Lines for the Voluntary Regulation of Antarctic Pelagic Sealing.

IV – 23

DATE OF EXCHANGE OF INFORMATION

The Representatives recommend to their Governments that they exchange through diplomatic channels, not later than 31 October of each year, the information specified in as many as possible of the categories in Recommendations I–VI, III–I and III–II, the balance to be furnished as soon as possible thereafter and in any case before the end of November.

IV – 24

MEETINGS OF EXPERTS

The Representatives recommend to their Governments that:

1. Meetings of experts be convened from time to time as the need arises to discuss practical problems relating to Antarctic activities. Such meetings would be attended by experts from Consultative Parties. With the agreement of all the Consultative Parties, other experts may be invited to attend. They may submit documents and make statements, but they may not vote.

2. Such meetings be convened and the terms of reference be established either at Consultative Meetings or as a result of agreement reached through diplomatic channels among all the Consultative Parties.

3. The host Government circulate a report concerning the meeting of experts to all the Contracting Parties.

4. The report of the meeting of experts shall be submitted to a subsequent Consultative Meeting for consideration except when the Consultative Parties have agreed otherwise.

IV – 25

MEETING ON LOGISTICS

The Representatives recommend to their Governments that they accept the offer made by the Government of Japan to hold a meeting on logistics in Japan in June 1968.

1. The meeting will be held in furtherance of principles and objectives of the Antarctic Treaty.
2. The meeting will be for a period of about one week and will be attended by experts in selected fields. The meeting will have the following terms of reference:
   (i) To discuss problems in the fields of Antarctic logistics specified in paragraph 3 below.
   (ii) To exchange views on possible solutions which have been tried recently.
   (iii) To examine critically new solutions which may be proposed in papers submitted at the meeting.
3. The fields for discussion will include aspects of:
   (i) Design of buildings and building services, including waste disposal and water supply.
   (ii) Oversnow transport.
   (iii) Air transport, including airfields.
   (iv) Sea transport.
   (v) Safety measures.
   (vi) New and urgent problems which Governments agree require discussion.
4. A final agenda within these terms of reference will be determined by Governments through diplomatic channels after they have had an opportunity to discuss priorities with their experts.

5. The finally agreed agenda should be circulated by the host Government through diplomatic channels six months prior to the opening of the meeting.
6. A summary of each paper to be discussed at the meeting should be submitted to the host Government and to other Consultative Governments through diplomatic channels at least three months prior to the meeting.
7. A report concerning the meeting will be prepared by the host Government and circulated to all the Contracting Parties for information and any action which any Government may wish to take.

IV - 26

TELECOMMUNICATIONS

Considering the need to keep up to date the traffic system of Antarctic radio communications and to transmit observational data from the Treaty Area to the world system for the collection and transmission of meteorological information:

The Representatives recommend to their Governments that, before the Consultative Meeting scheduled to take place in Paris in 1968, they consider including in the Agenda an examination of the Recommendations made by the Washington Meeting on Telecommunications in 1963, in the light of conditions prevailing in 1968.

IV - 27

EFFECTS OF ANTARCTIC TOURISM

Recognizing that the effects of tourist activities may prejudice the conduct of scientific research, conservation of fauna and flora and the operation of Antarctic stations,

The Representatives recommend to their Governments that:

1. The Government of a country in which a tourist or other non-scientific expedition is being organized furnish notice of the expedition as soon as possible through diplomatic channels to any other Government whose station the expedition plans to visit;
2. A Government provide on request information as promptly as possible regarding the conditions upon which it would grant permission for tourist groups to visit Antarctic stations which it maintains; and
3. Such permission be withheld unless reasonable assurances are given of compliance with the provisions of the Treaty, the Recommendations then effective and the conditions applicable at stations to be visited.

IV 28

NEXT MEETING

The Representatives recommend to their Governments that they accept the offer of the French Delegation to hold a Consultative Meeting under Article IX of the Antarctic Treaty in Paris in 1968, on a date to be agreed upon by the Consultative Governments.

[APPENDIX] [4]

IV–1

SPECIALLY PROTECTED AREAS: TAYLOR ROOKERY

The Representatives, considering that Taylor Rookery contains a colony of Emperor Penguins (*Aptenodytes forsteri*) which is one of the few, and probably the largest, of the known colonies of this species located wholly on land, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 1

TAYLOR ROOKERY, MAC. ROBERTSON LAND
Lat. 67°26′ S., Long. 60°50′ E.

DESCRIPTION: The area consists of the whole of the northernmost rock exposure on the eastern side of Taylor Glacier. The area is shown on the attached map.

IV–2

SPECIALLY PROTECTED AREAS: ROOKERY ISLANDS

The Representatives, considering that Rookery Islands contain breeding colonies of all six bird species resident in the Mawson area, two of which, the Giant Petrel (*Macronectes giganteus*) and the Cape Pigeon (*Daption capensis*), occur nowhere else in the region and that it is of scientific importance to safeguard this unusual association of six species and to preserve a sample of their habitat, recommend to

[4] Recommendations IV–1 through IV–19 to be considered as interim guide lines in accordance with Recommendation IV–20, *ante*, p. 39.

their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 2

ROOKERY ISLANDS, HOLME BAY
Lat. 67°37′ S., Long. 62°33′ E.

DESCRIPTION: The area, 7 nautical miles west of Mawson, comprises the islands and rocks lying within the rectangle marked on the attached map.

IV – 3

SPECIALLY PROTECTED AREAS: ARDERY ISLAND AND ODBERT ISLANDS

The Representatives, considering that Ardery Island and Odbert Island off the Budd Coast support several breeding species of petrel and provide a sample of their habitat and that two of these species, Antarctic Petrel (*Thalassoica antarctica*) and Antarctic Fulmar (*Fulmarus glacioloides*) are of particular scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 3

ARDERY ISLAND and ODBERT ISLAND, BUDD COAST
Lat. 66°22′ S., Long. 110°28′ E. and Lat. 66°22′ S., Long. 110°33′ E.

DESCRIPTION: The area consists of Ardery Island and Odbert Island which lie offshore in Vincennes Bay, 7 nautical miles south of Wilkes. The off-lying rocks are not included in the area. The area is shown on the attached map.

IV – 4

SPECIALLY PROTECTED AREAS: SABRINA ISLAND, BALLENY ISLANDS

The Representatives, considering that the Balleny Islands, as the most northerly Antarctic land in the Ross Sea region, supports fauna and flora which reflect many circumpolar distributions at this latitude and that Sabrina Island in particular provides a representative sample of such fauna and flora, recommend to their Governments that the

following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 4

SABRINA ISLAND, BALLENY ISLANDS
Lat. 66°54′ S., Long. 163°20′ E.

DESCRIPTION: A small island some 2 kilometres south of Buckle Island in the Balleny Islands. The area is shown on the attached map.

IV – 5

SPECIALLY PROTECTED AREAS: BEAUFORT ISLAND, ROSS SEA

The Representatives, considering that Beaufort Island contains substantial and varied avifauna, that it is one of the most important breeding grounds in the region, and that it should be protected to preserve the natural ecological system as a reference area, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 5

BEAUFORT ISLAND, ROSS SEA
Lat. 76°58′ S., Long. 167°03′ E.

DESCRIPTION: Beaufort Island measures 6 kilometres by 3 kilometres and is located 20 nautical miles north of Ross Island. The area is shown on the attached map.

IV – 6

SPECIALLY PROTECTED AREAS: CAPE CROZIER, ROSS ISLAND

The Representatives, considering that Cape Crozier supports a rich bird and mammal fauna as well as microfauna and microflora and that the ecosystem depends upon a substantial mixing of marine and terrestrial elements of outstanding scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 6

CAPE CROZIER, ROSS ISLAND
Lat. 77°32′ S., Long. 169°19′ E.

DESCRIPTION: The area comprises all the land on the coast of Ross Island east of a line joining the summits of Post Office Hill and Bomb Peak, north of a line which bears 90°

True from Bomb Peak to the coast and northeast of a line which bears 315° True from Post Office Hill to the coast; the area is also deemed to include the locality occupied at any time by the rookery of Emperor Penguins, (*Aptenodytes forsteri*) immediately adjacent thereto. Williamson Rock is also included in the area. The area is shown on the attached map.

IV – 7

SPECIALLY PROTECTED AREAS: CAPE HALLETT, VICTORIA LAND

The Representatives, considering that Cape Hallett includes a small patch of particularly rich and diverse vegetation which supports a variety of terrestrial fauna and that the ecosystem, which includes a rich avifauna, is of outstanding scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 7

CAPE HALLETT, VICTORIA LAND
Lat. 72°81′ S., Long., 170°19′ E.,

DESCRIPTION: The area between the eastern side of the road, which runs along the eastern side of Willett Cove, and the western margin of the permanent ice sheet, to the south of a line from the road to the margin of the permanent ice sheet at the latitude of the head of Willett Cove, and to the north of a line from the road to the margin of the permanent ice sheet drawn 350 metres to the south of that latitude and parallel to it. The area is shown on the attached map.

IV – 8

SPECIALLY PROTECTED AREAS: DION ISLANDS

The Representatives, considering that amongst the Dion Islands is found the only colony of Emperor Penguins (*Aptenodytes forsteri*) known to exist on the west side of the Antarctic Peninsula and that the isolation of this colony from others of the same species makes it of outstanding scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 8

DION ISLANDS, MARGUERITE BAY, ANTARCTIC PENINSULA
Lat. 67°52′ S., Long., 68°43′ W.

DESCRIPTION: A group of small, rocky, low-lying islands in Marguerite Bay, about 15 kilometres south of Adelaide Island. The area is shown on the attached map.

IV – 9

SPECIALLY PROTECTED AREAS: GREEN ISLAND

The Representatives, considering that the vegetation on Green Island is exceptionally rich, that it is probably the most luxuriant anywhere on the west side of the Antarctic Peninsula, that in some places the humus is 2 metres thick and that this area, being of outstanding scientific interest, should be protected because it is probably one of the most diverse Antarctic ecosystems, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 9

GREEN ISLAND, BERTHELOT ISLANDS, ANTARCTIC PENINSULA
Lat. 65°19′ S., Long., 64°10′ W.

DESCRIPTION: A small island, measuring about 600 metres by 400 metres, situated 150 metres to the north of the largest of the Berthelot Islands. The area is shown on the attached map.

IV – 10

SPECIALLY PROTECTED AREAS: BYERS PENINSULA

The Representatives, considering that Byers Peninsula supports a considerable diversity of plant and animal life, including many invertebrates, that a substantial population of Elephant Seals (*Mirounga leonina*) and small colonies of Fur Seals (*Arctocephalus sp.*) are found on the beaches, that Fur Seals breed on Window Island and that the close association of such a large variety of Antarctic plants and animals within a relatively small area is of outstanding scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 10

BYERS PENINSULA, LIVINGSTON ISLAND, SOUTH SHETLAND ISLANDS
Lat. 62°38′ S., Long. 61°05′ W.

DESCRIPTION: The ice-free peninsula lying to the west of the western margin of the permanent ice sheet on Livingston Island. The five small ice-free areas on the south coast immediately to the east are also included. Window Island is included within the area, but no other off-lying islands and rocks. The area is shown on the attached map.

IV – 11

SPECIALLY PROTECTED AREAS: CAPE SHIRREFF

The Representatives, considering that Cape Shirreff supports a considerable diversity of plant and animal life, including many invertebrates, that a substantial population of Elephant Seals (*Mirounga leonina*) and small colonies of Fur Seals (*Arctocephalus sp.*) are found on the beaches and that the area is of outstanding scientific interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 11

CAPE SHIRREFF, LIVINGSTON ISLAND, SOUTH SHETLAND ISLANDS
Lat. 62°28′ S., Long. 60°48′ W.

DESCRIPTION: The ice-free peninsula lying to the north of the northern margin of the permanent ice sheet on Livingston Island, between Barclay Bay and Hero Bay. The area is shown on the attached map.

IV – 12

SPECIALLY PROTECTED AREAS: FILDES PENINSULA

The Representatives, considering that Fildes Peninsula is a biologically diverse region with numerous small lakes which are ice-free in summer, that it provides a representative sample of the South Shetland Islands and is an area of outstanding ecological interest, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 12

FILDES PENINSULA, KING GEORGE ISLAND, SOUTH SHETLAND ISLANDS
Lat. 62°12′ S., Long. 58°58′ W.

DESCRIPTION: The ice-free peninsula lying to the north-west of Maxwell Bay and west of the margin of the permanent ice sheet of King George Island including Ardley Island but no other off-lying islands or rocks. The area is shown on the attached map.

IV – 13

SPECIALLY PROTECTED AREAS: MOE ISLAND

The Representatives, considering that Moe Island provides a representative sample of the maritime Antarctic ecosystem, that intensive experimental research on the neighbouring Signy Island may alter its ecosystem and that Moe Island should be specially protected as a control area for future comparison, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 13

MOE ISLAND, SOUTH ORKNEY ISLANDS
Lat. 60°45′ S., Long. 45°41′ W.

DESCRIPTION: A small island, about 1 kilometre long and 1 kilometre across, lying about 500 metres south-west of Signy Island, South Orkney Islands. The off-lying rocks are not included in the area. The area is shown on the attached map.

IV – 14

SPECIALLY PROTECTED AREAS: LYNCH ISLAND

The Representatives, considering that Lynch Island supports one of the most extensive and dense areas of grass (*Deschampsia antarctica*) known in the Treaty Area and that it provides an outstanding example of a rare natural ecological system, recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 14

LYNCH ISLAND, SOUTH ORKNEY ISLANDS
Lat. 60°40′ S., Long. 45°38′ W.

DESCRIPTION: A small island, measuring about 500 metres by 300 metres, in Marshall Bay, off the south coast of Coronation Island, South Orkney Islands. The area is shown on the attached map.

IV – 15

SPECIALLY PROTECTED AREAS: SOUTHERN POWELL ISLAND AND ADJACENT ISLANDS

The Representatives, considering that southern Powell Island and the adjacent islands support substantial vegetation and a considerable bird and mammal fauna which is representative of the natural ecology of the South Orkney Islands and which is rendered more important by the presence of the nucleus of an expanding colony of Fur Seals (*Arctocephalus tropicalis gazella*), recommend to their Governments that the following be inserted in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

SPECIALLY PROTECTED AREA N° 15

SOUTHERN POWELL ISLAND AND ADJACENT ISLANDS, SOUTH ORKNEY ISLANDS
Lat. 60°45′ S., Long., 45°02′ W.

DESCRIPTION: This area in the central South Orkney Islands includes that part of Powell Island which is south of the latitude of the southern summit of John Peaks, together with the whole of Fredriksen Island, Michelsen Island, Christoffersen Island, Grey Island and the unnamed islands lying within the rectangle marked on the attached map.

IV – 16

SPECIALLY PROTECTED SPECIES: FUR SEALS

The Representatives recommend to their Governments that the following be inserted in Annex A, Specially Protected Species, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:
"All species of the genus *Arctocephalus*, Fur Seals."

IV – 17

SPECIALLY PROTECTED SPECIES: ROSS SEAL

The Representatives recommend to their Governments that the following species be inserted in Annex A, Specially Protected Species,

of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

"*Ommatophoca rossi*, Ross Seal."

IV – 18

COOPERATION IN IMPLEMENTING ARTICLE VI OF THE AGREED MEASURES FOR THE CONSERVATION OF ANTARCTIC FAUNA AND FLORA

(Recommendation III – VIII)

The Representatives, taking into consideration Article VI of the Agreed Measures for the Conservation of Antarctic Fauna and Flora (Recommendation III–VIII), recommend to their Governments that in cases where expeditions of more than one Participating Government may be working in the same region of the Treaty Area, the Governments involved should arrange to cooperate as far as practicable in limiting the issuance of permits in accordance with Article VI to ensure that the total number of native mammals and birds killed or captured accords with the requirements of paragraphs 4 and 7 (b) of Article VI and paragraph 4 (b) of Article VIII of the Agreed Measures.

IV – 19

IMPLEMENTATION OF ARTICLE XII (1) (d) OF THE AGREED MEASURES

The Representatives recommend to their Governments that for the effective implementation of the provisions of Article XII of the Agreed Measures for the Conservation of Antarctic Fauna and Flora, documents exchanged annually by Participating Governments on the matters set down in paragraph 1 (a) of that Article should follow the pattern of the form annexed hereto.

Recognizing the role of the Scientific Committee on Antarctic Research (SCAR) as defined in Recommendation I–IV, the Representatives further welcome the decision of SCAR to study the status of species, their need for protection and numbers of each species which might be harvested for food, study or other uses, as outlined in paragraph 1 (b) and (c) of Article XII of the Agreed Measures.

ANTARCTIC TREATY AREA

ANNUAL RETURN OF SPECIES KILLED OR CAPTURED (1 JULY _____ TO 30 JUNE _____)
year year

BY _____
country

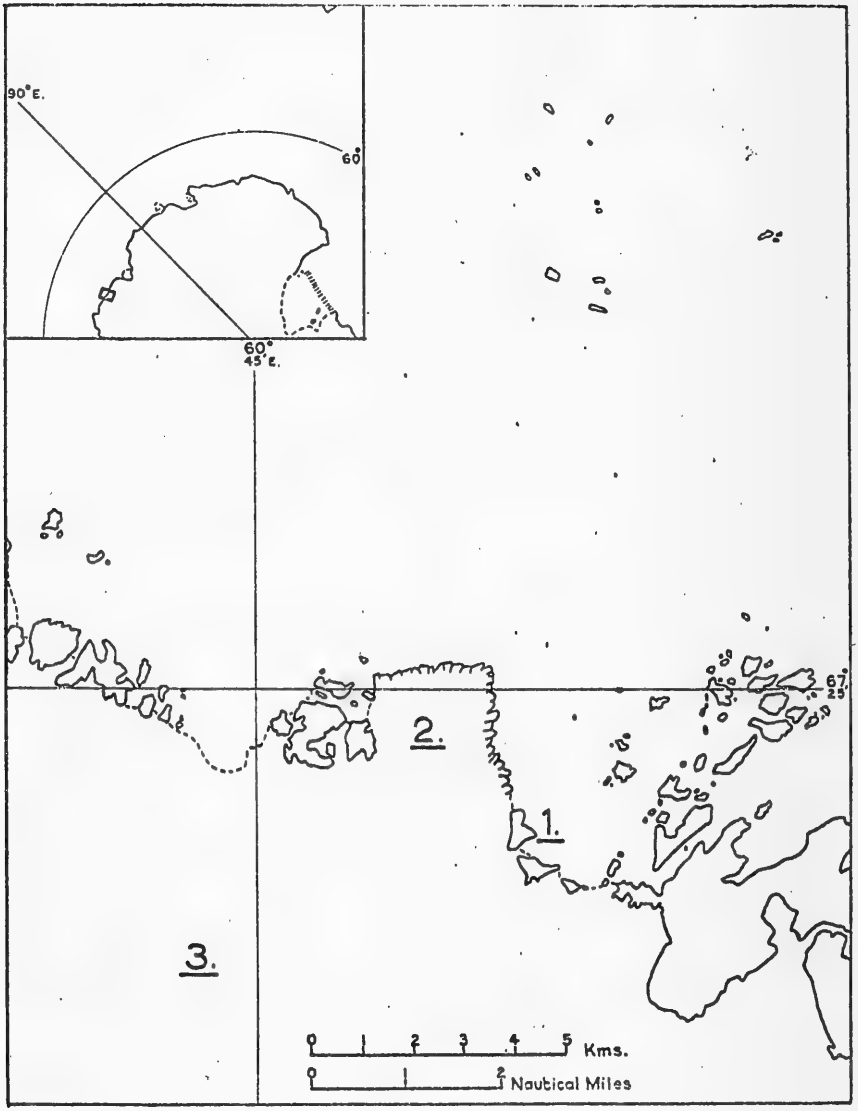
USE A SEPARATE FORM FOR EACH LOCALITY

LOCALITY (1) _____ LAT _____ LONG _____
name

SPECIES	SEX	AGE	NUMBER KILLED FOR			(5) NUMBER CAPTURED & REMOVED FOR		NUMBER CAPTURED AND RELEASED
			food	Scientific purposes	museums, etc.	Scientific purposes	zoos, etc.	
(2)	(3)	(4)						(6)

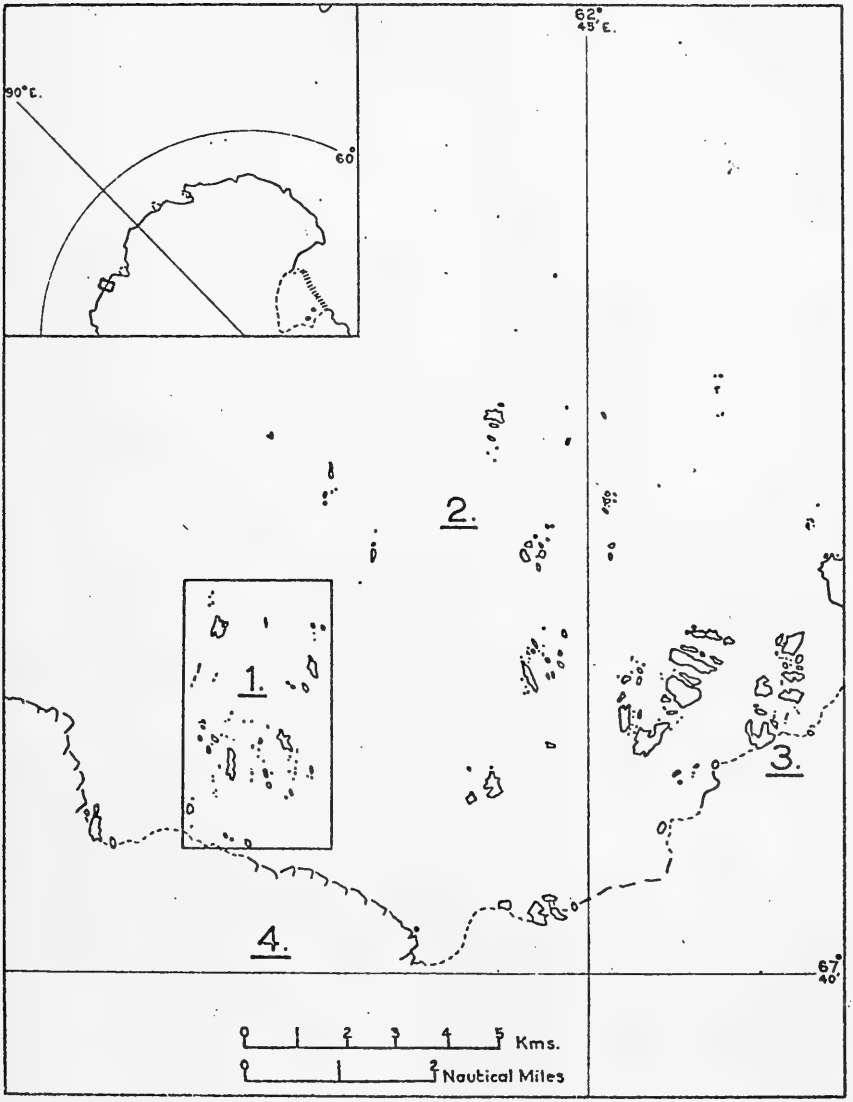
NOTES: (1) Define as precisely as possible. Analysis will not be possible if the localities are too large.
(2) Use scientific name.
(3) Enter "M" for Male, "F" for Female or "U" if sex is unknown.
(4) Enter year class, if known, otherwise "A" for Adult or "J" for Juvenile.
(5) Removed from the Treaty Area.
(6) Enter in this column the numbers of species removed from one locality and released elsewhere in the Treaty Area.

Map accompanying Recommendation IV–1
Specially Protected Area No. 1



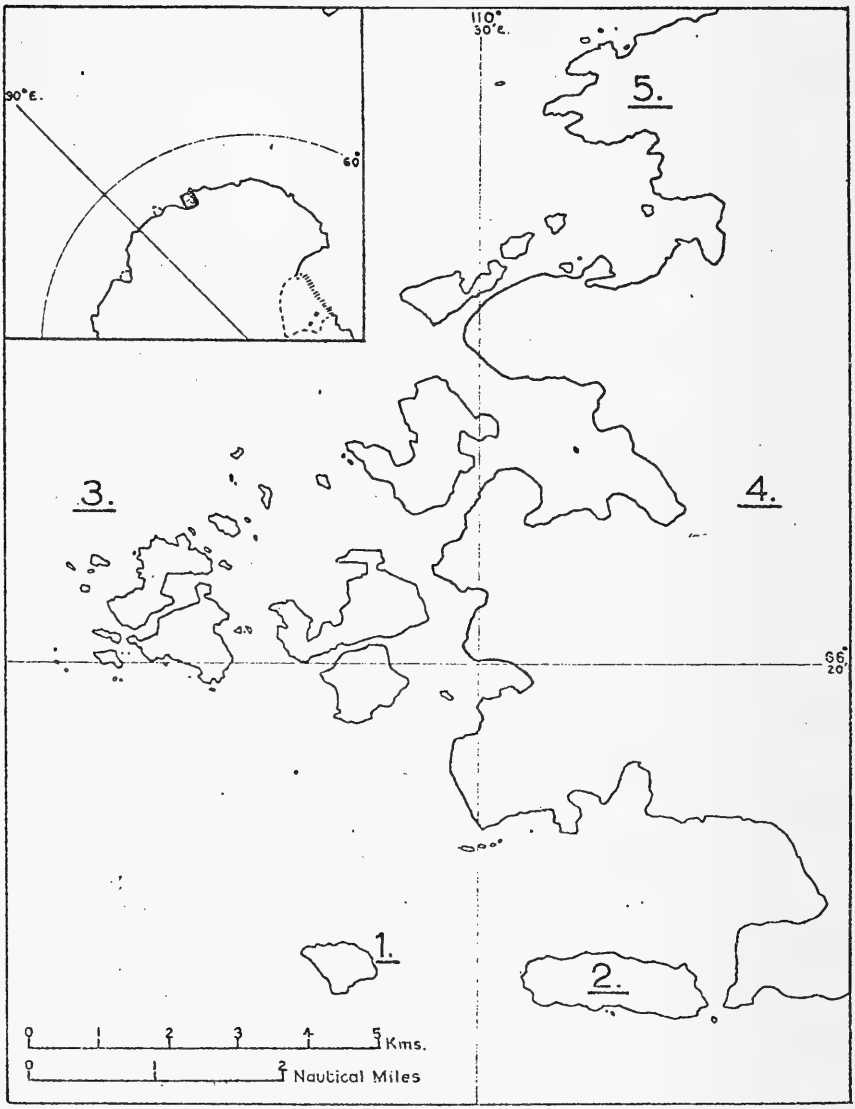
1. Taylor Rookery
2. Taylor Glacier
3. Mac. Robertson Land

Map accompanying Recommendation IV–2
Specially Protected Area No. 2



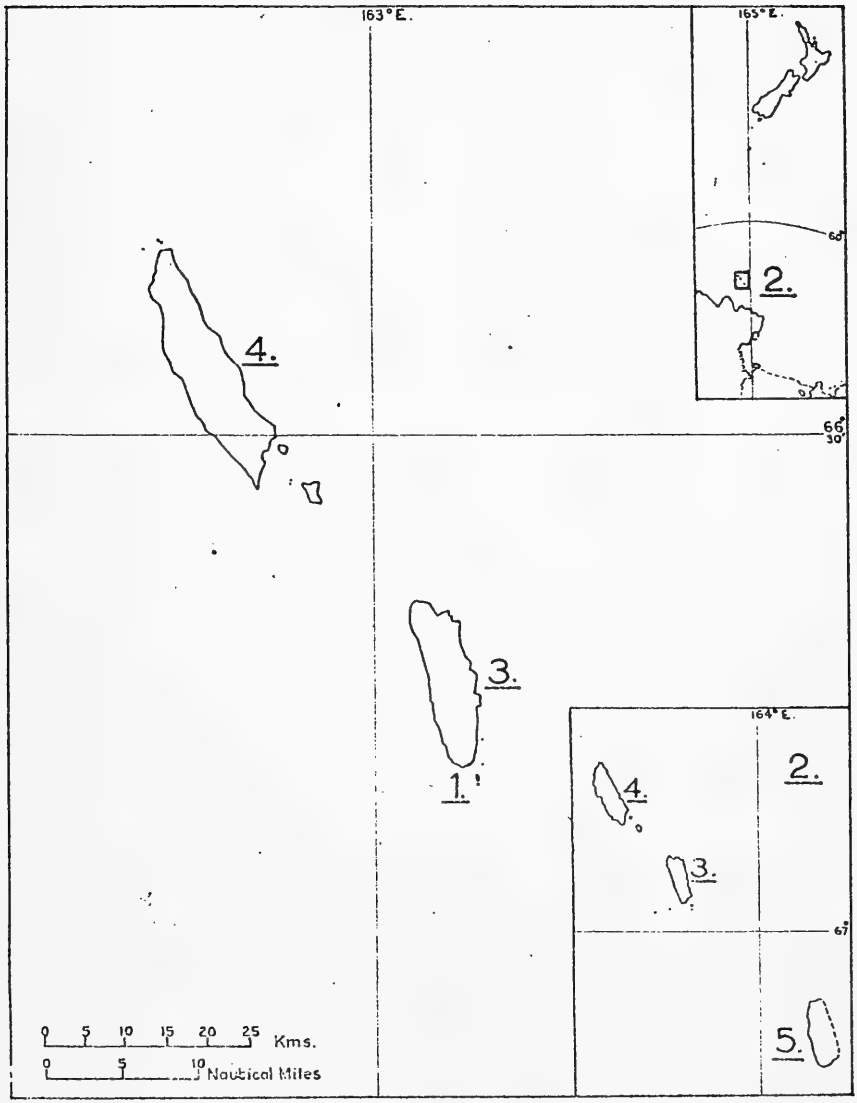
1. Rookery Islands
2. Holme Bay
3. Mawson
4. Mawson Coast

Map accompanying Recommendation IV–3
Specially Protected Area No. 3



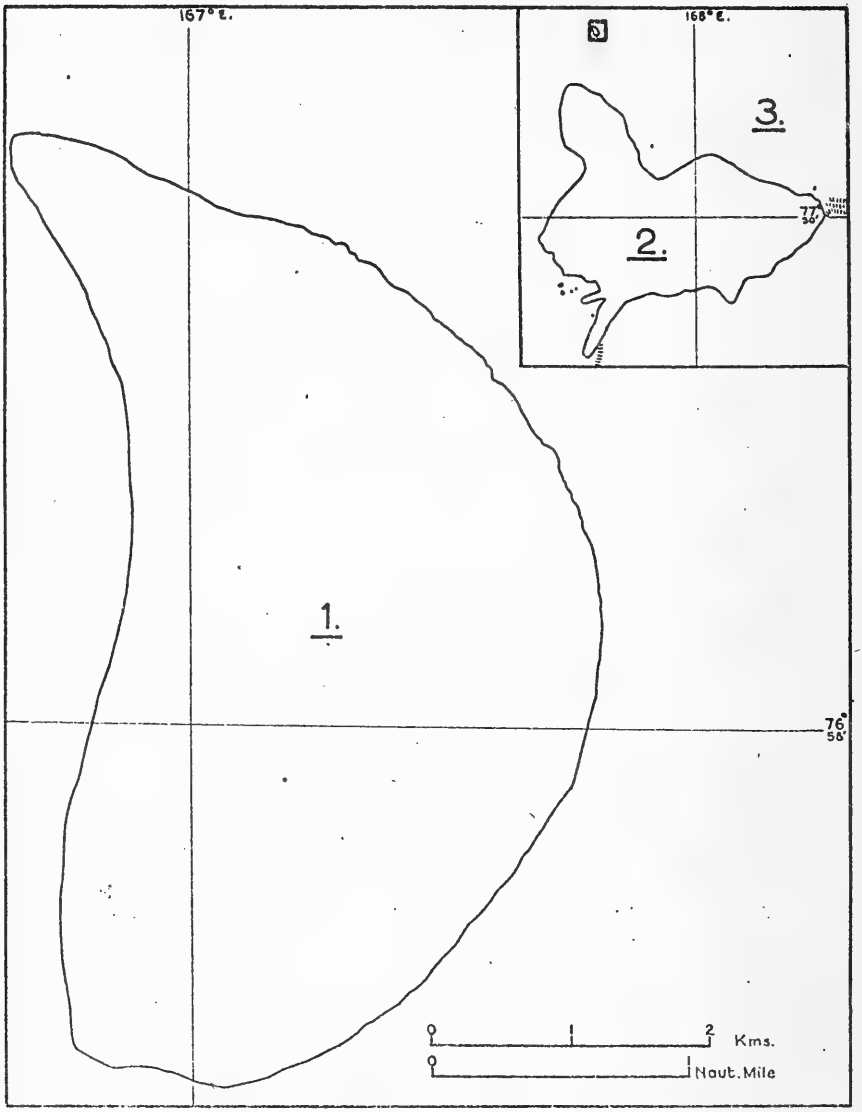
1. Ardery Island
2. Odbert Island
3. Vincennes Bay
4. Budd Coast
5. Wilkes Station

Map accompanying Recommendation IV–4
Specially Protected Area No. 4



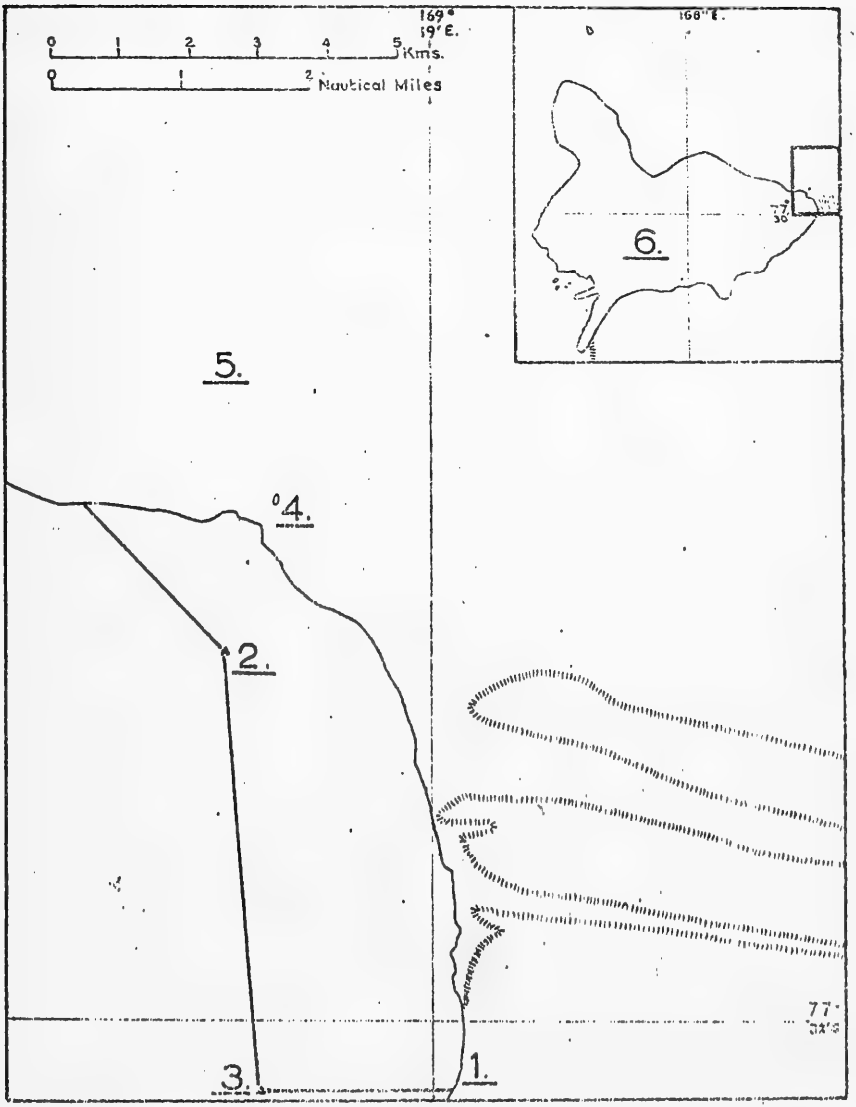
1. Sabrina Island
2. Balleny Islands
3. Buckle Island
4. Young Island
5. Sturge Island

Map accompanying Recommendation IV–5
Specially Protected Area No. 5



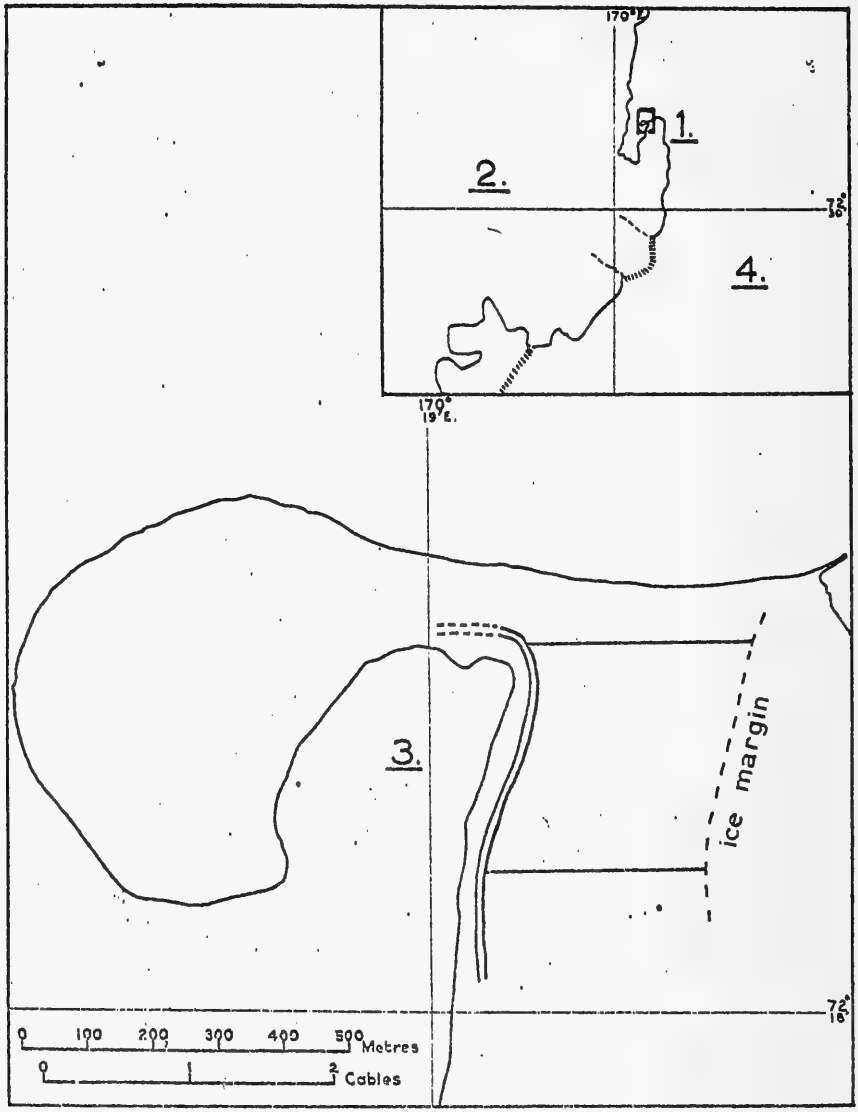
1. Beaufort Island
2. Ross Island
3. Ross Sea

Map accompanying Recommendation IV-6
Specially Protected Area No. 6



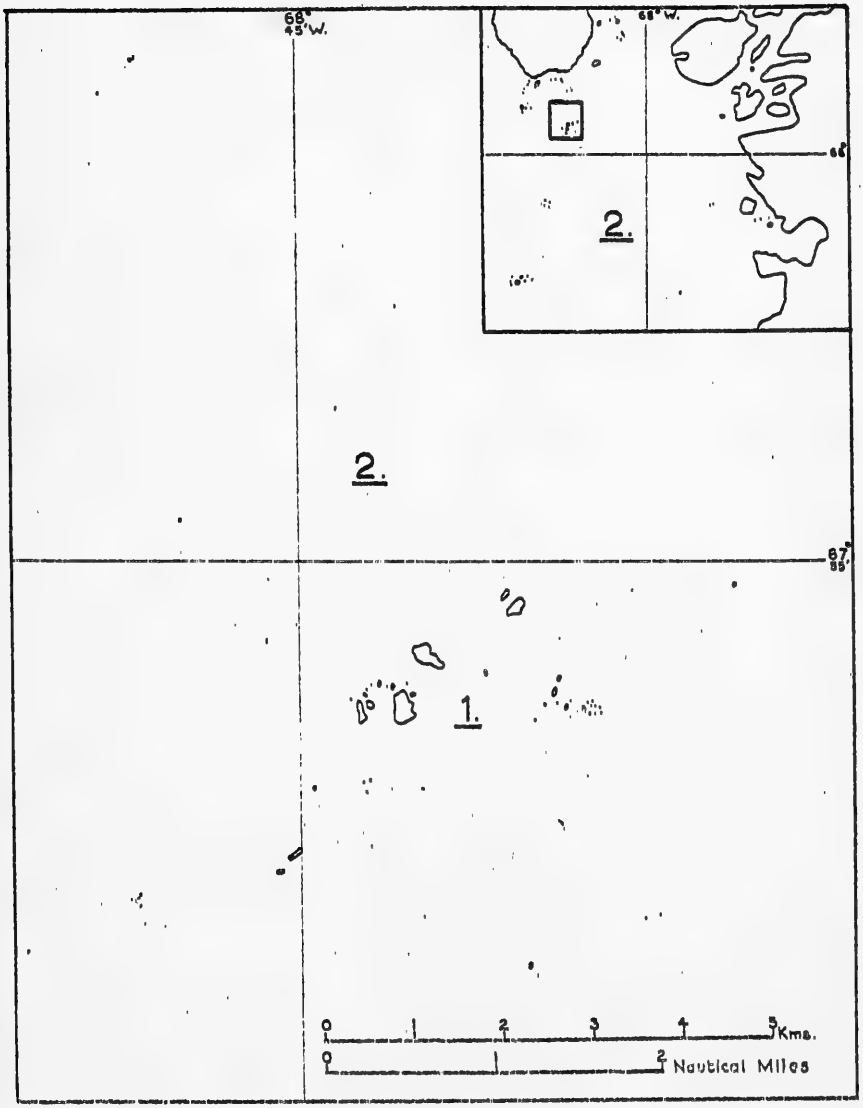
1. Cape Crozier
2. Post Office Hill
3. Bomb Peak
4. Williamson Rock
5. Ross Sea
6. Ross Island

Map accompanying Recommendation IV–7
Specially Protected Area No. 7



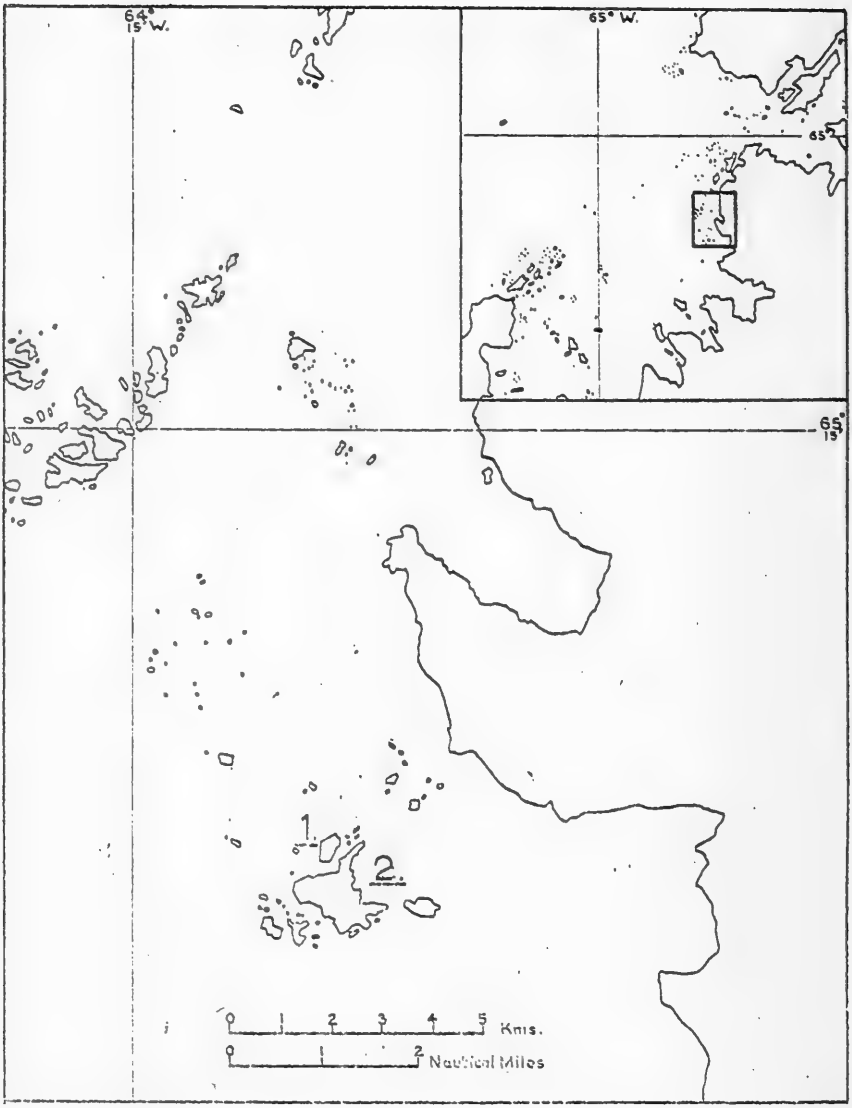
1. Cape Hallett
2. Victoria Land
3. Willett Cove
4. Ross Sea

Map accompanying Recommendation IV–8
Specially Protected Area No. 8



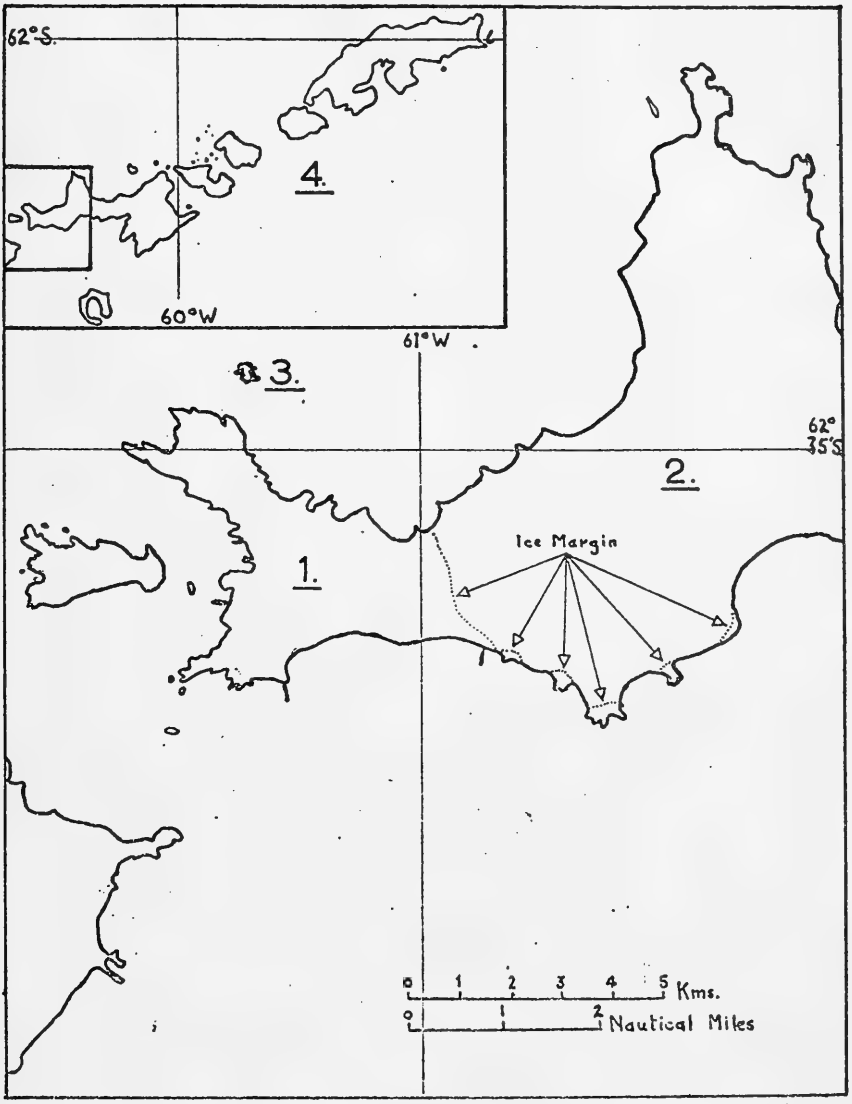
1. Dion Islands
2. Marguerite Bay

Map accompanying Recommendation IV–9
Specially Protected Area No. 9



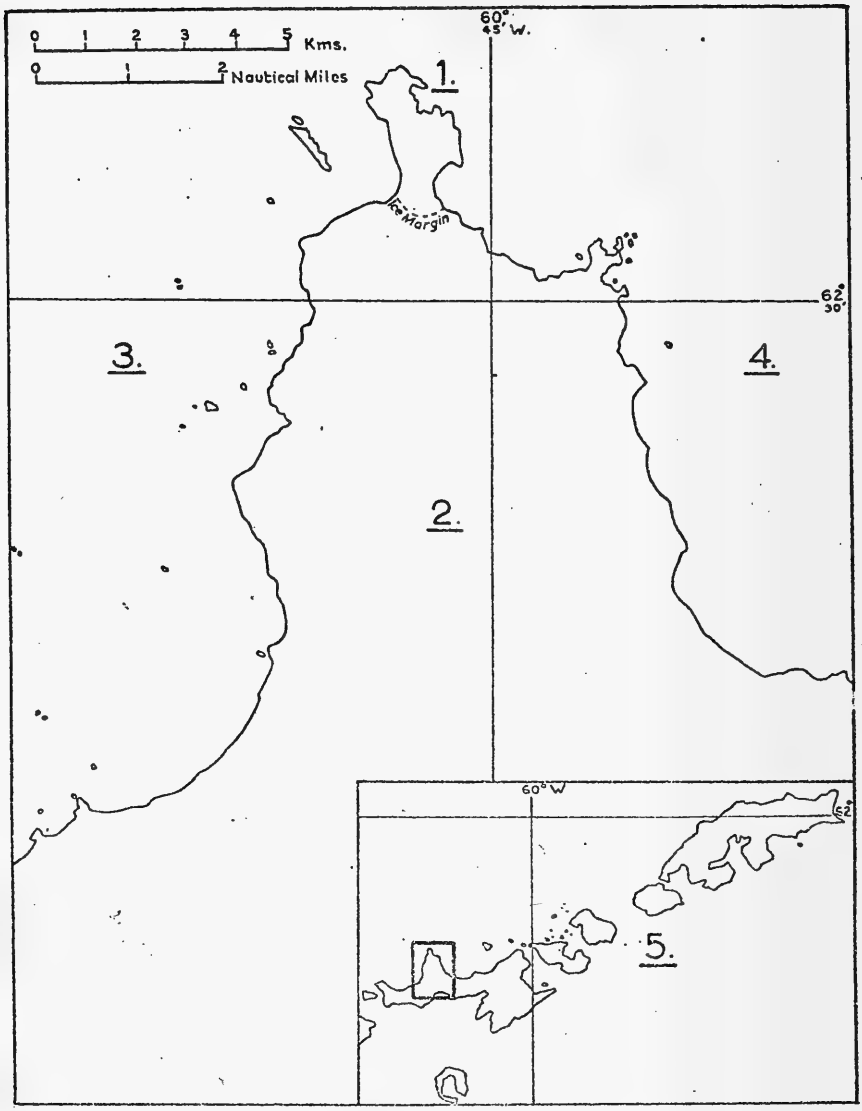
1. Green Island
2. Berthelot Islands

Map accompanying Recommendation IV–10
Specially Protected Area No. 10



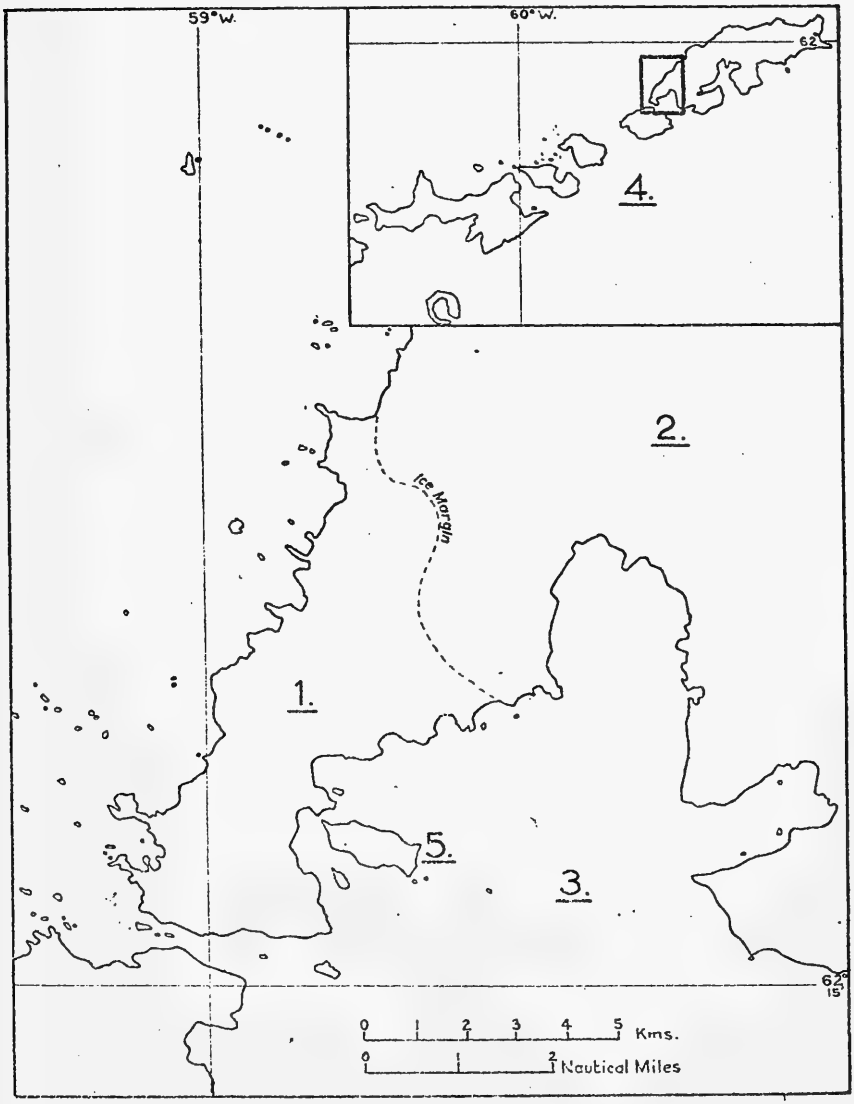
1. Byers Peninsula
2. Livingston Island
3. Window Island
4. South Shetland Islands

Map accompanying Recommendation IV–11
Specially Protected Area No. 11



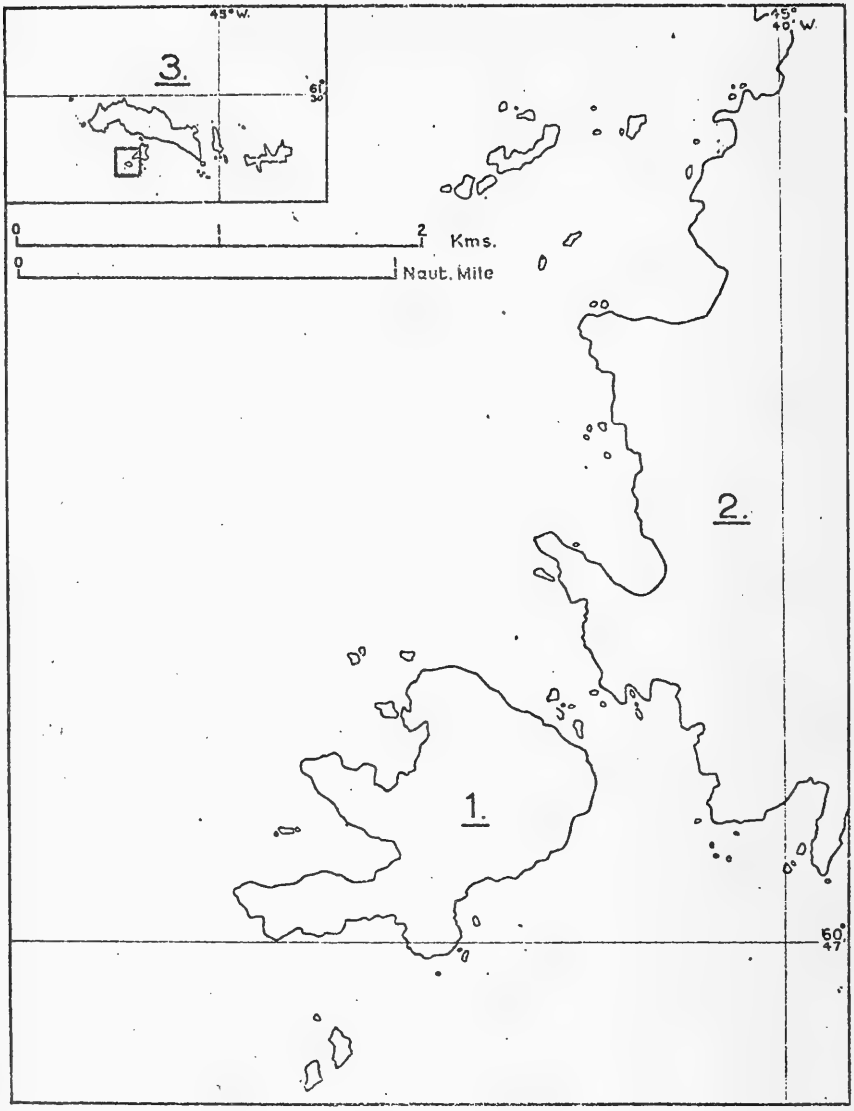
1. Cape Shirreff
2. Livingston Island
3. Barclay Bay
4. Hero Bay
5. South Shetland Islands

Map accompanying Recommendation IV–12
Specially Protected Area No. 12



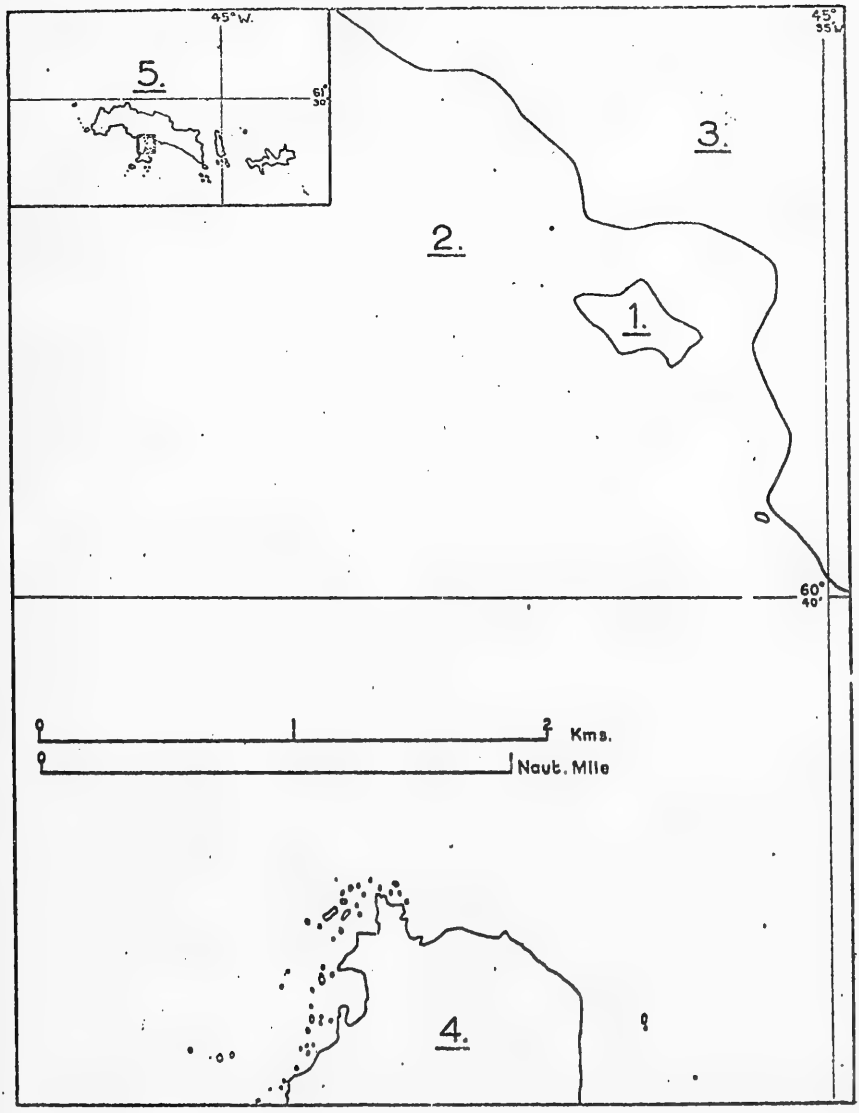
1. Fildes Peninsula
2. King George Island
3. Maxwell Bay
4. South Shetland Islands
5. Ardley Island

Map accompanying Recommendation IV-13
Specially Protected Area No. 13



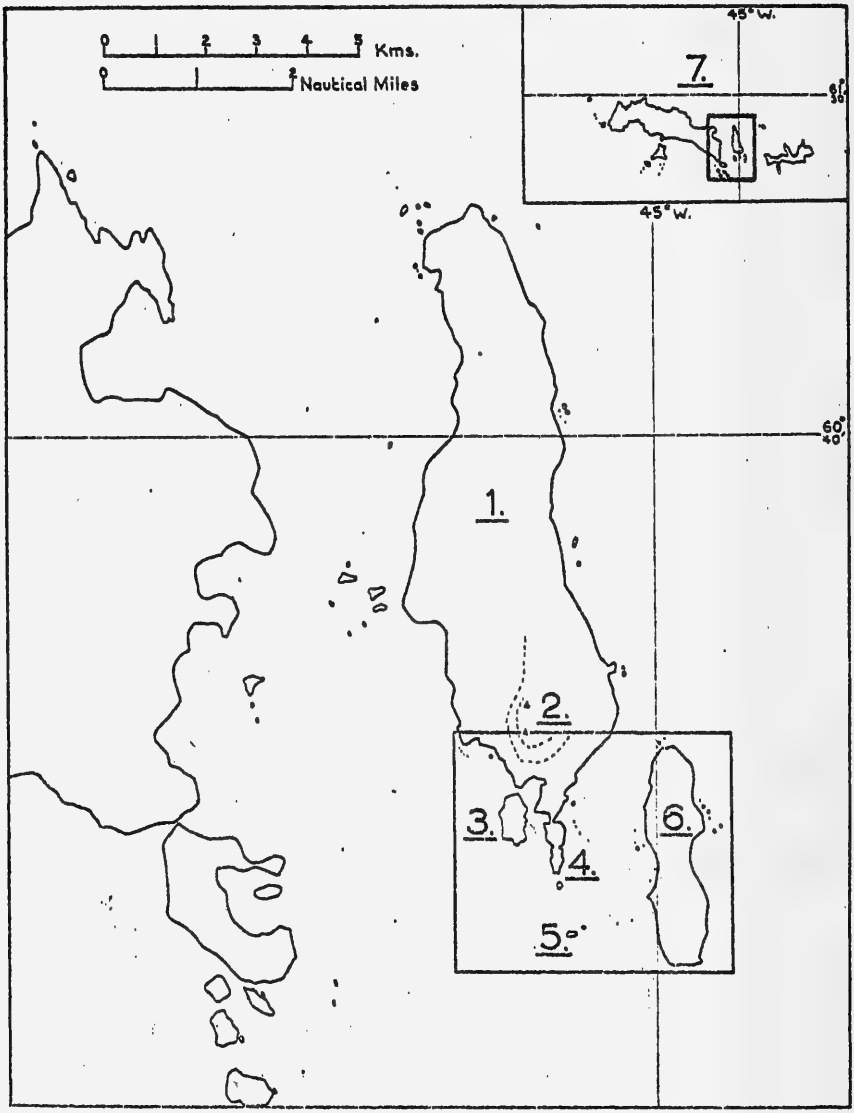
1. Moe Island
2. Signy Island
3. South Orkney Islands

Map accompanying Recommendation IV–14
Specially Protected Area No. 14



1. Lynch Island
2. Marshall Bay
3. Coronation Island
4. Signy Island
5. South Orkney Islands

Map accompanying Recommendation IV–15
Specially Protected Area No. 15



1. Powell Island
2. John Peaks
3. Christoffersen Island
4. Michelsen Island
5. Grey Island
6. Fredriksen Island
7. South Orkney Islands

e. Measures Approved Under Article IX, Relating to the Furtherance of Principles and Objectives of the Antarctic Treaty, adopted November 29, 1968*

Certain recommendations [1] *adopted at the Fifth Consultative Meeting under Article IX of the Antarctic Treaty, at Paris, November 29, 1968; Recommendations V–1 through V–4 and V–9 effective May 26, 1972; Recommendations V–7 and V–8 effective July 31, 1972.*

[CERTAIN RECOMMENDATIONS[2] OF THE FIFTH ANTARCTIC TREATY CONSULTATIVE MEETING]

Recommendation V–1

COMMEMORATIVE STAMP ISSUE

The Representatives recommend to their governments:

1. that, on the occasion of the Tenth anniversary of the entry into force of the Antarctic Treaty, each Consultative Party should issue a commemorative postage stamp during 1971;

2. that this stamp should bear, in the language or languages of each issuing country, the following words:

"Antarctic Treaty 1961—1971";

3. that the most prominent feature of the stamp should be the Antarctic Treaty emblem representing a map of Antarctica which appears on the official documents of Consultative Meetings;

4. that any additional matter should be consonant with the provisions and the spirit of the Antarctic Treaty;

5. that the denomination of the stamp should remain at the discretion of each issuing country.

Recommendation V–2

MEASURES FOR IMPROVING ANTARCTIC TELECOMMUNICATIONS

Recognizing the need for improving the collection and distribution

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*Citation: 24 UST 1793; TIAS 7692.

[1] The English language text printed herein is a verbatim extract from the Report of the Fifth Antarctic Treaty Consultative Meeting. The original documents relating to the Meeting are held in the archives of the French Government, Paris.

[2] Recommendations V–1 through V–4 and V–7 through V–9 became effective in accordance with article IX(4) of the Antarctic Treaty (TIAS 4780; 12 UST 796), having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America.

For text of Recommendations V–5 and V–6, see p. 76.

of meteorological data and other scientific information and for further improving Antarctic telecommunications;

Considering the views of the World Meteorological Organization, as expressed at the 18th and 20th Sessions of the WMO Executive Committee, on the desirability of setting up Antarctic Meteorological Centres and of determining provisionally their functions;

Supporting the principle of the World Weather Watch;

Considering the intention of some governments voluntarily to create, within a few years, such Antarctic Meteorological Centres at their Stations;

The Representatives recommend to their governments that:

1. In view of the valuable information provided by WMO and SCAR to Consultative Parties, they continue to cooperate with the WMO through their Representatives thereto and with SCAR through their National Committees in defining future scientific requirements.
2. They consider the usefulness of creating Antarctic Meteorological Centres in the Antarctic.
3. They hold a meeting of telecommunications experts at Buenos Aires, Argentina, between 15 August and 15 September 1969, in accordance with Recommendation IV–24. The date of this meeting should be arranged through diplomatic channels, taking into account relevant meetings of other international organizations which will be held in 1969 and the time required to translate and distribute the documents from such meetings.
4. Although it is expected that all Consultative Parties will participate, the meeting in Buenos Aires may proceed without the participation of them all provided all the Consultative Parties agree to that procedure and to the provisional agenda. All Consultative Parties will communicate before 1 June 1969 to the host government their intentions as to sending experts. Proposals emanating from the meeting will be sent to all Consultative Parties for their consideration.
5. One expert each from WMO, ITU, IOC and SCAR should be invited to attend as observers. Invited observers may submit documents and make statements with the permission of the Chairman but they may not vote. All experts from Consultative Parties attending will be members of their delegations.
6. The agenda for the meeting should be determined by the Consultative Parties through diplomatic channels and the agreed provisional agenda will be circulated by the host government through diplomatic channels one month prior to the opening of the meeting.
7. The results of the meeting should take the form of proposals on telecommunications unanimously agreed by the delegations of the Consultative Parties participating in the meeting. These will be circulated by the host government to all Consultative Parties for

consideration. These proposals will constitute the report of the meeting. Other conference documents may be appended for informations as annexes to the report with the consent of all delegations present. The proposals would not become measures under Article IX of the Antarctic Treaty but any Consultative Parties may submit any matter arising from this meeting to a subsequent Consultative Meeting.

8. Information should be exchanged through diplomatic channels on the following aspect of telecommunications procedures at least one month prior to the opening of the Meeting:

   (i) existing networks, traffic loads and channel capacity on each route;
   (ii) shortcomings in existing networks and channels;
   (iii) present traffic carried on each route
      a) Administrative and operational traffic
      b) Meteorological traffic
      c) Other scientific traffic;
   (iv) existing time schedules for meteorological transmission
      a) Broadcast
      b) Point to point traffic

9. The fields of discussion at the meeting should include, inter alia:

   (i) New telecommunications traffic requirements submitted by Consultative Parties, WMO, IOC and SCAR, the capacity of the existing facilities and the effect of these new requirements on the existing facilities, taking into account the report of the Antarctic Treaty Meeting on Telecommunications held in Washington in 1963 and present prevailing conditions;
   (ii) Estimates or requirements for the near future and further projections if possible;
   (iii) Procedure for amending telecommunications arrangements from time to time to meet changing conditions;
   (iv) New telecommunications techniques which might be introduced into the Antarctic to meet future requirements;
   (v) Preparation of a standard format for the exchange of information on telecommunications facilities under Article VII of the Antarctic Treaty.

Recommendation V–3

SOUTHERN OCEAN

The Representatives,

Considering that the Southern Ocean is an integral part of the Antarctic environment and that the Consultative Governments have

made substantial contributions towards knowledge of this ocean in the Treaty Area,

Noting that Resolution 5 of the Vth Session of the Intergovernmental Oceanographic Commission (IOC) established a Co-ordination Group for the Southern Ocean and that the terms of reference for this group include plans for the gradual development of a comprehensive study of the Southern Ocean;

Noting further the significant contribution which the Scientific Committee on Antarctic Research (SCAR) has made to these studies and that SCAR is invited to participate in the Co-ordination Group as an observer;

Welcome the proposed study of the Southern Ocean by the IOC with the participation of SCAR as well as other interested scientific organizations;

Recommend to their governments that they encourage SCAR through their National Committees to continue its interest in scientific matters related to the Southern Ocean and to make available scientific advice as appropriate to the IOC Co-ordination Group in order to aid in its development of plans for the comprehensive study of the Southern Ocean.

Recommendation V–4

HISTORIC MONUMENTS

The Representatives,

Recalling Recommendation I–9,

Recommend to their governments:

1) that a list of historic monuments which should be preserved be drawn up;
2) that each government circulate a list of historic monuments through diplomatic channels to other Consultative Governments;
3) that this subject be considered further at the next Consultative Meeting;
4) that, in the meantime, they do what is feasible to ensure the survival as far as possible of any historic monument which has been included on any list circulated under paragraph 2.

Recommendation V–7

CONCERNING THE PROPOSALS OF SCAR FOR THE REVISION OF THE INTERIM GUIDE LINES FOR THE VOLUNTARY REGULATION OF ANTARCTIC PELAGIC SEALING

Taking into account the importance of conserving seals south of 60° South Latitude;

Considering that in the future an international Convention for the regulation of Antarctic pelagic sealing may be required;

The Representatives recommend to their governments that, when implementing Recommendation IV–21, and until a decision is taken on the conclusion of an international Convention, they should voluntarily take account of the proposals of SCAR in its report to National Antarctic Committees in 1968 on the modification of the "Interim Guide Lines for the Voluntary Regulation of Antarctic Pelagic Sealing", as appended in a revised form to the Report of the Fifth Antarctic Treaty Consultative Meeting. [1]

Recommendation V–8

EXAMINATION OF A DRAFT CONVENTION FOR THE REGULATION OF ANTARCTIC PELAGIC SEALING

The Representatives,

Having had a preliminary exchange of views at the Fifth Consultative Meeting on the draft Convention for the Regulation of Antarctic Pelagic Sealing annexed to the Final Report of the Meeting, [2]

Recognising the need to study the preparation of such a Convention,

Recommend to their governments that, before the next Consultative Meeting, they study the draft Convention with a view to its consideration at that Meeting.

Recommendation V–9

SIXTH ANTARCTIC TREATY CONSULTATIVE MEETING

The Representatives recommend to their governments that they accept the offer by the Delegation of Japan to hold the Sixth Consultative Meeting under Article IX of the Antarctic Treaty in Tokyo, on a date in 1970 to be mutually decided upon by the Consultative Governments.

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[1] See Annex 1, p. 74.

[2] The draft convention was considered at the Sixth Consultative Meeting at Tokyo October 10–31, 1970. Subsequently the Conference on the Conservation of Antarctic Seals, held at London February 3–11, 1972, formulated the Convention for the Conservation of Antarctic Seals which was opened for signature on June 1, 1972. It has been signed by the 12 States signatory to the Antarctic Treaty and will enter into force when ratified or accepted by seven of those States.

ANNEX 1

MODIFIED VERSION OF THE REPORT OF 1968 TO NATIONAL ANTARCTIC COMMITTEES BY THE SCIENTIFIC COMMITTEE ON ANTARCTIC RESEARCH (SCAR)

1. The total number of seals of each species taken in the area south of 60° South Latitude should not exceed the number for that species set so as to bring the population to, or maintain it at, the level giving the optimum sustainable yield.
2. The number will be set in the light of the best available scientific evidence, and will be revised at regular intervals. The best present advice regarding numbers is given in Annex A.
3. A seal should not be killed or taken when it is in the water.
4. The Ross Seal (*Ommatophoca rossi*), the Elephant Seal (*Mirounga leonina*), and fur seals of the genus *Arctocephalus* should not be killed or taken, except in an emergency or in accordance with a permit.
5. Within the period specified in Annex C, no Weddell Seal (*Leptonychotes weddelli*) one year old, or older, should be killed or taken, except in an emergency or in accordance with a permit.
6. For the purposes of these Guide Lines, the area south of 60° South Latitude should be divided into the Sealing Zones set out in Annex B. No seals should be killed or taken except in the zones and at the times specified in Annex B. However, a permit may be issued in accordance with paragraph 9.
7. No seals should be killed or taken within the closed season designated in Annex C, other than in an emergency or in accordance with a permit.
8. Within the zones established in Annex B, any area that forms a seal breeding area or is the site of long-term scientific research on seals may be declared a Seal Reserve by governments. Such Seal Reserves are listed in Annex D. Within any Seal Reserve seals should not be killed or taken except in an emergency or in accordance with a permit.
9. Permits should be issued only for the following purposes:

   (i) to provide indispensable food for men or dogs in limited quantities and in conformity with the purposes and principles of the Agreed Measures for the Conservation of Antarctic Fauna and Flora and these Guide Lines,
   (ii) to provide specimens for scientific study or scientific information, or
   (iii) to provide specimens for museums, educational or cultural institutions.

10. Each government should provide the other governments before 31 October of each year with the information relating to the preceding period of 1 July to 30 June specified in Annex E.
11. At the same time, each government should provide to the other governments information on any steps it has taken in accordance with these Guide Lines.
12. When it appears to any government that the harvest of any species of seal in the area south of 60° South Latitude is having a significant effect on the stocks therein, or in any locality is disturbing the ecological system therein, that Government may propose through diplomatic channels that a Consultative Meeting shall be convened under Article IX of the Antarctic Treaty. If all Consultative Parties so agree, such a meeting will be convened as soon as possible to consider the situation and the steps it may be necessary to take.

ANNEX A. PERMISSIBLE CATCH

With present information it is not possible to give figures for the optimum sustainable yield, or for the levels of population which would provide such yields. Such figures can only be estimated with any useful precision from the analysis of the populations after they have been exposed to exploitation for a period.

It is suggested that if catches do not exceed the following safety levels until the results of such analysis are available, then the populations will not be reduced below the level giving the optimum yield.

Crabeater Seals (*Lobodon carcinophagus*) 200,000 individuals in any one year

Leopard Seals (*Hydrurga leptonyx*) 15,000 individuals in any one year

Weddell Seals (*Leptonychotes weddelli*) 10,000 individuals in any one year

ANNEX B. SEALING ZONES

1. The following Sealing Zones, corresponding with those used by the whaling industry, are designated:

Zone 1 Between 60° and 120° West Longitude
Zone 2 Between 0° and 60° West Longitude together with that part of the Weddell Sea lying westwards of 60° West Longitude.
Zone 3 Between 0° and 70° East Longitude
Zone 4 Between 70° and 130° East Longitude
Zone 5 Between 130° East Longitude and 170° West Longitude
Zone 6 Between 120° and 170° West Longitude.

2. During the season 1969–1970, being the first season to which these Guide Lines apply, no sealing should be permitted in Zone 1. In the second season of application, Zone 2 should be closed to sealing, and thereafter each zone should be closed for a season in sequence.

ANNEX C. CLOSED SEASONS

1. The period between 1 March and 31 August inclusive is a Closed Season.
2. No Weddell Seal (*Leptonychotes weddelli*) one year old or older should be killed or taken between 1 September and 15 December inclusive.

ANNEX D. SEAL RESERVES

The following areas are declared Seal Reserves:

1. The area between 60°20′ and 60°56′ South Latitude and 44°05′ and 46°25′ West Longitude, including the South Orkney Island.
2. The area of the south-western Ross Sea south of 76° South Latitude and west of 170° East Longitude, including Ross Island.
3. The area of Edisto inlet south and west of a line drawn between Cape Hallett (72°19′S.: 170°18′E) and Helm Point (72°11′S.: 170°00′E).

ANNEX E. EXCHANGE OF INFORMATION

1. Each government should provide to other governments statistical information on all seals taken within the area to which Guide Lines relate.
2. This information should include the number of adult individuals and pups of each species killed or taken during each operating day, specifying in which of the Zones set out in Annex B they have been killed or taken.

[APPENDIX] [1]

Recommendation V–5

SPECIALLY PROTECTED AREA: FILDES PENINSULA

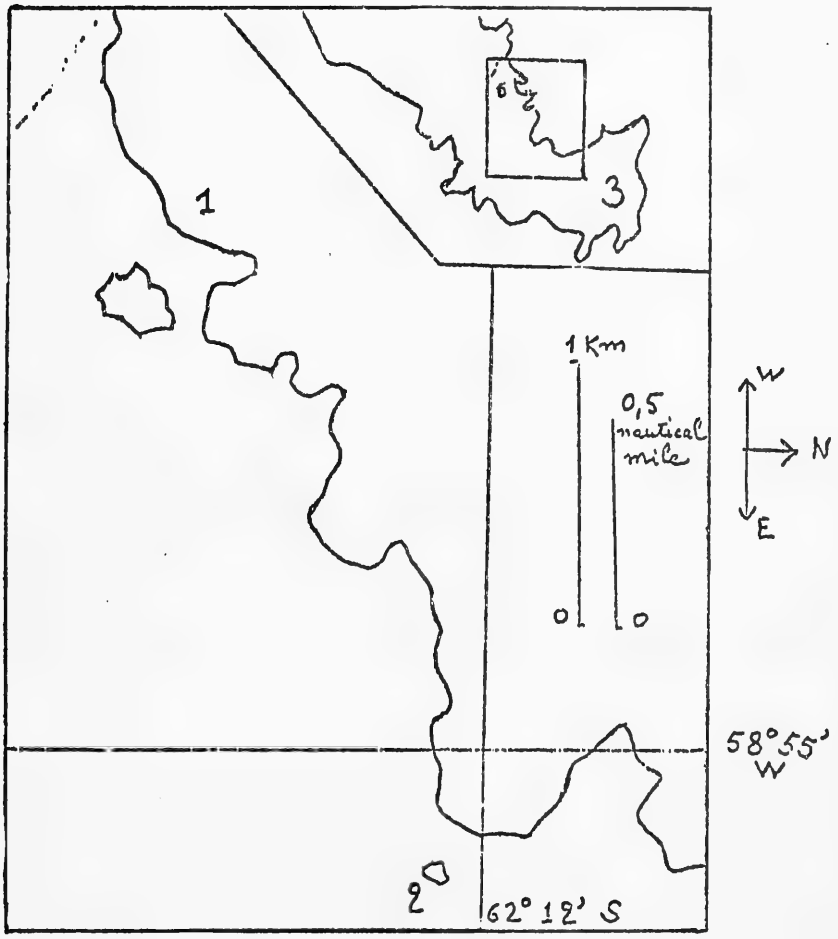
The Representatives, considering that Fildes Peninsula has several small lakes which, being ice-free in summer, are of outstanding ecological interest and that the most interesting one of them should be specially protected, recommend to their governments that, in place of the description in Recommendation IV–12 [2], the following be inserted

[1] The United States accepted on June 7, 1969 Recommendations V–5 and V–6 as interim guidelines. Those Recommendations are not yet effective under art. IX (4) of the Antarctic Treaty.

[2] TIAS 6668; 20 UST 624.

DESIGNATIONS GEOGRAPHIQUES

1. Point Suffield
2. Station Bellingshausen
3. Péninsule Fildes



PLACE NAMES

1. Suffield Point
2. Bellingshausen Station
3. Fildes Peninsula

DESIGNACIONES GEOGRAFICAS

1. Punto Suffield
2. Estacion Bellingshausen
3. Peninsula Fildes

in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

"SPECIALLY PROTECTED AREA N° 12, Fildes Peninsula, King George Island/25 May, South Shetland Islands,
Lat. 62°11'S., long. 58°52W.

Description: The fresh-water lake, including the surrounding land within 100 metres of the shore, situated about 500 metres north of Suffield Point and 2.5 kilometres east-north-east of Bellingshausen Station on Fildes Peninsula. The area is shown on the attached map."

Recommendation V–6

MODIFICATION OF THE AGREED MEASURES ADOPTED UNDER RECOMMENDATION III – 8 FOR THE CONSERVATION OF ANTARCTICA FAUNA AND FLORA

The Representatives recommend to their governments that:

(1) in paragraph (d) of Article II after the words "Agreed Measures" they add the following:

"The functions of an authorised person will be carried out within the framework of the Antarctic Treaty. They will be carried out exclusively in accordance with scientific principles and will have as their sole purpose the effective protection of Antarctic fauna and flora in accordance with these Agreed Measures".

(2) in paragraph (e) of Article II, after the words "appropriate authority", they add the following:

"as defined at paragraph (d) above".

f. Measures Approved Under Article IX, Relating to the Furtherance of Principles and Objectives of the Antarctic Treaty, adopted October 30, 1970*

Certain Recommendations [1] adopted at the Sixth Consultative Meeting under Article IX of the Antarctic Treaty, at Tokyo, October 30, 1970; Recommendations VI–1 through VI–7 and VI–11 through VI–15 effective October 10, 1973.

[CERTAIN RECOMMENDATIONS [2] OF THE SIXTH ANTARCTIC TREATY CONSULTATIVE MEETING]

RECOMMENDATION VI–1
ANTARCTIC TELECOMMUNICATIONS

The Representatives,
Considering that:

(1) an Antarctic telecommunications system serves the administrative, operational, meteorological and other scientific needs of stations in the Antarctic;

(2) there is a need to exchange meteorological information as soon as possible within the Antarctic Treaty area and to transmit that information with minimum delay to the Global Telecommunications System;

(3) there is a need to organize technically compatible routes for telecommunications both within, and out of the Antarctic Treaty area;

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[1] The English language text printed herein is an extract from the Report of the Sixth Antarctic Treaty Consultative Meeting. The original documents relating to the Meeting are held in the archives of the Japanese Government, Tokyo.

[2] Recommendations VI–1 through VI–7 and VI–11 through VI–15 became effective in accordance with art. IX(4) of the Antarctic Treaty (TIAS 4780; 12 UST 796), having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, Union of Soviet Socialist Republics, United Kingdom, and the United States.

For the text of Recommendations VI–8 through VI–10, see p. 91.

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*Citation: TIAS 7796.

[1] The English language text printed herein is an extract from the Report of the Sixth Antarctic Treaty Consultative Meeting. The original documents relating to the Meeting are held in the archives of the Japanese Government, Tokyo.

[2] Recommendations VI–1 through VI–7 and VI–11 through VI–15 became effective in accordance with art. IX(4) of the Antarctic Treaty (TIAS 4780; 12 UST 796), having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, Union of Soviet Socialist Republics, United Kingdom, and the United States.

For the text of Recommendations VI–8 through VI–10, see p. 91.

(4) an Antarctic telecommunications system needs to respond, as may be appropriate, to future changes in requirements for transmission of meteorological information and advances in telecommunications technology;

Recommend to their Governments that:

1. They adopt as guide-lines the Proposals contained in the Final Report of the Second Antarctic Treaty Meeting on Telecommunications held in Buenos Aires in 1969;

2. In the plans for their expeditions they provide the organizational and technical arrangements necessary to implement these Proposals as soon as, and as far as practicable.

RECOMMENDATION VI–2
EXCHANGE OF INFORMATION ON TELECOMMUNICATIONS FACILITIES

The Representatives,

Considering that:

(1) there is a need to continue the annual exchange of information on telecommunications facilities;

(2) this information should be made as useful as possible to radio operators at all stations in the Antarctic;

(3) there is a need for a procedure for exchanging views on other matters pertinent to their respective telecommunications systems, but not affecting all Parties;

Recommend to their Governments that:

1. Information on telecommunications facilities be exchanged annually, under paragraph 5 of Article VII of the Antarctic Treaty and Recommendation I–VI(8), [1] in accordance with the standard tabular format annexed hereto;

2. Information on telecommunications facilities be exchanged not later than 31 October of each year in accordance with Recommendation IV–23; [2]

3. They authorize the addressees entered by each Consultative Party on the annexed standard tabular format also to correspond with other addressees on matters affecting their respective telecommunications systems, on the use of those systems and on the coordination of communications necessary for cooperative activities.

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[1] TIAS 5094; 13 UST 1351.
[2] TIAS 6668; 20 UST 616.

ANNEX TO RECOMMENDATION VI-2 Sheet 1

INFORMATION ON TELECOMMUNICATIONS EQUIPMENT AND SCHEDULES FOR THE YEAR .....

COUNTRY ..... ADDRESS FOR CORRESPONDENCE ON THIS INFORMATION .....

STATION ..... LAT ..... LONG .....

CALLSIGN .....

	TRANSMITTERS			RECEIVERS				REMARKS
Type	Frequency bands	Types of transmission and power	Frequency selection (Crystal VFO,etc.)	Type	Frequency bands	Types of reception available	Frequency selection (Crystal VFO,etc.)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Sheet 2

INFORMATION ON TELECOMMUNICATIONS EQUIPMENT AND SCHEDULES FOR THE YEAR .....

COUNTRY..... ADDRESS FOR CORRESPONDENCE ON THIS INFORMATION .....

STATION ..... LAT ..... LONG .....

CALLSIGN .....

ANTENNA		FACSIMILE		TELEPRINTER		REMARKS	
Type	Azimuth (in degrees or omni)	Index of co-operation	Drum speed	Type	Speed (bauds)		LIST OF AVAILABLE FREQUENCIES
(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

Sheet 3

INFORMATION ON TELECOMMUNICATIONS EQUIPMENT AND SCHEDULES FOR THE YEAR .....

COUNTRY ..... ADDRESS FOR CORRESPONDENCE ON THIS INFORMATION .....

STATION ..... LAT ..... LONG .....

CALLSIGN .....

DETAILS OF REGULAR CIRCUITS

	GMT		FREQUENCIES USED		CIRCUIT CONDUCT				REMARKS
Station worked	Open	Close	Transmitting	Receiving	Type of emission (See CCIR 432) (x)	Type of traffic	SX or DX	Side Band	
(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)

(x) If error correcting used, specify details

RECOMMENDATON VI–3
ANTARCTIC METEOROLOGY

The Representatives,
Considering that:

(1) the exchange of scientific observations is provided by paragraph 1(c) of Article III of the Antarctic Treaty;

(2) meteorological information for flight, marine and field operational forecasts is an important requirement at some stations in the Antarctic;

(3) Antarctic meteorological information is required by adjacent continents for the preparation of weather analyses and prognoses;

(4) meteorological activities in the Antarctic should be supported, to the greatest extent feasible, by transmissions of processed data to the Antarctic from the World Weather Watch;

(5) the requirements of the Consultative Parties for meteorological information will change as the operational activities and the scientific programmes of their Antarctic stations evolve;

(6) the requirements of the Consultative Parties for meteorological information will change as knowledge and understanding of the meteorology of the Antarctic Treaty area grow and with developments in meteorological technology;

Recommend to their Governments that:

1. They adopt Annex 1 to this Recommendation as a current basis for planning the exchange of available raw meteorological data;

2. They adopt Annex 2 to this Recommendation as a current basis for planning the exchange of available processed meteorological data;

3. They support, as far as practicable, such measures as will facilitate the speedy and effective implementation of Annexed 1 and 2 as a basis for planning;

4. They invite the World Meteorological Organization to review Annexed 1 and 2 from time to time and advise them of the results of such reviews.

ANNEX I TO RECOMMENDATION VI-3

REQUIREMENTS FOR AVAILABLE RAW METEOROLOGICAL DATA (Number of receptions per day)

	(4) (5) McMurdo	(6) McMurdo	(5) Dumont D'Urville	(6) Dumont D'Urville	(4) Casey	(4) Davis	(4) Mawson	(1) Syowa	(2) (4) Mirny	Molodezhnaya	(4) Frei	(4) Orcadas		Réunion	Stanley	Santiago	(4) Buenos Aires	(3) Pretoria	Wellington	(4) Melbourne	(4) Moscow	(4) Washington	NOTES
Brockton	4	1	2	1					4	4	4	4					4		4	4	4	4	(1) At Syowa requirements are for reception of surface and upper air data once per day from each of the stations shown. Future requirements will be twice per day. (2) The data requirements of Mirny, after about March 1971, will be reduced. (3) 18 and 00 GMT data should be transmitted together; the same applies to 06 and 12 GMT data. (4) In addition to surface and upper-air synoptic data, synoptic data, SHIP, AIREP and MOBIL reports are also required. (5) Austral summer (1 October – 31 March) (6) Austral winter (1 April to 30 September) KEY Desired number of receptions per day. 2 Upper air / 4 Surface
Byrd	2 4	1 1							2 4	2 4	2 4	2 4			2 2		2 4		2 4	2 4	2 4	2 4	
Hallett	2 4	1 1	2 2	1 1					2 4	2 4	2 4	2 4					2 4		2 4	2 4	2 4	2 4	
McMurdo			2 2	1 1					2 4	2 4	2 4	2 4		1 1			2 4		2 4	2 4	2 4	2 4	
Pole	2 4	1 1	2 2	1 1					2 4	2 4	2 4	2 4		1 1	2 2		2 4	2 2	2 4	2 4	2 4	2 4	
Dumont d'Urville	2 4	1 1			2 4	2 4	2 4		2 4	2 4	2 4	2 4					2 4	2 2	2 4	2 4	2 4	2 4	
Casey	2 4	1 1				2 4	2 4		2 4	2 4	2 4	2 4		1 1			2 4		2 4	2 4	2 4	2 4	
Davis	2 4	1 1			2 4		2 4		2 4	2 4	2 4	2 4		1 1			2 4	2 4	2 4	2 4	2 4	2 4	
Mawson	2 4	1 1			2 4	2 4		2 2	2 4	2 4	2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Roi Baudouin	2 4	1 1						2 2	2 4	2 4	2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Sanae	2 4	1 1						2 2	2 4	2 4	2 4	2 4		1 1	2 2			2 2	2 4	2 4	2 4	2 4	
Syowa	2 4	1 1			2 4	2 4	2 4		2 4	2 4	2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Bellingshausen	4	1							4	4	4	4			2	4	4	2	4	4	4	4	
Mirny	2 4	1 1	2 2	1 1	2 4	2 4	2 4			1 4	2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Molodezhnaya	2 4	1 1			2 4	2 4	2 4	2 2	2 4		2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Novolazarevskaya	2 4	1 1						2 2	2 4	2 4	2 4	2 4		1 1			2 4	2 2	2 4	2 4	2 4	2 4	
Vostok	2 4	1 1	2 2	1 1					2 4	2 4	2 4	2 4		1 1			2 4		2 4	2 4	2 4	2 4	
Frei	4	1							4	4		4			2	4	4	2		4	4	4	
O'Higgins	4	1							4	4	4	4			2	4	4	2		4	4	4	
Frei	4	1							4	4	4	4			2	4	4	2		4	4	4	
Belgrano	4	1							4	4	4	4			2	4	4	2	4	4	4	4	
Esperanza	4	1							4	4	4	4			2	4	4	2		4	4	4	
Matienzo	4	1							4	4	4	4			2	4	4	2		4	4	4	
Orcadas	2 4	1 1							2 4	2 4	2 4				2 2	2 4	2 4	2 2		2 4	2 4	2 4	
Petrel	2 4	1 1							2 4	2 4	2 4	2 4			2 2	2 4	2 4	2 2		2 4	2 4	2 4	
Sobral	4	1							4	4	4	4			2	4	4	2	4	4	4	4	
Adelaide	2 4	1 1							2 4	2 4	2 4	2 4			2 2	2 4	2 4	2 2		2 4	2 4	2 4	
Argentine Islands	2 4	1 1							2 4	2 4	2 4	2 4			2 2	2 4	2 4	2 2		2 4	2 4	2 4	
Halley Bay	2 4	1 1							2 4	2 4	2 4	2 4		2	2 2	2 4	2 4	2 2	2 4	2 4	2 4	2 4	
Fossil Bluff	4	1							4	4	4	4			2	4	4	2		4	4	4	
Signy Island	4	1							4	4	4	4			2	4	4	2		4	4	4	
Region I — Selection Blocks 61, 67, 68 (South of 20° South)	2 4	1 1										2 4											
REGION II — Selection Blocks 85 (600—999) 87 (600—999) 84 and 69	2 4	1 1									2 4	2 4											
REGION V — Selection Blocks 91, 93, 94, 95 (South of 20° South)	2 4	1 1										2 4											
All Southern Hemisphere									2 4	2 4													

ANNEX II TO RECOMMENDATION VI-3

REQUIREMENTS FOR AVAILABLE PROCESSED METEOROLOGICAL DATA (Number of Receptions per day)

DATA REQUIRED FROM	DATA REQUIRED BY	SURFACE		UPPER-AIR ANALYSES AND PROGNOSES								HAZARDOUS WEATHER WARNINGS				MARINE FORECASTS		OTHER PROCESSED DATA
		ANALYSES	PROGNOSES	500 mb	300 mb	200 mb	ALL AVAILABLE	NEPHANALYSES	CLIMAT	CLIMAT (TEMP)	TERMINAL FORECASTS	BELLINGSHAUSEN SEA	DRAKE PASSAGE	WEDDELL SEA	SCOTIA SEA	BELLINGSHAUSEN SEA	DRAKE PASSAGE	
I. PROCESSED DATA REQUIRED BY ANTARCTIC STATIONS FROM OUTSIDE THE TREATY AREA																		
Melbourne(3)	Dumont d'Urville	2(4)	2(4)	2(4)														
Melbourne	Frei	4	4	2	2			2										
	McMurdo	4		2(1)	2(1)		A(1)	2										
	Mawson	A	A	A														X(6)
	Casey	A	A	A														X(6)
	Davis	A	A	A														X(6)
	Molodeshnaya (18)	4	4	2	2			A										
Buenos Aires	Orcadas	4	4	2		2												
	Molodeshnaya (18)	4	4	2	2			A										
Wellington/ Christchurch	McMurdo							2			2(7)							
Stanley	Palmer													X	X			
	Molodeshnaya (18)													A	A			
Nairobi	Molodeshnaya (18)	4	4	2	2			A										
Rio de Janeiro(8)	Molodeshnaya(18)							A										
Washington	Molodeshnaya(18)							A										
II. PROCESSED DATA REQUIRED BY CENTRES OUTSIDE THE TREATY AREA FROM ANTARCTIC STATIONS																		
Molodeshnaya(18)	Réunion	1 (9)	1 (9)	1(9)														
	Pretoria	2	2	2		2												
	Moscow	2	2															
McMurdo	Melbourne	A	A	A														
	Wellington	1(2)	1(2)	1(2)	1(2)													
All Antarctic stations	Buenos Aires	4	4			2												
All Antarctic APT stations	Melbourne						A											
III. PROCESSED DATA TO BE EXCHANGED BETWEEN ANTARCTIC STATIONS																		
McMurdo	Dumont d'Urville	2(4)	2(4)	2(4)														
	Frei	4	4	2	2													
	Pole										4(10)							
	Brockton										4(10)							
	Byrd										4(10)							
	Mallett										4(10)							
Molodeshnaya (18)	Dumont d'Urville	2(4)	2(4)	2(4)														
	Frei	4	4	2	2			2										
	Syowa	1	1	1		1			M(11)	M(11)								
	McMurdo	2		2(1)				2			X							
	Bellingshausen																	X(18)
	Novolazarevskaya																	X(18)
	Vostok																	X(18)
	Mirny	4	4															
Mawson	Orcadas	4	4	2		2												
	Syowa	1	1	1		1			M(11)	M(11)								
Frei	All United Kingdom Antarctic Stations																	(15) X
	McMurdo	2		2(1)				2			X							
	Palmer											A	A			1	1	
	Molodeshnaya (18)	A					A					A	A			A	A	
Orcadas	All United Kingdom Antarctic Stations																	(15) X
	Molodeshnaya(18)	A					A					A	A			A	A	
All Antarctic Stations	Molodeshnaya(18)	A					A											(14) A

NOTES AND KEY

KEY: A=As available
X=When requested
M=Monthly

NOTES:

(1) Analyses only
(2) For 00 GMT
(3) Alternatively from Molodezhnaya or McMurdo
(4) For area between long. 90°E and long. 180° (by facsimile). Also special forecasts on request.
(5) Numerical analyses and prognoses
(6) Operational forecasts and facsimile broadcast from Canberra (AXM)
(7) For selected New Zealand aerodromes
(8) Alternatively from Brasilia
(9) For area between longitudes 30° and 120°E
(10) During Austral summer (1 October–31 March)
(11) Monthly mean data required for Mawson, Molodezhnaya, Roi Baudouin, Novolazarevskaya and Sanae from either Molodezhnaya or Mawson
(12) Forecasts for aviation and shipping as necessary during Austral summer (1 October–31 March)
(13) Analyses and marine forecasts
(14) Hazardous weather warnings (general)
(15) Molodezhnaya will take over the functions of Mirny from about March 1971

35-415 O - 75 - 7

RECOMMENDATION VI–4

MAN'S IMPACT ON THE ANTARCTIC ENVIRONMENT

The Representatives,

Considering and Recognizing that:

(1) in the Antarctic Treaty area the ecosystem is particularly vulnerable to human interference;

(2) the Antarctic derives much of its scientific importance from its uncontaminated and undisturbed condition;

(3) there is an increasingly urgent need to protect the environment from human interference;

(4) the Consultative Parties should assume responsibility for the protection of the environment and the wise use of the Treaty area;

Recommend to their Governments that:

1. They invite the Scientific Committee for Antarctic Research through their National Antarctic Committees:

   (a) to identify the types and assess the extent of human interference which has occurred in the Treaty area as a result of man's activities;

   (b) to propose measures which might be taken to minimize harmful interference;

   (c) to consider and recommend scientific programmes which will detect and measure changes occurring in the Antarctic environment;

2. They encourage research on the impact of man on the Antarctic ecosystem;

3. They take interim measures to reduce known causes of harmful environmental interference;

4. They consider including on the agenda for the Seventh Antarctic Treaty Consultative Meeting an examination of this matter in the light of any further available information.

RECOMMENDATION VI–5

THE USE OF RADIO-ISOTOPES IN THE ANTARCTIC

The Representatives,

Recognizing:

(1) the need to minimise harmful disturbance to the Antarctic environment;

(2) that the uncontrolled use of radio-isotopes in the course of scientific investigations may jeopardise the conduct of subsequent investigations;

Recommend to their Governments that through their National Antarctic Committees, they invite the Scientific Committee on Antarctic Research to consider the uses of radio-isotopes in Antarctic scientific investigations and to propose comprehensive principles for their control which can be considered under Article IX of the Antarctic Treaty.

RECOMMENDATION VI–6

COORDINATION OF ANTARCTIC SCIENTIFIC INVESTIGATIONS INVOLVING THE USE OF RADIO-ISOTOPES

The Representatives,

Recognizing that experiments involving the use of radio-isotopes may jeopardize subsequent scientific investigations in the same locality;

Considering that:

(1) prior notification of the use of radio-isotopes is necessary to allow time for consultations between Consultative Parties whose investigators may wish to carry out experiments in the same locality at a later date;

(2) interim measures are required before agreement is reached on the controlled use of radio-isotopes in the Antarctic Treaty area;

Recommend to their Governments that, when experiments involving the use of radio-isotopes in the Antarctic Treaty area are planned, they should provide appropriate information on such experiments to other Consultative Parties as early as possible, preferably six months in advance, but in any event annually.

RECOMMENDATION VI–7

EFFECTS OF TOURISTS AND NON-GOVERNMENT EXPEDITIONS TO THE ANTARCTIC TREATY AREA

The Representatives,

Noting the increase in recent years in the number of tourists and also in the number of visitors who are not sponsored by the Consultative Parties to the Antarctic Treaty area;

Considering that the activities of such visitors can have lasting and harmful effects on scientific programmes, on the Antarctic environment, particularly in Specially Protected Areas, and on historic monuments;

Desiring to ensure that such visitors are afforded the best view of stations in the Antarctic compatible with the research programmes being undertaken;

Recalling paragraph 5 of Article VII and Article X of the Antarctic Treaty and Recommendations I–VI and IV–27;

Recommend to their Governments that:

1. They should exert appropriate efforts to ensure that all tourists and other visitors do not engage in any activity in the Treaty area which is contrary to the principles and purposes of the Antarctic Treaty or Recommendations made under it;

2. They should inform, in so far as they are able, those responsible for expeditions to the Treaty area which are not organized by a Consultative Party but organized in, proceeding from, or calling at, their territory, of the following:

(a) that final arrangements to visit any station be made with that station between twenty four and seventy two hours in advance of the expected time of arrival;

(b) that all tourists and other visitors comply with any conditions or restrictions on their movements which the station commander may stipulate for their safety or to safeguard scientific programmes being undertaken at or near the station;
(c) that visitors must not enter Specially Protected Areas and must respect designated historic monuments;

3. Advance notice of all expeditions to the Treaty area not organized by a Consultative Party, but organized in, proceeding from or calling at that Party's territory, shall be given, in so far as is possible, to the other Consultative Parties. Such notice shall include the relevant information listed in Recommendation I–VI;

4. Until such time as this Recommendation becomes effective in accordance with Article IX of the Antarctic Treaty, it shall be considered, as far as feasible, as a guide-line.

RECOMMENDATION VI–11

NEW ISLANDS

The Representatives,

Considering that:

(1) in recent years a number of countries have launched scientific research rockets (sounding rockets) from the Antarctic Treaty area and that the number of such launchings is expected to increase along with the scale and importance of scientific research activities in the Antarctic;

(2) it will be necessary to adopt adequate safety measures to prevent possible damage or injury to persons, fauna and flora, facilities, vessels and aircraft in the Antarctic Treaty area and in adjacent areas which might result from the launching of rockets from the Treaty area or from their residual elements;

Recommend to their Governments that;

1. Each Government which plans to launch rockets from the Antarctic Treaty area include in its annual exchange of information under paragraph 5 of Article VII of the Antarctic Treaty details of each planned launching, including *inter alia* the following information:
(a) the geographical co-ordinates of the place of launching;
(b) the time and date of launching or, alternatively, the approximate period of time during which it is planned to carry out the launchings;
(c) the direction of launching;
(d) the planned maximum altitude;
(e) the planned impact area;
(f) the type and other specifications of the rockets to be launched, including possible residual hazards;
(g) the purpose and research programme of the rocket,

2. During summer operations, and at other times when there are operations in its area, each station use its radio facilities to keep neighbouring stations informed, on a daily basis as appropriate, of its launching schedules.

RECOMMENDATION VI–12

SCIENTIFIC RESEARCH ROCKETS

The Representatives,

Recognizing the special scientific interest of new islands formed by geological processes in the Antarctic;

Recalling that the investigation of the colonization of an uncontaminated area by animals and plants can easily be spoiled by the presence of man;

Recommend to their Governments:

1. That any new island formed by geological processes in the Antarctic Treaty area should be the subject of immediate consultation through diplomatic channels with a view to its consideration at the next Consultative Meeting in order to accord it special protection. Until this can be done, they should use their best endeavors to avoid its contamination by human interference;

2. That they should use their best endeavors to prevent tourists from landing on such islands.

RECOMMENDATION VI–13

EXCHANGE OF INFORMATION ON OCEANOGRAPHIC RESEARCH

The Representatives,

Noting the growing importance of oceanographic research and the increasing activities of ships conducting scientific programmes in the Southern Ocean area;

Noting, in particular, the interest of the Consultative Parties in the Southern Ocean as set forth in Recommendation V–3; [1]

Bearing in mind that Recommendation I–VI includes provision for exchange of information regarding scientific investigation and areas of operation;

Considering that uniformity in the type and amount of data exchanged on ships and their scientific programmes will greatly enhance the usefulness of this information;

Recommend to their Governments that in exchanging information annually, in accordance with Recommendation I–VI (1), (2), (4), (6), (7) and Recommendation II–VI, they include information about those ships which are carrying out substantial oceanographic research programmes in the area south of 60° South Latitude.

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[1] TIAS 7692; 24 UST 1793.

RECOMMENDATION VI–14
HISTORIC MONUMENTS

The Representatives,

Recalling Recommendations I–IX and V–4;

Recommend to their Governments that:

1. They adopt all adequate measures to preserve and protect from damage the historic monuments situated in the Antarctic Treaty area;

2. They arrange for each of these historic monuments to be appropriately marked with a notice indicating in the English, French, Russian and Spanish languages that it is scheduled for preservation in accordance with the provisions of the Antarctic Treaty;

3. A list of historic monuments be prepared by consultation through diplomatic channels for consideration at the Seventh Consultative Meeting.

RECOMMENDATION VI–15
SEVENTH ANTARCTIC TREATY CONSULTATIVE MEETING

The Representatives,

Recommend to their Governments that they accept the offer by the Delegation of New Zealand to hold the Seventh Consultative Meeting under Article IX of the Antarctic Treaty in Wellington, on a date in 1972 to be mutually decided upon by the Consultative Governments.

[APPENDIX] [1]

RECOMMENDATION VI–8
PERMITS FOR ENTRY TO SPECIALLY PROTECTED AREAS

The Representatives,

Recalling Article VIII of the Agreed Measures for the Conservation of Antarctic Fauna and Flora annexed to Recommendation III–VIII ("the Agreed Measures") and the need to conform with paragraph 4(a) of that Article;

Considering that, in order to be effective, the existing prohibitions and measures of protection relating to Specially Protected Areas need to be strengthened;

Recommend to their Governments that:

1. They use their best endeavours to ensure compliance with those provisions of the Agreed Measures which relate to Specially Protected Areas;

2. They take such action as may be appropriate to prohibit the entry by their nationals into a Specially Protected Area, except in accordance with a permit issued under Articles VI and VIII of the Agreed Measures;

3. Until such time as this Recommendation may become effective in accordance with Article IX of the Antarctic Treaty, it shall, as far as feasible, be considered as a guide-line.

RECOMMENDATION VI–9
DATA ON THE CONSERVATION OF FAUNA AND FLORA

The Representatives,

Recalling Recommendations III–X and IV–19;

(1) information is already being exchanged in accordance with the interim guide-lines contained in Recommendation IV–20;

(2) this information may be freely published and it is desirable that it should be amalgamated in the form most useful for scientific analysis;

Recommend to their Governments that:

1. They transmit the information exchanged under Recommendation IV–19 to their National Antarctic Committees;

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[1] The United States approved Recommendations VI–8 and VI–9 on July 25, 1972. Those Recommendations are not yet effective under art. IX(4) of the Antarctic Treaty. Recommendation VI–10 is to be considered an interim guideline in accordance with Recommendation III–IX (TIAS 6058; 17 UST 994).

2. They invite the Scientific Committee on Antarctic Research, through their National Committees, to assemble the information exchanged under Article XII of the Agreed Measures for the Conservation of Antarctic Fauna and Flora, to arrange for its publication and, in accordance with Recommendation IV–19, to prepare reports from time to time on the status of species.

RECOMMENDATION VI–10

SPECIALLY PROTECTED AREA: COPPERMINE PENINSULA, ROBERT ISLAND

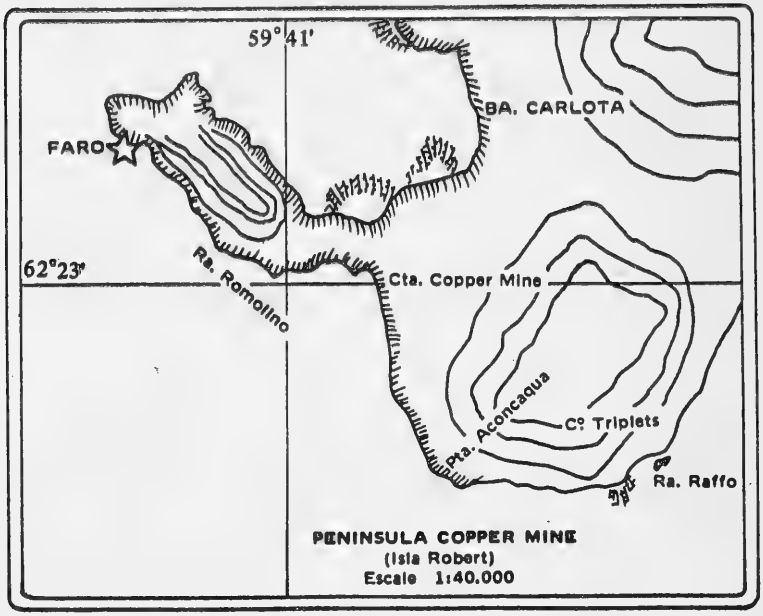
The Representatives,

Considering that Coppermine Peninsula is a biologically diverse area, supporting rich vegetation, together with a variety of terrestrial fauna, and that the ecosystem, which includes a rich avifauna, is of outstanding scientific interest;

Recommend to their Governments that the following be included in Annex B, Specially Protected Areas, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora;

SPECIALLY PROTECTED AREA NO. 16

Coppermine Peninsula, Robert Island
Lat. 62°23'S., Long. 59°41'W.
DESCRIPTION: The area comprises all the land west of a line drawn from north to south across the Peninsula, 100 meters west of the two shelters found on the isthmus.
The area is shown on the attached map.



g. Measures Approved Under Article IX, Relating to the Furtherance of Principles and Objectives of the Antarctic Treaty, adopted November 10, 1972. *Not in Force**

Recommendations of the Seventh Consultative Meeting at Wellington, October 30 to November 10, 1972.

TEXT OF RECOMMENDATIONS

VII—1

MAN'S IMPACT ON THE ANTARCTIC ENVIRONMENT

The Representatives,

Recalling Recommendations III–VIII and VI–4;

Noting the information provided by the Consultative Parties about the implementation of the Agreed Measures on the Conservation of Antarctic Fauna and Flora;

Considering that there is a need to strengthen the protection of the Antarctic environment;

Recommend to their Governments that:

1. They take note of the responses by SCAR (Scientific Committee on Antarctic Research) to paragraph 1 of Recommendation VI–4 and that they discuss these responses in detail at the Eighth Consultative Meeting;

2. They consider adopting as far as feasible and practicable, and subject to other international arrangements and advice, these responses of SCAR as voluntary guidelines for the conduct of their expeditions and stations;

3. They encourage SCAR, through their national committees, to continue its interest in this matter.

VII—2

REVIEW OF SPECIALLY PROTECTED AREAS

The Representatives,

Recalling:

(1) that the purpose of Specially Protected Areas is to preserve, in accordance with the Agreed Measures for the Conservation of Antarctic Fauna and Flora, the natural ecological systems of areas of outstanding scientific interest;

**Source:* Gt. Brit. Secretary of State for Foreign and Commonwealth Affairs. The Antarctic Treaty. Recommendations of the Seventh Consultative Meeting held at Wellington, 30 October to 10 November 1972. London, H. M. Stationery Office, 1973. 18 p. [Gt. Brit. Parliament. Papers by command] Cmnd 5502.

(2) that Recommendation VI–8 has notably increased the protection afforded to Specially Protected Areas by prohibiting entry into them except in accordance with a permit;

Recognising that the existing Specially Protected Areas were designated under less strict provisions regarding entry;

Conscious of the need to review the existing Specially Protected Areas in the light of experience and the increased degree of protection they have been afforded;

Recalling Recommendation III–X which encouraged SCAR to continue its interest in and prepare reports from time to time on the conservation of Antarctic Fauna and Flora;

Noting the opinion of SCAR, expressed in the report produced at its Twelfth Meeting on the "Purposes and Designation of Special Areas", that the existing Specially Protected Areas are not fully representative of the major Antarctic land and freshwater ecological systems and that some of these ecological systems are over-represented in the series so far designated;

Recommend to their Governments that:

1. In due course they include in the series of Specially Protected Areas listed in Annex B of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

(*a*) representative examples of the major Antarctic land and freshwater ecological systems;

(*b*) areas with unique complexes of species;

(*c*) areas which are the type locality or only known habitat of any plant or invertebrate species;

(*d*) areas which contain specially interesting breeding colonies of birds or mammals;

(*e*) areas which should be kept inviolate so that in the future they may be used for purposes of comparison with localities that have been disturbed by man;

2. They invite SCAR, through their National Committees, to review in the light of the criteria set out in paragraph 1 the existing Specially Protected Areas, and to make recommendations about:

(*a*) the desirability of retaining each Area;

(*b*) the desirability of redefining the limits of each Area retained;

(*c*) creating such additional Areas as may be considered desirable;

3. The number of Specially Protected Areas should be kept to the minimum that will meet the criteria set out in paragraph 1;

4. The size of each Specially Protected Area should be the minimum required to serve the purpose for which the Area has been designated.

VII–3

SITES OF SPECIAL SCIENTIFIC INTEREST

The Representatives,

Recognising that:

(1) Scientific investigations may be jeopardised by accidental or willful interference;

(2) sites where such investigations are proceeding may require a measure of protection;

(3) because of the continuing scientific investigations in them, certain localities of botanical or zoological interest are not suitable for designation as Specially Protected Areas under the Agreed Measures for the Conservation of Antarctic Fauna and Flora;

(4) sites of non-biological interest cannot be designated as Specially Protected Areas;

Considering that the application of individual management plans regulating access and use for a specified period to such sites, which might be called sites of Special Scientific Interest, would enable investigations at these sites to be carried out without interference;

Recommend to their Governments that:

1. They invite SCAR, through their National Committees, to consider this matter further and make suggestions for the designation of sites of Special Scientific Interest (together with a proposed management plan for each site);

2. They study the subject further with a view to its inclusion on the Agenda of the Eighth Consultative Meeting.

VII–4

EFFECTS OF TOURISTS AND NON-GOVERNMENTAL EXPEDITIONS IN THE ANTARCTIC TREATY AREA

The Representatives,

Noting the increase in the Antarctic Treaty Area in the number of visitors who are not sponsored by Consultative Parties;

Considering that both Governments and such visitors would benefit from having available to them an agreed statement:

(*a*) of accepted practices in the Treaty Area including, *inter alia*, the need for self sufficiency and prior notification of intended arrival at a station, which such visitors would be expected to follow (to which could be appended the particular conditions imposed by each government for a visit to any one of its stations); and

(*b*) of the relevant provisions of the Antarctic Treaty and of the Recommendations made under it;

Recalling Recommendations VI–7 and VI–11 concerning the possible harmful effects of such visitors on scientific programmes and on the Antarctic environment;

Convinced of the need to avoid unnecessary interference with natural ecological systems which are not sufficiently understood and continue to be the subject of research;

Conscious that the Treaty Area contains many unique features of historical, scenic and general scientific interest;

Recommend to their Governments that:

1. They keep under review, in the light of existing Recommendations, the effects in the Treaty Area of tourists and other visitors who are not sponsored by Consultative Parties;

2. They consider drawing up at the Eighth Consultative Meeting a statement of those accepted practices and relevant pro-

visions about which all visitors to the Treaty Area should be aware;

3. They consult each other well in advance about the possibility of designating at the Eighth Consultative Meeting an adequate number of areas of interest to which tourists could be encouraged to go, and about the criteria to be used to determine such areas;

4. They use their best efforts to ensure that the provisions of the Treaty and subsequent Recommendations relating to the conservation of Fauna and Flora are applied in practice to all visitors who are not sponsored by Consultative Parties, as well as to tourists.

VII—5

IMPORTATION OF LABORATORY ANIMALS AND PLANTS

The Representatives,

Considering:

(1) that harmful interference with the natural ecological system may be caused by micro-organisms introduced by man for experimental purposes;

(2) Article IX of the Agreed Measures for the Conservation of Antarctic Fauna and Flora;

Recommend to their Governments that the following be added to the end of paragraph (*c*) of Annex C, Importation of Animals and Plants, of the Agreed Measures for the Conservation of Antarctic Fauna and Flora:

"including viruses, bacteria, yeasts and fungi".

VII—6

ANTARTIC RESOURCES—EFFECTS OF MINERAL EXPLORATION

The Representatives,

Recalling the provisions and principles of the Antarctic Treaty;

Reaffirming that it is in the interest of all mankind that the Antarctic Treaty Area shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging that the Antarctic Treaty places a special responsibility upon the Contracting Parties to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Antarctic Treaty Area contrary to the principles or purposes of the Treaty;

Noting the technological developments in polar mineral exploration and the increasing interest in the possibility of there being exploitable minerals in the Antarctic Treaty Area;

Noting that there is a need for further study and deliberation amongst the Consultative Parties;

Recognising that mineral exploration is likely to raise problems of an environmental nature and that the Consultative Parties should assume responsibility for the protection of the environment and the wise use of resources;

Conscious of the special situation in the Antarctic arising from the particular regime of the Antarctic Treaty and the Recommendations adopted under it;

Recommend to their Governments that the subject "Antarctic Resources—Effects of Mineral Exploration" be carefully studied and included on the Agenda of the Eighth Consultative Meeting.

VII—7

ANTARCTIC TELECOMMUNICATIONS

The Representatives,

Considering the contribution to the study of Antarctic radio propagation and the ionosphere made at the SCAR Symposium on "Scientific and Technical Programs Affecting Antarctic Telecommunications" held in Sandefjord, Norway, in May 1972 and the Interim Report of the SCAR Group of Specialists (Revised 25 August 1972);

Recognising the need for improving, as far as practicable, the transmission of information between stations within the Antarctic Treaty Area and between those stations and the rest of the world;

Bearing in mind that difficulties may arise in Antarctic communications if new methods of transmission are accepted by Consultative Parties without due regard to the principle of compatibility both between new systems and between new and existing systems;

Recommend to their Governments that:

1. Their offices administering Antarctic programmes take into account the information presented at the SCAR Symposium when considering new means of improving Antarctic communications; techniques discussed at the Symposium and brought to the attention of Representatives by SCAR and others including communications satellites, VHF low power scatter systems, oblique ionospheric sounding, coding and error correcting devices and the wider use of ionospheric prediction services, especially with regard to short-term advice on impending disturbances;

2. Their offices administering Antarctic programmes be encouraged to exchange information about changes contemplated in types of equipment or methods in order to improve, where practicable, compatibility between Antarctic networks.

VII—8

CO-OPERATION IN TRANSPORT

The Representatives,

Recognising that the relative inaccessability of many regions of the Antarctic Treaty Area creates special transport problems;

Acknowledging the benefits to be derived from international co-operation in scientific investigations in that Area;

Recommend to their Governments that:

1. They accept the principle of using, where appropriate, common transport facilities by sea and by air for scientific and other personnel proceeding with their equipment to and from Antarctic stations;

2. They encourage bilateral or multilateral consultations between Contracting Parties in order to establish when arrangements for such common use of transport facilities would be mutually convenient and practicable;

3. The cost of the use of any common transport facilities should be arranged by agreement between the Contracting Parties concerned, either by direct payment, by reciprocation in kind, or by other mutually agreed means.

VII—9

HISTORIC MONUMENTS

The Representatives,

Recalling Recommendations I–IX, V–4, and VI–14;

Recommend to their Governments that they approve the annexed "List of Historic Monuments Identified and Described by the Proposing Government or Governments".

ANNEX TO RECOMMENDATION VII–9

LIST OF HISTORIC MONUMENTS IDENTIFIED AND DESCRIBED BY THE PROPOSING GOVERNMENT OR GOVERNMENTS*

1. Flag mast erected in December 1965 at the South Geographical Pole by the First Argentine Overland Polar Expedition.

2. Rock cairn and plaques at Syowa Station (Lat. 69° 00′ S., Long. 39° 35′ E.) in memory of Shin Fukushima, a member of the 4th Japanese Antarctic Research Expedition, who died in October 1960 while performing official duties. The cairn was erected on 11 January, 1961, by his colleagues. Some of his ashes repose in the cairn.

3. Rock cairn and plaque on Proclamation Island, Enderby Land, erected in January 1930 by Sir Douglas Mawson. (Lat. 65° 51′ S., Long. 53° 41′ E.) The cairn and plaque commemorate the landing on Proclamation Island of Sir Douglas Mawson with a party from the British, Australian and New Zealand Antarctic Research Expedition of 1929–31.

4. Station building to which a bust of V. I. Lenin is fixed, together with a plaque in memory of the conquest of the Pole of Inaccessibility by Soviet Antarctic explorers in 1958. (Lat. 83° 06′ S., Long. 54° 58′ E.)

5. Rock cairn and plaque at Cape Bruce, Mac.Robertson Land, erected in February 1931 by Sir Douglas Mawson. (Lat. 67° 25′ S., Long. 60° 47′ E.) The cairn and plaque commemorate the landing on Cape Bruce of Sir Douglas Mawson with a party from the British, Australian and New Zealand Antarctic Research Expedition of 1929–31.

6. Rock cairn at Walkabout Rocks, Vestfold Hills, Princess Elizabeth Land, erected in 1939 by Sir Hubert Wilkins. (Lat. 68° 22′ S., Long. 78° 33′ E.) The cairn houses a canister containing a record of his visit.

7. Stone with inscribed plaque, erected at Mirny Observatory, Mabus Point, in memory of driver-mechanic Ivan Khmara who perished on

*The Consultative Meeting does not approve or disapprove the place names appearing in the texts of this List in the different languages.

fast ice in the performance of official duties in 1956. (Lat. 66° 33′ S., Long. 93° 01′ E.)

8. Metal monument-sledge at Mirny Observatory, Mabus Point, with plaque in memory of driver-mechanic Anatoly Shcheglov who perished in the performance of official duties. (Lat. 66° 33′ S., Long. 93° 01′ E.)

9. Cemetery on Buromskiy Island, near Mirny Observatory, in which are buried Soviet, Czechoslovakian and GDR citizens, members of Soviet Antarctic Expeditions, who perished in the performance of official duties on 3 August, 1960. (Lat. 66° 32′ S., Long. 93° 01′ E.)

10. Building (magnetic observatory) at Dobrowolsky Station, Bunger Hills, with plaque in memory of the opening of Oasis Station in 1956. (Lat. 66° 16′ S., Long. 100° 45′ E.)

11. Heavy tractor at Vostok Station with plaque in memory of the opening of the Station in 1957. (Lat. 78° 28′ S., Long. 106° 48′ E.)

12. Cross and plaque at Cape Denison, George V Land, erected in 1913 by Sir Douglas Mawson on a hill situated 300 metres west by south from the main hut of the Australasian Antarctic Expedition of 1911–14. (Lat. 67° 00′ S., Long. 142° 42′ E.) The cross and plaque commemorate Lieutenant B. E. S. Ninnis and Dr. X. Mertz, members of the expedition, who died in 1913 while engaged in the work of the expedition.

13. Hut at Cape Denison, George V Land, built in January 1912 by Sir Douglas Mawson for the Australasian Antarctic Expedition of 1911–14. (Lat. 67° 00′ S., Long. 142° 42′ E.) This was the main base of the expedition.

14. Remains of rock shelter at Inexpressible Island, Terra Nova Bay, constructed in March 1912 by Victor Campbell's Northern Party, British Antarctic Expedition, 1910–13. (Lat. 74° 54′ S., Long. 163° 43′ E.) The party spent the winter of 1912 in this shelter and a nearby ice cave.

15. Hut at Cape Royds, Ross Island, built in February 1908 by Ernest Shackleton. (Lat. 77° 38′ S., Long. 166° 07′ E.) Restored in January 1961 by Antarctic Division of New Zealand Department of Scientific and Industrial Research.

16. Hut at Cape Evans, Ross Island, built in January 1911 by Captain Robert Falcon Scott. (Lat. 77° 38′ S., Long. 166° 24′ E.) Restored in January 1961 by Antarctic Division of New Zealand Department of Scientific and Industrial Research.

17. Cross on Wind Vane Hill, Cape Evans, Ross Island, erected by the Ross Sea Party of Ernest Shackleton's Trans-Antarctic Expedition, 1914–16, in memory of three members of the party who died in the vicinity in 1916. (Lat. 77° 38′ S., Long. 166° 24′ E.)

18. Hut at Hut Point, Ross Island, built in February 1902 by Captain Robert Falcon Scott. (Lat. 77° 51′ S., Long. 166° 37′ E.) Partially restored in January 1964 by the New Zealand Antarctic Society, with assistance from the United States Government.

19. Cross at Hut Point, Ross Island, erected in February 1904 by the British Antarctic Expedition, 1901–04, in memory of T. Vince, a member of that expedition who died in the vicinity. (Lat. 77° 51′ S., Long. 166° 37′ E.)

20. Cross on Observation Hill, Ross Island, erected in January 1913 by the British Antarctic Expedition, 1910–13, in memory of Captain

Robert Falcon Scott's party which perished on the return journey from the South Pole, March 1912. (Lat. 77° 51′ S., Long. 166° 40′ E.)

21. Stone hut at Cape Crozier, Ross Island, constructed in July 1911 by Edward Wilson's party (British Antarctic Expedition, 1910–13) during the winter journey to collect Emperor penguin eggs. (Lat. 77° 32′ S., Long. 169° 18′ E.)

22. Hut at Cape Adare built in February 1899 during "Southern Cross" Expedition led by C. E. Borchgrevink. (Lat. 71° 17′ S., Long. 170° 15′ E.) There are three huts at Cape Adare: two date from Borchgrevink's expedition, and one from Scott's Northern Party, 1910–11. Only the southernmost Borchgrevink hut survives in a reasonable state of repair.

23. Grave at Cape Adare of Norwegian biologist, Nicolai Hanson, a member of C. E. Borchgrevink's "Southern Cross" Expedition, 1899–1900. (Lat. 71° 17′ S., Long. 170° 15′ E.) This is the first known grave in the Antarctic.

24. Rock cairn, known as "Amundsen's Cairn", on Mount Betty, Queen Maud Range (Lat. 85° 11′ S., Long. 163° 45′ W.) erected by Roald Amundsen on 6 January, 1912, on his way back to "Framheim" from the South Pole.

25. Hut and plaque on Peter I Øy, built by the Norwegian Captain Nils Larsen in February 1929 at Framnaesodden (Lat. 68° 47′ S., Long. 90° 42′ W.) The plaque is inscribed "Norvegia-ekspedisjonen 2/2 1929".

26. Abandoned installations of Argentine Station "General San Martin" on Barry Island, Debenham Islands, Marguerite Bay, with cross, flag mast, and monolith built in 1951. (Lat. 68° 08′ S., Long. 67° 08′ W.)

27. Cairn with plaque on Megalestris Hill, Petermann Island, erected in 1909 by the second French expedition led by J.-B. Charcot. (Lat. 65° 10′ S., Long. 64° 10′ W.) Restored by the British Antarctic Survey in 1958.

28. Rock cairn at Port Charcot, Booth Island, with wooden pillar and plaque inscribed with the names of the first French expedition led by J.-B. Charcot which wintered here in 1904 aboard "Le Français". Lat. 65° 03′ S., Long. 64° 01′ W.)

29. Light-house named "Primero de Mayo" erected on Lambda Island, Melchoir Islands, by Argentina in 1942. (Lat. 64° 18′ S., Long. 62° 59′ W.) This was the first Argentine light-house in the Antarctic.

30. Shelter at Paradise Harbour erected in 1950 near the Chilean Base "Gabriel Gonzales Videla" to honour Gabriel Gonzales Videla, the first Head of State to visit the Antarctic. (Lat. 64° 49′ S., Long. 62° 51′ W.)

31. Memorial plaque marking the position of a cemetery on Deception Island (Lat. 62° 59′ S., Long 60° 34′ W.) where some 40 Norwegian whalers were buried in the first half of the twentieth century. The cemetery was swept away by a volcanic eruption in February 1969.

32. Concrete monolith erected in 1947, near Arturo Prat Base on Greenwich Island. Point of reference for Chilean Antarctic hydrographic work. (Lat. 62° 29′ S., Long. 59° 40′ W.)

33. Shelter and cross with plaque near Arturo Prat Base, Greenwich Island. (Lat. 62° 30′ S., Long. 59° 41′ W.) Named in memory of

Lieutenant-Commander Gonzalez Pacheco, who died tragically while in charge of the station in 1960.

34. Bust of the Chilean naval hero Arturo Prat erected in 1947 at base of the same name on Greenwich Island. (Lat. 62° 30′ S., Long. 59° 41′ W.)

35. Wooden cross and statue of the Virgin of Carmen erected in 1947 near Arturo Prat Base on Greenwich Island. (Lat. 62° 30′ S., Long. 59° 41′ W.) There is also nearby a metal plaque of Lions International Club.

36. Metal plaque at Potter Cove, King George Island, erected by Eduard Dallmann to commemorate the visit of his German expedition on 1 March, 1874. (Lat. 62° 13′ S., Long. 58° 42′ W.)

37. Statue of Bernardo O'Higgins, erected in 1948 in front of the station of the same name. (Lat. 63° 19′ S., Long. 57° 54′ W.) To honour the first ruler of Chile to envision the importance of Antarctica.

38. Hut on Snow Hill Island built in February 1902 by the main party of the Swedish South Polar Expedition, led by Otto Nordenskjold. (Lat. 64° 24′ S., Long. 57° 00′ W.)

39. Stone hut at Hope Bay built in January 1903 by a party of the Swedish South Polar Expedition. (Lat. 63° 24′ S., Long. 56° 59′ W.)

40. Bust of General San Martin, grotto with a statue of the Virgin of Lujan, and a flag mast at Base "Esperanza", Hope Bay, erected by Argentina in 1955; together with a graveyard with stele in memory of members of Argentine expeditions who died in the area. (Lat. 63° 24′ S., Long. 56° 59′ W.)

41. Stone hut on Paulet Island built in February 1903 by C. A. Larsen, Norwegian captain of the wrecked vessel "Antarctic" of the Swedish South Polar Expedition led by Otto Nordenskjold, together with the grave of a member of that expedition. (Lat. 63° 35′ S., Long. 55° 47′ W.)

42. Area at Scotia Bay, Laurie Island, South Orkney Islands, in which are found: stone hut built in 1903 by the Scottish Expedition led by W. S. Bruce; the Argentine Meteorological and Magnetic Observatory, built in 1905; and a graveyard with seven tombs (dating from 1903). (Lat. 60° 46′ S., Long. 44° 40′ W.)

43. Cross erected in 1955, at a distance of 1,300 metres north-east of the Argentine Base "General Belgrano" at Piedrabuena Bay, Filchner Ice Shelf. (Lat. 77° 49′ S., Long. 38° 02′ W.)

35-415 O—75——8

2. CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS, JUNE 1, 1972. *Not in Force**

Done at London, February 3–11, 1972; Opened for signature June 1, 1972; Signed on behalf of the United States June 28, 1972.

The Contracting Parties,

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

[Reproduced from the text provided by the U.S. Department of State.

[Delegations from the signatories of the Antarctic Treaty of 1959—Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, Union of Soviet Socialist Republics, United States—participated in a conference in London from February 3–11, 1972, which produced the agreed text of the convention.

[The convention will be open for signature from June 1 to December 31, 1972.

[Measures adopted under the Antarctic Treaty of 1959 protect seals and other animals on land and ice shelves south of 60° south latitude but provide no protection to seals in the water and on sea ice. The new convention is intended to repair this omission and to establish conservation measures in advance of the possible development of commercial sealing in the area.

[The statements of Chile and the United States concerning the convention, appended to the Final Act of the Conference on the Conservation of Antarctic Seals, appear at I.L.M. page 417.] See *infra*, p. 110.

* *Source:* International Legal Materials, v. 11, No. 2, March 1972: 251–261, 417.
Ratified by: Norway, South Africa, United Kingdom, as of Dec. 31, 1974. (Entry into force requires ratification by seven nations.

Article 1

SCOPE

(1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

(2) This Convention may be applicable to any or all of the following species:

Southern elephant seal *Mirounga leonina*,
Leopard seal *Hydrurga leptonyx*,
Weddell seal *Leptonychotes weddelli*,
Crabeater seal *Lobodon carcinophagus*,
Ross seal *Ommatophoca rossi*,
Southern fur seals *Arctocephalus* sp.

(3) The Annex to this Convention forms an integral part thereof.

Article 2

IMPLEMENTATION

(1) The Contracting Parties agree that the species of seals enumerated in Article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

Article 3

ANNEXED MEASURES

(1) This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing *inter alia:*

(a) permissible catch;
(b) protected and unprotected species;
(c) open and closed seasons;
(d) open and closed areas, including the designation of reserves;
(e) the designation of special areas where there shall be no disturbance of seals;
(f) limits relating to sex, size, or age for each species;
(g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;
(h) types and specifications of gear and apparatus and appliances which may be used;
(i) catch returns and other statistical and biological records;
(j) procedures of facilitating the review and assessment of scientific information;

(k) other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

(3) The Annex may from time to time be amended in accordance with the procedures provided for in Article 9.

Article 4

SPECIAL PERMITS

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

(a) to provide indispensable food for men or dogs;

(b) to provide for scientific research; or

(c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

Article 5

EXCHANGE OF INFORMATION AND SCIENTIFIC ADVICE

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

(4) SCAR is invited:

(a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and

(b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting

Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decide otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60° South Latitude.

Article 6

CONSULTATIONS BETWEEN CONTRACTING PARTIES

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

(a) establishing by a two-third majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;

(b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or

(c) considering other proposals, including:

(i) the provision of independent scientific advice;

(ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;

(iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and

(iv) the provision of further regulatory measures, including moratoria.

(2) If one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

Article 7

REVIEW OF OPERATIONS

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

Article 8

AMENDMENTS TO THE CONVENTION

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.

(2) If one-third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.

(3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

Article 9

AMENDMENTS TO THE ANNEX

(1) Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depositary in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. If unanimity on the matter is not reached at the meeting, the Contracting Parties shall notify the Depositary within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting.

If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

(5) The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

Article 10

SIGNATURE

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

Article 11

RATIFICATION

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

Article 12

ACCESSION

The Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

Article 13

ENTRY INTO FORCE

(1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or acceptance.

(2) Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

Article 14

WITHDRAWAL

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

Article 15

NOTIFICATION BY THE DEPOSITARY

The Depositary shall notify all signatory and acceding States of the following:

(a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;

(b) the date of entry into force of this Convention and of any amendments to it or its Annex.

Article 16

CERTIFIED COPIES AND REGISTRATION

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention.

ANNEX

1. Permissible Catch

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments.

(a) in the case of Crabeater seals *Lobodon carcinophaque* 175,000

(b) in the case of Leopard seals *Hydrurga leptonyx* 12,000

(c) in the case of Weddell seals *Leptonychotos weddelli*, 5,000

2. Protected Species

(a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.

(b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddell seal *Leptonychotus weddelli* one year old or older between 1 September and 31 January inclusive.

3. Closed Season and Sealing Season

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. Sealing Zones

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to all sealing operations for the seal species

listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone shall reopen.

Zone 1—between 60° and 120° West Longitude

Zone 2—between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West Longitude

Zone 3—between 0° and 70° East Longitude

Zone 4—between 70° and 130° East Longitude

Zone 5—between 130° East Longitude and 170° West Longitude

Zone 6—between 120° and 170° West Longitude.

5. Seal Reserves

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

(*a*) The area around the South Orkmov Islands between 60° 20′ and 60° 56′ South Latitude and 44° 05′ and 46° 25′ West Longitude.

(*b*) The area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude.

(*c*) The area of Edisto Inlet south and west of a line drawn between Cape Hallet at 72° 19′ South Latitude, 170° 18′ East Longitude, and Helm Point, at 72° 11′ South Latitude, 72° 11′ South Latitude, 170° 00′ East Longitude.

6. Exchange of Information

(*a*) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their respective flags in the Convention areas, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

(i) The gross and net tonnage, brake horsepower, number of crew, and number of days' operation of vessels under the flag of the Contracting Party:

(ii) The number of adult individuals and pups of each species taken. When specifically requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

(*b*) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than on a week) requested by that body.

(*c*) Contracting Parties shall provide to SCAR biological information concerning in particular

(i) Sex

(ii) Reproductive condition

(iii) Age

SCAR may request additional information or material with the approval of the Contracting Parties.

(*d*) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expenditures.

7. Sealing Methods

(a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.

(b) In the light of the available scientific and technical date, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing, or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention.

Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

CONFERENCE ON THE CONSERVATION OF ANTARCTIC SEALS: STATEMENTS OF CHILE AND THE UNITED STATES CONCERNING THE CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS*

[February 11, 1972]

(Statements appended to the Final Act of the Conference on the Conservation of Antarctic Seals, London, February 3–11, 1972)

Addendum

The following statement was made by the Representative of Chile:

"The Delegation of Chile states that the reference to Article IV of the Antarctic Treaty contained in Article 1 of the present Convention signifies that nothing specified therein shall confirm, deny or impair the rights of the Contracting Parties as regards their maritime jurisdictions and their declared juridical position on this matter."

The following statement was made by the Representative of the United States of America:

"The Delegation of the United States of America believes that the Convention should contain stronger provisions for the ob-

*Reproduced from the text appended to the Final Act of the Conference on the Conservation of Antarctic Seals, London, Feb. 3–11, 1972.

servation of operations and enforcement of regulations, especially with regard to the use of observers of the Contracting Parties with each others' sealing expeditions. Opposition to stronger provisions has chiefly arisen not from commercial but from juridical interests.

"Nevertheless, the Convention is a new and valuable International Agreement, achieved in advance of the development of commercial sealing in the Antarctic, that contains many provisions important to the conservation of seals and their protection against over-exploitation. We understand exploratory commercial sealing ventures may be imminent.

"In order not to diminish the progress achieved by this Conference in international cooperation for effective conservation in the Antarctic, the delegation of the United States of America has decided to sign the Final Act and will submit the Convention for its Government's consideration.

B. CONSERVATION OF WILDLIFE

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B. CONSERVATION OF WILDLIFE

1. CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE, OCTOBER 12, 1940*

Opened for signature at the Pan American Union at Washington October 12, 1940; Signed for the United States October 12, 1940; Ratification advised by the Senate April 7, 1941; Ratified by the President April 15, 1941; Ratification deposited with the Pan American Union at Washington April 28, 1941; Proclaimed by the President April 30, 1942.

By the President of the United States of America

A PROCLAMATION

Whereas a convention on nature protection and wildlife preservation in the Western Hemisphere was opened for signature at the Pan American Union on October 12, 1940, and was on that day signed by the respective plenipotentiaries of the United States of America, Bolivia, Cuba, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Peru, and Venezuela and was subsequently signed on behalf of Costa Rica on October 24, 1940, Mexico on November 20, 1940, Uruguay on December 9, 1940, Brazil on December 27, 1940, Colombia on January 17, 1941, Chile on January 22, 1941, Guatemala on April 9, 1941, Haiti on April 29, 1941, and Argentina on May 19, 1941, the original of which convention, being in the English, * * * languages, is word for word as follows:

Preamble

The governments of the American Republics, wishing to protect and preserve in their natural habitat representatives of all species and genera of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to assure them from becoming extinct through any agency within man's control; and

Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects

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Citation: 56 Stat. 1354; TS 981; 3 Bevans 630.

States which are parties: Argentina (with reservation), Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, Trinidad and Tobago, United States, Uruguay, Venezuela.

of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention; and

Wishing to conclude a convention on the protection of nature and the preservation of flora and fauna to effectuate the foregoing purposes, have agreed upon the following Articles:

Article I

Description of terms used in the wording of this Convention.

1. The expression NATIONAL PARKS shall denote:

Areas established for the protection and preservation of superlative scenery, flora and fauna of national significance which the general public may enjoy and from which it may benefit when placed under public control.

2. The expression NATIONAL RESERVES shall denote:

Regions established for conservation and utilization of natural resources under government control, on which protection of animal and plant life will be afforded in so far as this may be consistent with the primary purpose of such reserves.

3. The expression NATURE MONUMENTS shall denote:

Regions, objects, or living species of flora or fauna of aesthetic, historic or scientific interest to which strict protection is given. The purpose of nature monuments is the protection of a specific object, or a species of flora or fauna, by setting aside an area, an object, or a single species, as an inviolate nature monument, except for duly authorized scientific investigations or government inspection.

4. The expression STRICT WILDERNESS RESERVES shall denote:

A region under public control characterized by primitive conditions of flora, fauna, transportation and habitation wherein there is no provision for the passage of motorized transportation and all commercial developments are excluded.

5. The expression MIGRATORY BIRDS shall denote:

Birds of those species, all or some of whose individual members, may at any season cross any of the boundaries between the American countries. Some of the species of the following families are examples of birds characterized as migratory: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

Article II

1. The Contracting Governments will explore at once the possibility of establishing in their territories national parks, national reserves, nature monuments, and strict wilderness reserves as defined in the preceding article. In all cases where such establishment is feasible, the creation thereof shall be begun as soon as possible after the effective date of the present Convention.

2. If in any country the establishment of national parks, national reserves, nature monuments, or strict wilderness reserves is found to be impractical at present, suitable areas, objects or living species of fauna or flora, as the case may be, shall be selected as early as possible to be transformed into national parks, national reserves, nature monuments or strict wilderness reserves as soon as, in the opinion of the authorities concerned, circumstances will permit.

3. The Contracting Governments shall notify the Pan American Union of the establishment of any national parks, national reserves, nature monuments, or strict wilderness reserves, and of the legislation, including the methods of administrative control, adopted in connection therewith.

Article III

The Contracting Governments agree that the boundaries of national parks shall not be altered, or any portion thereof be capable of alienation, except by the competent legislative authority. The resources of these reserves shall not be subject to exploitation for commercial profit.

The Contracting Governments agree to prohibit hunting, killing and capturing of members of the fauna and destruction or collection of representatives of the flora in national parks except by or under the direction or control of the park authorities, or for duly authorized scientific investigations.

The Contracting Governments further agree to provide facilities for public recreation and education in national parks consistent with the purposes of this Convention.

Article IV

The Contracting Governments agree to maintain the strict wilderness reserves inviolate, as far as practicable, except for duly authorized scientific investigations or government inspection, or such uses as are consistent with the purposes for which the area was established.

Article V

1. The Contracting Governments agree to adopt, or to propose such adoption to their respective appropriate law-making bodies, suitable laws and regulations for the protection and preservation of flora and fauna within their national boundaries, but not included in the national parks, national reserves, nature monuments, or strict wilderness reserves referred to in Article II hereof. Such regulations shall contain proper provisions for the taking of specimens of flora and fauna for scientific study and investigation by properly accredited individuals and agencies.

2. The Contracting Governments agree to adopt, or to recommend that their respective legislatures adopt, laws which will assure the protection and preservation of the natural scenery, striking geological formations, and regions and natural objects of aesthetic interest or historic or scientific value.

Article VI

The Contracting Governments agree to cooperate among themselves in promoting the objectives of the present Convention. To this end they will lend proper assistance, consistent with national laws, to scientists of the American Republics engaged in research and field study; they may, when circumstances warrant, enter into agreements with one another or with scientific institutions of the Americas in order to increase the effectiveness of this collaboration; and they shall make available to all the American Republics equally through publication or otherwise the scientific knowledge resulting from such cooperative effort.

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Article VII

The Contracting Governments shall adopt appropriate measures for the protection of migratory birds of economic or aesthetic value or to prevent the threatened extinction of any given species. Adequate measures shall be adopted which will permit, in so far as the respective governments may see fit, a rational utilization of migratory birds for the purpose of sports as well as for food, commerce, and industry, and for scientific study and investigation.

Article VIII

The protection of the species mentioned in the Annex to the present Convention,[1] is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

Article IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.

2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article.

Article X

1. The terms of this convention shall in no way be interpreted as replacing international agreements previously entered into by one or more of the High Contracting Powers.

2. The Pan American Union shall notify the Contracting Parties of any information relevant to the purposes of the present Convention communicated to it by any national museums or by any organizations, national or international, established within their jurisdiction and interested in the purposes of the Convention.

Article XI

1. The original of the present Convention in Spanish, English, Portuguese and French shall be deposited with the Pan American Union and opened for signature by the American Governments on October 12, 1940.

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[1] [The Annex comprises the lists of species transmitted by interested Governments to the Pan American Union, Washington, D.C., depository for the Convention. These lists are printed in Treaty Series 981 pages 27–77 and in 3 Bevans 635–660. It is understood by this Government that such lists are to be considered as flexible rather than permanent in character and may from time to time be altered by the respective Governments by the addition or removal of such species from their several lists as changes and conditions may seem to them to warrant.]

2. The present Convention shall remain open for signature by the American Governments. The instruments of ratification shall be deposited with the Pan American Union, which shall notify their receipt and the dates thereof, and the terms of any accompanying declarations or reservations, to all participating Governments.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union.

4. Any ratification received after the date of the entry into force of the Convention, shall take effect three months after the date of its deposit with the Pan American Union.

ARTICLE XII

1. Any Contracting Government may at any time denounce the present Convention by a notification in writing addressed to the Pan American Union. Such denunciation shall take effect one year after the date of the receipt of the notification by the Pan American Union, provided, however, that no denunciation shall take effect until the expiration of five years from the date of the entry into force of this Convention.

2. If, as the result of simultaneous or successive denunciations, the number of Contracting Governments is reduced to less than three, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect in accordance with the provisions of the preceding Paragraph.

3. The Pan American Union shall notify all of the American Governments of any denunciations and the date on which they take effect.

4. Should the Convention cease to be in force under the provisions of Paragraph 2 of this article, the Pan American Union shall notify all of the American Governments, indicating the date on which this will become effective.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention at the Pan American Union, Washington, D.C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

* * * * * * *

WHEREAS it is stipulated in section 3 of article XI of the said convention that the convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union; and in section 4 of the said article XI that any ratification received after the date of the entry into force of the convention shall take effect three months after the date of its deposit with the Pan American Union;

WHEREAS the said convention has been ratified on the parts of the Governments of the United States of America, Guatemala, Venezuela, El Salvador, Haiti, the Dominican Republic, and Mexico, and the respective instruments of ratification of the Governments of those countries were deposited with the Pan American Union on days as follows, by the United States of America on April 28, 1941, by Guate-

mala on August 14, 1941, by Venezuela on November 3, 1941, by El Salvador on December 2, 1941, by Haiti on January 31, 1942, by the Dominican Republic on March 3, 1942, and by Mexico on March 27, 1942; and

WHEREAS pursuant to the aforesaid provision of section 3 of article XI of the said convention, the convention will come into force on April 30, 1942, three months after January 31, 1942, the date of deposit of the ratification of Haiti;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 30, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of April in the year of our Lord one thousand nine hundred and forty-
[SEAL] two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State

2. CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, NOVEMBER 23, 1972. *Not in Force**

Done at Paris on November 23, 1972; Ratification advised by the Senate (with declaration) October 30, 1973; Ratified by the President (with declaration) November 13, 1973; Ratification deposited (with declaration), December 7, 1973;

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of

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*Source: 93d Congress, 1st session. Senate. Executive F.
Ratified by: Algeria, Australia, Bulgaria (with declaration), Egypt, Iraq, Sudan, United States (with declaration), as of Dec. 31, 1974 (Entry into force requires ratification by 20 nations).

collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

Article 1

For the purposes of this Convention, the following shall be considered as "cultural heritage":

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation, and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

(*a*) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

(*b*) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

(*c*) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

(*d*) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

(*e*) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the

second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger," a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires,

earthquakes, landslides, volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:

(*a*) compulsory and voluntary contributions made by the States Parties to this Convention,

(*b*) contributions, gifts or bequests which may be made by:

(*i*) other States;

(*ii*) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;

(*iii*) public or private bodies or individuals;

(*c*) any interest due on the resources of the Fund;

(*d*) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(*e*) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

(*a*) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

(*b*) provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

(*c*) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;

(*d*) supply of equipment which the State concerned does not possess or is not in a position to acquire;

(*e*) low-interest or interest-free loans which might be repayable on a long-term basis;

(*f*) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

ARTICLE 27

1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

ARTICLE 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

ARTICLE 29

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.

3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

ARTICLE 30

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

ARTICLE 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

(*a*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(*b*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its seventeenth session, which was held in Paris and declared closed the twenty-first day of November 1972.

In faith whereof we have appended our signatures this twenty-third day of November 1972.

The President of the General Conference:

Toru Haguiwara

The Director-General:

Rene Maheu

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3. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, MARCH 3, 1973. *Not in Force**

Signed at Washington March 3, 1973; Ratification advised by the Senate August 3, 1973; Ratified by the United States on September 13, 1973; Ratification deposited January 14, 1974;

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I

DEFINITIONS

For the purpose of the present Convention, unless the context otherwise requires:

(*a*) "Species" means any species, subspecies, or geographically separate population thereof;

(*b*) "Specimen" means:

(*i*) any animal or plant, whether alive or dead;

(*ii*) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

(*iii*) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

**Source:* 93d Congress, 1st session. Senate. Executive H.
Ratified by: Nigeria, Sweden, Switzerland, Tunisia, United States, as of Dec. 31, 1974 (Entry into force requires ratification by 10 nations).
Implementing legislation: Endangered Species Act of 1973, Public Law 93–205 [S. 1983], 87 Stat. 884, approved December 28, 1973.

(*c*) "Trade" means export, re-export, import and introduction from the sea;

(*d*) "Re-export" means export of any specimen that has previously been imported;

(*e*) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

(*f*) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

(*g*) "Management Authority" means a national management authority designated in accordance with Article IX;

(*h*) "Party" means a State for which the present Convention has entered into force.

Article II

FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(*a*) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(*b*) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(*a*) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(*b*) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(*c*) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(*d*) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

(*a*) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

(*b*) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it: and

(*c*) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(*a*) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

(*b*) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(*c*) a Managment Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(*a*) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;

(*b*) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(*c*) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV

Regulation of trade in specimens of species included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(*a*) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(*b*) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(*c*) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(*a*) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

(*b*) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(*a*) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

(*b*) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(*a*) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(*b*) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI

PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

5. A separate permit or certificate shall be required for each consignment of specimens.

6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII

EXEMPTIONS AND OTHER SPECIAL PROVISIONS RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs control.

2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:

(*a*) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

(*b*) in the case of specimens of species included in Appendix II:

(*i*) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred:

(*ii*) they are being imported into the owner's State of usual residence; and

(*iii*) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in

Appendix I artifically propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the noncommercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

(*a*) the exporter or importer registers full details of such specimens with that Management Authority;

(*b*) the specimens are in either of the categories specified in paragraphs 2 or 5 of this Article; and

(*c*) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII

MEASURES TO BE TAKEN BY THE PARTIES

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

(*a*) to penalize trade in, or possession of, such specimens, or both; and

(*b*) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

(*a*) the specimen shall be entrusted to a Management Authority of the State of confiscation;

(*b*) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and

(*c*) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

(*a*) the names and addresses of exporters and importers; and

(*b*) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

(*a*) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and

(*b*) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX

MANAGEMENT AND SCIENTIFIC AUTHORITIES

1. Each Party shall designate for the purposes of the present Convention:

(*a*) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and

(*b*) one or more Scientific Authorities.

2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.

4. Any Management Authority referred to in paragraph 2 of this Article shall if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X

TRADE WITH STATES NOT PARTY TO THE CONVENTION

Where export or re-export is to, or import is from, a State not a party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI

CONFERENCE OF THE PARTIES

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.

2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.

3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

(*a*) make such provision as may be necessary to enable the Secretariat to carry out its duties;

(*b*) consider and adopt amendments to Appendices I and II in accordance with Article XV;

(*c*) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;

(*d*) receive and consider any reports presented by the Secretariat or by any Party; and

(*e*) where appropriate, make recommendations for improving the effectiveness of the present Convention.

4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(*a*) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(*b*) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.

Article XII

THE SECRETARIAT

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

(*a*) to arrange for and service meetings of the Parties;

(*b*) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;

(*c*) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;

(*d*) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;

(*e*) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;

(*f*) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices.

(*g*) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;

(*h*) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;

(*i*) to perform any other function as may be entrusted to it by the Parties.

Article XIII

INTERNATIONAL MEASURES

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.

2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.

3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV

EFFECT ON DOMESTIC LEGISLATION AND INTERNATIONAL CONVENTIONS

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:

(*a*) stricter domestic measures regarding the conditions for trade, taking possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or

(*b*) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.

2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.

3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs control between the parties thereto insofar as they relate to trade among the States members of the union or agreement.

4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XV

AMENDMENTS TO APPENDICES I AND II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

(*a*) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

(*b*) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

(*c*) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

(*a*) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(*b*) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

(*c*) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(*d*) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(*e*) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(*f*) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(*g*) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.

(*h*) The Secretariat shal notify the Parties that notification of objection has been received.

(*i*) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(*j*) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(*k*) The Secretariat shall notify all Parties of the result of the vote.

(*l*) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (1) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Govern-

ment make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a party to the present Convention with respect to trade in the species concerned.

Article XVI

Appendix III and amendments thereto

1. Any party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of subparagraph (b) of Article I.

2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.

4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any new interpretations as they are adopted.

Article XVII

Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII

RESOLUTION OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX

SIGNATURE

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX

RATIFICATION, ACCEPTANCE, APPROVAL

The present Convention shall be open indefinitely for accession, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI

ACCESSION

The present Convention shall be open indefinitely for accession. In-Instruments of accession shall be deposited with the Depositary Government.

Article XXII

ENTRY INTO FORCE

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII

RESERVATIONS

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.

2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

(*a*) any species included in Appendix I, II or III; or

(*b*) any parts or derivatives specified in relation to a species included in Appendix III.

3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV

DENUNCIATION

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV

DEPOSITARY

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.

2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

APPENDIX I

Interpretation:

1. Species included in this Appendix are referred to:
   (*a*) by the name of the species; or
   (*b*) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only.
4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix II and that these populations, sub-species or species are excluded from Appendix I.
5. The symbol (−) followed by a number placed against the name of a special or higher taxon indicates the exclusion from that species or taxon of designated geographically separate population, sub-species or species as follows:
   −101 *Lemur catta*
   −102 Australian population
6. The symbol (+) followed by a number placed against the name of a species denotes that only a designated geographically separate population or sub-species of that species is included in this Appendix, as follows:
   +201 Italian population only
7. The symbol (≠) placed against the name of a species or higher taxon indicates that the species concerned are protected in accordance with the International Whaling Commission's schedule of 1972.

Fauna

MAMMALIA

Marsupialia:

Macropodidae	*Macropus parma*
	Onychogalea frenata
	O. lunata
	Lagorchestes hirsutus
	Lagostrophus fasciatus
	Caloprymnus campestris
	Bettongia penicillata
	B. lesueur
	B. tropica
Phalangeridae	*Wyulda squamicaudata*
Burramyidae	*Burramys parvus*
Vombatidae	*Lasiorhinus gillespiei*

MAMMALIA—continued

Marsupialia—Continued	
Peramelidae	*Perameles bougainville*
	Chaeropus ecaudatus
	Macrotis lagotis
	M. leucura
Dasyuridae	*Planigale tenuirostris*
	P. subtilissima
	Sminthopsis psammophila
	S. longicaudata
	Antechinomys laniger
	Myrmecobius fasciatus rufus
Thylacinidae	*Thylacinus cynocephalus*
Primates:	
Lemuridae	*Lemur* spp. *—101
	Lepilemur spp.
	Hapalemur spp.
	Allocebus spp.
	Cheirogaleus spp.
	Microcebus spp.
	Phaner spp.
Indriidae	*Indri* spp.
	Propithecus spp.
	Avahi spp.
Daubentoniidae	*Daubentonia madagascariensis*
Callithricidae	*Leontopithecus* (*Leontideus*) spp.
	Callimico goeldii
Cebidae	*Saimiri oerstedii*
	Chiropotes albinasus
	Cacajao spp.
	Alouatta palliata (*villosa*)
	Ateles geoffroyi frontatus
	A. g. panamensis
	Brachyteles arachnoides
Cercopithecidae	*Cercocebus galeritus galeritus*
	Macaca silenus
	Colobus badius rufomitratus
	C. b. kirkii
	Presbytis geei
	P. pileatus
	P. entellus
	Nasalis larvatus
	Simias concolor
	Pygathrix nemaeus
Hylobatidae	*Hylobates* spp.
	Symphalangus syndactylus
Pongidae	*Pongo pygmaeus pygamaeus*
	P. p. Abelii
	Gorilla gorilla

MAMMALIA—continued

Edentata:	
Dasypodidae	*Priodontes giganteus* (=*maximus*)
Pholidota:	
Manidae	*Manis temmincki*
Lagomorpha:	
Leporidae	*Romerolagus diazi*
	Caprolagus hispidus
Rodentia:	
Sciuridae	*Cynomys mexicanus*
Castoridae	*Castor fiber birulaia*
	Castor canadensis mexicanus
Muridae	*Zyzomys pedunculatus*
	Leporillus conditor
	Pseudomys novaehollandiae
	P. praeconis
	P. shortridgei
	P. fumeus
	P. occidentalis
	P. fieldi
	Notomys aquilo
	Xeromys myoides
Chinchillidae	*Chinchilla brevicaudata boliviana*
Cetacea:	
Plantanistidae	*Platanista gangetica*
Eschrichtidae	*Eschrichtius robustus* (*glaucus*) ≠
Balaenopteridae	*Balaenoptera musculus* ≠
	Megaptera novaeangliae ≠
Balaenidae	*Balaena mysticetus* ≠
	Eubalaena spp. ≠
Carnivora:	
Canidae	*Canis lupus monstrabilis*
	Vulpes velox hebes
Viverridae	*Prionodon pardicolor*
Ursidae	*Ursus americanus emmonsii*
	U. arctos pruinosus
	*U. arctos** +201
	U. a. nelsoni
Mustelidae	*Mustela nigripes*
	Lutra longicaudis (*platensis/annectens*)
	L. felina
	L. provocax
	Pteronura brasiliensis
	Aonyx microdon
	Enhydra lutris nereis
Hyaenidae	*Hyaena brunnea*

MAMMALIA—continued

Carnivoria—Continued	
Felidae	*Felis planiceps*
	F. nigripes
	F. concolor coryi
	F. c. costaricensis
	F. c. cougar
	F. temmincki
	Felis bengalensis bengalensis
	F. yagouaroundi cacomitli
	F. y. fossata
	F. y. panamensis
	F. y. tolteca
	F. pardalis mearnsi
	F. p. mitis
	F. wiedii nicaraguae
	F. w. salvinia
	F. tigrina oncilla
	F. marmorate
	F. jacobita
	F. (Lynx) rufa escuinapae
	Neofelis nebulosa
	*Panthera tigris**
	P. pardus
	P. uncia
	P. onca
	Acinonyx jubatus
Pinnipedia:	
Phocidae	*Monachus spp.*
	Mirounga angustirostris
Proboscidea:	
Elephantidae	*Elephas maximus*
Sirenia:	
Dugongidae	*Dugong dugon** —102
Trichechidae	*Trichechus manatus*
	T. inunguis
Perissodactyla:	
Equidae	*Equus przewalskii*
	E. hemionus hemionus
	E. h. khur
	E. zebra zebra
Tapiridae	*Tapirus pinchaque*
	T. bairdii
	T. indicus
Rhinocerotidae	*Rhinoceros unicornis*
	R. sondaicus
	Didermocerus sumatrensis
	Ceratotherium simum cottoni
Artiodactyia:	
Suidae	*Sus salvanius*
	Babyrousa babyrussa

MAMMALIA—continued

Artiodactyia—Continued	
Camelidae	*Vicugna vicugna*
	Camelus bactrianus
Cervidae	*Moschus moschiferus moschiferus*
	Axis (Hyelaphus) porcinus annamiticus
	A. (Hyelaphus) calamianensis
	A. (Hyelaphus) kuhlii
	Cervus duvauceli
	C. eldi
	C. elaphus hanglu
	Hippocamelus bisulcus
	H. antisensis
	Blastoceros dichotomus
	Ozotoceros bezoarticus
	Pudu pudu
Antilocapridae	*Antilocapra americana sonoriensis*
	A. a. peninsularis
Bovidae	*Bubalus (Anoa) mindorensis*
	B. (Anoa) depressicornis
	B. (Anoa) quarlesi
	Bos gaurus
	B. (grunniens) mutus
	Novibos (Bos) sauveli
	Bison bison athabascae
	Kobus leche
	Hippotragus niger variani
	Oryx leucoryx
	Damaliscus dorcas dorcas
	Saiga tatarica mongolica
	Nemorhaedus goral
	Capricornis sumatraensis
	Rupicapra rupicapra ornata
	Capra falconeri jerdoni
	C. f. megaceros
	C. f. chiltanensis
	Ovis orientalis ophion
	O. ammon hodgsoni
	O. vignei

AVES

Tinamiformes:	
Tinamidae	*Tinamus solitarius*
Podicipediformes:	
Podicipedidae	*Podilymbus gigas*
Procellariiformes:	
Diomedeidae	*Diomedea albatrus*
Pelecaniformes:	
Sulidae	*Sula abbotti*
Fregatidae	*Fregata andrewsi*

AVES—continued

Ciconiiformes:	
Ciconiidae	*Ciconia ciconia boyciana*
Threskiornithidae	*Nipponia nippon*
Anseriformes:	
Anatidae	*Anas aucklandica nesiotis*
	Anas oustaleti
	Anas laysanensis
	Anas diazi
	Cairina scutulata
	Rhodonessa caryophyllacea
	Branta canadensis leucopareia
	Branta sandvicensis
Falconiformes:	
Cathartidae	*Vultur gryphus*
	Gymnogyps californianus
Accipitridae	*Pithecophaga jefferyi*
	Harpia harpyja
	Haliaetus l. leucocephalus
	Haliaetus heliaca adalberti
	Haliaetus albicilla groenlandicus
Falconidae	*Falco peregrinus anatum*
	Falco peregrinus tundrius
	Falco peregrinus peregrinus
	Falco peregrinus babylonicus
Galliformes:	
Megapodiidae	*Macrocephalon maleo*
Cracidae	*Crax blumenbachii*
	Pipile p. pipile
	Pipile jacutinga
	Mitu mitu mitu
	Oreophasis derbianus
Tetraonidae	*Tympanuchus cupido attwateri*
Phasianidae	*Colinus virginianus ridgwayi*
	Tragopan blythii
	Tragopan caboti
	Tragopan melanocephalus
	Lophophorus sclateri
	Lophophorus lhuysii
	Lophophorus impejanus
	Crossoptilon mantchuricum
	Crossoptilon crossoptilon
	Lophura swinhoii
	Lophura imperialis
	Lophura edwardsii
	Syrmaticus ellioti
	Syrmaticus humiae
	Syrmaticus mikado
	Polyplectron emphanum
	Tetraogallus tibetanus
	Tetraogallus caspius
	Cyrtonyx montezumae merriami

AVES—continued

Gruiformes:	
Gruidae	*Grus japonensis*
	Grus leucogeranus
	Grus americana
	Grus canadensis pulla
	Grus canadensis nesiotes
	Grus nigricollis
	Grus vipio
	Grus monacha
Rallidae	*Tricholimnas sylvestris*
Rhynochetidae	*Rhynochetos jubatus*
Otididae	*Eupodotis bengalensis*
Charadriiformes:	
Scolopacidae	*Numenius borealis*
	Tringa guttifer
Laridae	*Larus relictus*
Columbiformes:	
Columbidae	*Ducula mindorensis*
Psittaciformes:	
Psittacidae	*Strigops habroptilus*
	Rhynchopsitta pachyrhyncha
	Amazona leucocephala
	Amazona vittata
	Amazona guildingii
	Amazona versicolor
	Amazona imperialis
	Amazona rhodocorytha
	Amazona petrei petrei
	Amazona vinacea
	Pyrrhura cruentata
	Anodorhynchus glaucus
	Anodorhynchus leari
	Cyanopsitta spixii
	Pionopsitta pileata
	Aratinga guaruba
	Psittacula krameri echo
	Psephotus pulcherrimus
	Psephotus chrysopterygius
	Neophema chrysogaster
	Neophema spendida
	Cyanoramphus novaezelandiae
	Cyanoramphus auriceps forbesi
	Geopsittacus occidentalis
	Psittacus erithacus princeps
Apodiformes:	
Trochilidae	*Ramphodon dohrnii*
Trogoniformes:	
Trogonidae	*Pharomachrus mocinno mocinno*
	Pharomachrus mocinno costaricensis
Strigiformes:	
Strigidae	*Otus gurneyi*

AVES—continued

Coraciiformes:	
Bucerotidae	*Rhinoplax vigil*
Piciformes:	
Picidae	*Dryocopus javensis richardsii*
	Campephilus imperialis
Passeriformes:	
Cotingidae	*Cotinga maculata*
	Xipholena atro-purpurea
Pittidae	*Pitta kochi*
Atrichornithidae	*Atrichornis clamosa*
Muscicapidae	*Picathartes gymnocephalus*
	Picathartes oreas
	Psophodes nigrogularis
	Amytornis goyderi
	Dasyornis brachypterus longirostris
	Dasyornis broadbenti littoralis
Sturnidae	*Leucopsar rothschildi*
Meliphagidae	*Meliphaga cassidix*
Zosteropidae	*Zosterops albogularis*
Fringillidae	*Spinus cucullatus*

AMPHIBIA

Urodela:	
Cryptobranchidae	*Andrias (=Megalobatrachus) davidianus japonicus*
	Andrias (=Megalobatrachus) davidianus davidianus
Salientia:	
Bufonidae	*Bufo superciliaris*
	Bufo periglenes
	Nectophrynoides spp.
Atelopodidae	*Atelopus varius zeteki*

REPTILIA

Crocodylia:	
Alligatoridae	*Alligator mississippiensis*
	Alligator sinensis
	Melanosuchus niger
	Caiman crocodilus apaporiensis
	Caiman latirostris
Crocodylidae	*Tomistoma schlegelii*
	Osteolaemus tetraspis tetraspis
	Osteolaemus tetraspis osborni
	Crocodylus cataphractus
	Crocodylus siamensis
	Crocodylus palustris palustris
	Crocodylus palustris kimbula
	Crocodylus novaeguineae mindorensis

REPTILIA—continued

Crocodylia—Continued	
Crocodylidae—Continued	
	Crocodylus intermedius
	Crocodylus rhombifer
	Crocodylus moreletii
	Crocodylus niloticus
Gavialidae	*Gavialis gangeticus*
Testudinata:	
Emydidae	*Bataqur baska*
	Geoclemmys (=*Damonia*) *hamiltonii*
	Geoemyda (=*Nicoria*) *tricarinata*
	Kachuga tecta tecta
	Morenia ocellata
	Terrapene coahuila
Testudinidae	*Geochelone* (=*Testudo*) *elephantopus*
	Geochelone (=*Testudo*) *geometrica*
	Geochelone (=*Testudo*) *radiata*
	Geochelone (=*Testudo*) *yniphora*
Cheloniidae	*Eretmochelys imbricata imbricata*
	Lepidochelys kempii
Trionychidae	*Lissemys punctata punctata*
	Trionyx ater
	Trionyx nigricans
	Trionyx gangeticus
	Trionyx hurum
Chelidae	*Pseudemydura umbrina*
Lacertilia:	
Varanidae	*Varanus komodoensis*
	Varanus flavescens
	Varanus begalensis
	Varanus griseus
Serpentes:	
Boidae	*Epicrates inornatus inornatus*
	Epicrates subflavus
	Python molurus molurus
Rhynchocephalia:	
Sphenodontidae	*Sphenodon punctatus*

PISCES

Acipenseriformes:	
Acipenseridae	*Acipenser brevirostrum*
	Acipenser oxyrhynchus
Osteoglossiformes:	
Osteoglossidae	*Scleropages formosus*

PISCES—continued

Salmoniformes:	
Salmonidae	*Coregonus alpenae*
Cypriniformes:	
Catostomidae	*Chasmistes cujus*
Cyprinidae	*Probarbus jullieni*
Siluriformes:	
Schilbeidae	*Pangasianodon gigas*
Perciformes:	
Percidae	*Stizostedion vitreum glaucum*

MOLLUSCA

Naiadoida:	
Unionidae	*Conradilla caelata*
	Dromus dromas
	Epioblasma (=Dysnomia) florentina curtisi
	Epioblasma (=Dysnomia) florentina florentina
	Epioblasma (=Dysnomia) sampsoni
	Epioblasma (=Dysnomia) sulcata perobliqua
	Epioblasma (=Dysnomia) torulosa gubernaculum
	Epioblasma (=Dysnomia) torulosa torulosa
	Epioblasma (=Dysnomia) turgidula
	Epioblasma (=Dysnomia) walkeri
	Fusconaia cuneolus
	Fusconaia edgariana
	Lampsilis higginsi
	Lampsilis orbiculata orbiculata
	Lampsilis satura
	Lampsilis virescens
	Plethobasis cicatricosus
	Plethobasis cooperianus
	Pleurobema plenum
	Potamilus (=Proptera) capax
	Quadrula intermedia
	Quadrula sparsa
	Toxolasma (=Carunculina) cylindrella
	Unio (Megalonais/?/) nicklíniana
	Unio (Lampsiliss/?/) tampicoensis tecomatensis
	Villosa (=Micromya) trabalis

Araceae	*Alocasia sanderiana*
	Alocasia zebrina
Caryocaraceae	*Caryocar costaricense*
Caryophyllaceae	*Gymnocarpos przewalskii*
	Melandrium mongolicum
	Silene mongolica
	Stellaria pulvinata
Cupressaceae	*Pilgerodendron uviferum*
Cycadaceae	*Encephalartos* spp.
	Microcycas calocoma
	Stangeria eriopus
Gentianaceae	*Prepusa hookeriana*
Humiriaceae	*Vantanea barbourii*
Juglandaceae	*Engelhardtia pterocarpa*
Leguminosae	*Ammopiptanthus mongolicum*
	Cynometra hemitomophylla
	Platymiscium pleiostachyum
Liliaceae	*Aloe albida*
	Aloe pillansii
	Aloe polyphylla
	Aloe thorncroftii
	Aloe vossii
	Aloe vossii
Melastomataceae	*Lavoisiera itambana*
Meliaceae	*Guarea longipetiola*
	Tachigalia versicolor
Moraceae	*Batocarpus costaricense*
Orchidaceae	*Cattleya jongheana*
	Cattleya skinneri
	Cattleya trianae
	Didiciea cunninghamii
	Laelia lobata
	Lycaste virginalis var. *alba*
	Peristeria elata
Pinaceae	*Abies guatamalensis*
	Abies nebrodensis
Podocarpaceae	*Podocarpus costalis*
	Podocarpus parlatorei
Proteaceae	*Orothamnus zeyheri*
	Protea odorata
Rubiaceae	*Balmea stormae*
Saxifragaceae (Grossulariaceae)	*Ribes sardoum*
Taxaceae	*Fitzroya cupressoides*
Ulmaceae	*Celtis aetnensis*
Welwitschiaceae	*Welwitschia bainesii*
Zingiberaceae	*Hedychium philippinense*

APPENDIX II

Interpretation:

1. Species included in this Appendix are referred to:
   (*a*) by the name of the species; or
   (*b*) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all the species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only.
4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix I and that these populations, sub-species or species are excluded from Appendix II.
5. The symbol (#) followed by a number placed against the name of a species or higher taxon designates parts or derivatives which are specified in relation thereto for the purposes of the present Convention as follows:
   #1 designates root
   #2 designates timber
   #3 designates timber
6. The symbol (—) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, sub-species, species or groups of species as follows:
   −101 Species which are not succulents
7. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, sub-species or species of that species or taxon are included in this Appendix as follows:
   +201 All North American sub-species
   +202 New Zealand species
   +203 All species of the family in the Americas
   +204 Australian population.

Fauna

MAMMALIA

Marsupialia:	
Macropodidae	*Dendrolagus inustus*
	Dendrolagus ursinus
Insectivora:	
Erinaceidae	*Erinaceus frontalis*

MAMMALIA—continued

Primates:	
Lemuridae	*Lemur catta**
Lorisidae	*Nycticebus coucang*
	Loris tardigradus
Cebidae	*Cebus capucinus*
Cercopithecidae	*Macaca sylvanus*
	Colobus badius gordonorum
	Colobus verus
	Rhinopithecus roxellanae
	Presbytis johnii
Pongidae	*Pan paniscus*
	Pan troglodytes
Edentata:	
Myrmecophagidae	*Myrmecophaga tridactyla*
	Tamandua tetradactyla chapadensis
Bradypodidae	*Bradypus boliviensis*
Pholidota:	
Manidae	*Manis crassicaudata*
	Manis pentadactyla
	Manis javanica
Lagomorpha:	
Leporidae	*Nesolagus netscheri*
Rodentia:	
Heteromyidae	*Dipodomys phillipsii phillipsii*
Sciuridae	*Ratufa* spp.
	Lariscus hosei
Castoridae	*Castor canadensis frondator*
	Castor canadensis repentinus
Cricetidae	*Ondatra zibethicus bernardi*
Carnivora:	
Canidae	*Canis lupus pallipes*
	Canis lupus irremotus
	Canis lupus crassodon
	Chrysocyon brachyurus
	Cuon alpinus
Ursidae	*Ursus (Thalarctos) maritimus*
	*Ursus arctos** +201
	Helarctos malayanus
Procyonidae	*Ailurus fulgens*
Mustelidae	*Martes americana atrata*
Viveridae	*Prionodon linsang*
	Cynogale bennetti
	Helogale derbianus
Felidae	*Felis yagouaroundi**
	Felis colocolo pajeros
	Felis colocolo crespoi
	Felis colocolo budini
	Felis concolor missoulensis
	Felis concolor mayensis
	Felis concolor azteca
	Felis serval

MAMMALIA—continued

Carnivora—Continued	
Felidae—Continued	
	Felis lynx isabellina
	*Felis wiedii**
	*Felis pardalis**
	*Felis tigrina**
	Felis (=*Caracal*) *caracal*
	Panthera leo persica
	Panthera tigris altaica (=*amurensis*)
Pinnipedia:	
Otariidae	*Arctocephalus australis*
	Arctocephalus galapagoensis
	Arctocephalus philippii
	Arctocephalus townsendi
Phocidae	*Mirounga australis*
	Mirounga leonina
Tubulidentata:	
Orycteropidae	*Orycteropus afer*
Sirenia:	
Dugongidae	*Dugong dugon** +204
Trichechidae	*Trichechus senegalensis*
Perissodactyla:	
Equidae	*Equus hemionus**
Tapiridae	*Tapirus terrestris*
Rhinocerotidae	*Diceros bicornis*
Artiodactyla:	
Hippopotamidae	*Choeropsis liberiensis*
Cervidae	*Cervus elaphus bactrianus*
	Pudu mephistophiles
Antilocapridae	*Antilocapra americana mexicana*
Bovidae	*Cephalophus monticola*
	Oryx (tao) dammah
	Addax nasomaculatus
	Pantholops hodgsoni
	*Capra falconeri**
	*Ovis ammon**
	Ovis canadensis

AVES

Sphenisciformes:	
Spheniscidae	*Spheniscus demersus*
Rheiformes:	
Rheidae	*Rhea americana albescens*
	Pterocnemia pennata pennata
	Pterocnemia pennata garleppi
Tinamiformes:	
Tinamidae	*Rhynchotus rufescens rufescens*
	Rhynchotus rufescens pallescens
	Rhynchotus rufescens maculicollis

AVES—continued

Ciconiiformes:	
Ciconiidae	*Ciconia nigra*
Threskiornithidae	*Geronticus calvus*
	Platalea leucorodia
Phoenicopteridae	*Phoenicopterus ruber chilensis*
	Phoenicoparrus andinus
	Phoenicoparrus jamesi
Pelecaniformes:	
Pelecanidae	*Pelecanus crispus*
Anseriformes:	
Anatidae	*Anas aucklandica aucklandica*
	Anas aucklandica chlorotis
	Anas bernieri
	Dendrocygna arborea
	Sarkidiornis melanotos
	Anser albifrons gambelli
	Cygnus bewickii jankowskii
	Cygnus melancoryphus
	Coscoroba coscoroba
	Branta ruficollis
Falconiformes:	
Accipitridae	*Gypactus barbatus meridionalis*
	Aquila chrysaetos
Falconidae	Spp.*
Galliformes:	
Megapodiidae	*Megapodius freycinet nicobariensis*
	Megapodius freycinet abbotti
Tetraonidae	*Tympanuchus cupido pinnatus*
Phasianidae	*Francolinus ochropectus*
	Francolinus swierstrai
	Catreus wallichii
	Polyplectron malacense
	Polyplectron germaini
	Polyplectron bicalcaratum
	Gallus sonneratii
	Argusianus argus
	Ithaginus cruentus
	Cyrtonyx montezumae montezumae
	Cyrtonyx monezumae mearnsi
Gruiformes:	
Gruidae	*Balearica regulorum*
	Grus canadensis pratensis
Rallidae	*Gallirallus australis hectori*
Otididae	*Chlamydotis undulata*
	Choriotis nigriceps
	Otis tarda
Charadriiformes:	
Scolopacidae	*Numenius tenuirostris*
	Numenius minutus
Laridae	*Larus brunneicephalus*

AVES—continued

Columbiformes:	
Columbidae	*Gallicolumba luzonica*
	Goura cristata
	Goura scheepmakeri
	Goura victoria
	Caloenas nicobarica pelewensis
Psittaciformes:	
Psittacidae	*Coracopsis nigra barklyi*
	Prosopeia personata
	Eunymphicus cornutus
	Cyanoramphus unicolor
	Cyanoramphus novaezelandiae
	Cyanoramphus malherbi
	Poicephalus robustus
	Tanygnathus luzoniensis
	Probosciger aterrimus
Cuculiformes:	
Musophagidae	*Turaco corythaix*
	Gallirex porphyreolophus
Strigiformes:	
Strigidae	*Otus nudipes newtoni*
Coraciiformes:	
Bucerotidae	*Buceros rhinoceros rhinoceros*
	Buceros bicornis
	Buceros hydrocorax hydrocorax
	Aceros narcondami
Piciformes:	
Picidae	*Picus squamatus flavirostris*
Passeriformes:	
Cotingidae	*Rupicola rupicola*
	Rupicola peruviana
Pittidae	*Pitta brachyura nympha*
Hirundinidae	*Pseudochelidon sirintarae*
Paradisaeidae	Spp.
Muscicapidae	*Muscicapa ruecki*
Fringillidae	*Spinus yarrellii*

AMPHIBIA

Urodela:	
Ambystomidae	*Ambystoma mexicanum*
	Ambystoma dumerillii
	Ambystoma lermaensis
Salientia:	
Bufonidae	*Bufo retiformis*

REPTILIA

Crocodylia:	
Alligatoridae	*Caiman crocodilus crocodilus*
	Caiman crocodilus yacare
	Caiman crocodilus fuscus (*chiapasius*)
	Paleosuchus palperbrosus
	Paleosuchus trigonatus
Crodocylus johnsoni	Crocodylidae
	Crocodylus novaeguineae novaeguineae
	Crocodylus porosus
	Crocodylus acutus
Testudinata:	
Emydidae	*Clemmys muhlenbergi*
Testudinidae	*Chersine* spp.
	Geochelone spp.*
	Gopherus spp.
	Homopus spp.
	Kinixys spp.
	Malacochersus spp.
	Pyxis spp.
	Testudo spp.*
Cheloniidae	*Caretta caretta*
	Chelonia mydas
	Chelonia depressa
	Eretmochelys imbricata bissa
	Lepidochelys olivacea
Dermochelidae	*Dermochelys coriacea*
Pelomedusidae	*Podocnemis* spp.
Lacertilia:	
Teiidae	*Cnemidophorus hyperythrus*
Iguanidae	*Conolophus pallidus*
	Cololophus subcristatus
	Amblyrhynchus cristatus
	Phrynosoma coronatum blainvillei
Helodermatidae	*Heloderma suspectum*
	Heloderma horridum
Varanidae	*Varanus* spp.*
Serpentes:	
Boidae	*Epicrates cenchris cenchris*
	Eunectes notaeus
	Constrictor constrictor
	Python spp.*

REPTILIA—continued

Serpentes—Continued	
Colubridae	*Cyclagras gigas*
	Pseudoboa cloelia
	Elachistodon westermanni
	Thamnophis elegans hammondi

PISCES

Acipenseriformes:	
Acipenseridae	*Acipenser fulvescens*
	Acipenser sturio
Osteoglossiformes:	
Osteoglossidae	*Arapaima gigas*
Salmoniformes:	
Salmonidae	*Stenodus leucichthys leucichthys*
	Salmo chrysogaster
Cypriniformes:	
Cyprinidae	*Plagopterus argentissimus*
	Ptychocheilus lucius
Atheriniformes:	
Cyprinodontidae	*Cynolebias constanciae*
	Cynolebias marmoratus
	Cynolebias minimus
	Cynolebias opalescens
	Cynolebias splendens
Poeciliidae	*Xiphophorus couchianus*
Coelacanthiformes:	
Coelacanthidae	*Latimeria chalumnae*
Ceratodiformes:	
Ceratodidae	*Neoceratodus forsteri*

MOLLUSCA

Naiadoida:	
Unionidae	*Cyprogenia aberti*
	Epioblasma (=*Dysnomia*) *torulosa rangiana*
	Fusconaia subrotunda
	Lampsilis brevicula
	Lexingtonia dolabelloides
	Pleorobema clava
Stylommatophora:	
Camaenidae	*Papustyla* (=*Papuina*) *pulcherrima*
Paraphantidae	*Paraphanta* spp. +202
Prosobranchia:	
Hydrobiidae	*Coahuilix hubbsi*
	Cochliopina milleri
	Durangonella coahuilae
	Mexipyrgus carranzae
	Mexipyrgus churinceanus
	Mexipyrgus escobedae
	Mexipyrgus lugoi
	Mexipyrgus mojarralis

MOLLUSCA—continued

Prosobranchia—Continued	
Hydrobiidal	
	Mexipyrgus multilineatus
	Mexithauma quadripaludium
	Nymphophilus minckleyi
	Paludiscala caramba

INSECTA

Lepidoptera:	
Papilionidae	*Parnassius apollo apollo*

FLORA

Apocynaceae	*Pachypodium* spp.
Araliaceae	*Panax quinquefolium* #1
Araucariaceae	*Araucaria araucana* #2
Cactaceae	Cactaceae spp. +203
	Rhipsalis spp.
Compositae	*Saussurea lappa* #1
Cyatheaceae	*Cyathea (Hemitella) capensis* #3
	Cyathea dredgei #3
	Cyathea mexicana #3
	Cyathea (Alsophila) salvinii #3
Dioscoreaceae	*Dioscorea deltoidea* #1
Euphorbiaceae	*Euphorbia* spp. −101
Fagaceae	*Quercus copeyensis* #2
Leguminosae	*Thermopsis mongolica*
Liliaceae	*Aloe* spp.*
Meliaceae	*Swietenia humilis* #2
Orchidaceae	Spp.*
Palmae	*Arenga ipot*
	Phoenix hanceana var. *philippinensis*
	Zalacca clemensiana
Portulacaceae	*Anacampseros* spp.
Primulaceae	*Cyclamen* spp.
Solanaceae	*Solanum sylvestris*
Sterculiaceae	*Basiloxylon excelsum* #2
Verbenaceae	*Caryopteris mongolica*
Zygophyllaceae	*Guaiacum sanctum* #2

APPENDIX IV

Convention on International Trade in Endangered Species of Wild Fauna and Flora

EXPORT PERMIT NO. ——

Exporting Country: *Valid Until:*
(Date)

This permit is issued to: ----------
address: ----------
who declares that he is aware of the provisions of the Convention, for the purpose of exporting: ----------

(specimen(s), or part(s) or derivative(s) of specimen(s))[1]

of a species listed in
Appendix I)
Appendix II)[2]
Appendix III of the Convention as specified below.)
(bred in captivity or cultivated in ----------)[2]
This (these) specimen(s) is (are) consigned to: ----------
address: ---------- country: ----------
----
at ---------- on ----------

(signature of the applicant for the permit)
at ---------- on ----------

(stamp and signature of the Management Authority issuing the export permit)

Description of the specimen(s) or part(s) or derivative(s) of specimen(s), including any mark(s) affixed

Species (scientific and common name)	Living specimens				Parts or derivatives		
	Number	Sex	Size (or volume)	Mark (if any)	Quantity	Type of goods	Mark (if any)

Note: Stamps of the authorities inspecting:
(a) On exportation.
(b) On importation. (This stamp voids this permit for further trade purposes, and this permit shall be surrendered to the Management Authority.)

[1] Indicate the type of product.
[2] Delete if not applicable.

4. CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITATS, FEBRUARY 3, 1971. *Not in Force**

Done at Ramsar, Iran, February 3, 1971

Final Act of the International Conference on the Conservation of Wetlands and Waterfowl held at Ramsar, Iran, 30 January to 3 February, 1971

1. The Imperial Government of Iran, in accordance with recommendations of earlier international meetings on wetlands and waterfowl conservation, convened an International Conference on the Conservation of Wetlands and Waterfowl, with a view to promoting international collaboration in this field.

2. The Conference met at Ramsar, Iran, from 30 January to 3 February 1971.

3. Credentials were received by the Secretariat of the Conference from the Governments of the following States—

Belgium
Denmark
Finland
France
Federal Republic of Germany
India
Iran
Ireland
Jordan
The Netherlands
Pakistan
South Africa
Spain
Sweden
Switzerland
Turkey
Union of Soviet Socialist Republics
United Kindom

4. The Governments of the following countries sent Observers to the Conference:

Bulgaria
Greece
Hungary
Italy
Rumania

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*[Reproduced from the Final Act of the International Conference on the Conservation of Wetlands and Waterfowl, held at Ramsar, Iran, January 30 to February 3, 1971. The text of the Convention appears as Annex I of the Final Act, at I.L.M. page 969; Annex II of the Final Act has not been reproduced.

[As of September 15, 1972, the Convention had not been opened for signature. Recommendation 99(1)(b) of the United Nations Conference on the Human Environment, held at Stockholm, June 5–16, recommended that Governments should "whenever appropriate, sign the Convention on Conservation of Wetlands of International Importance".]

**Source:* International Legal Materials, vol. 11, No. 5, September 1972: 963–976.

Ratified by: Finland (with List and Map), as of Dec. 31, 1974 (Entry into force requires ratification by 7 nations).

5. The following Specialized Agencies of the United Nations sent Observers to the Conference:

Food and Agricultural Organization (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)

6. The following Non-Governmental Organizations sent Observers to the Conference:

Counseil International de la Chasse (CIC)
International Council for Bird Preservation (ICBP)
International Union for Conservation of Nature and Natural Resources (IUCN)
International Wildfowl Research Bureau (IWRB)
Special Committee for the International Biological Programme of the International Council of Scientific Unions (IBP)
World Wildlife Fund (WWF)

7. The Conference elected Mr. E. Firouz, Head of the Imperial Iranian Delegation, as President of the Conference.

8. The Conference elected as Vice-Presidents, Dr. V. D. Denisov, Head of the Delegation of the Union of Soviet Socialist Republics, and Prof. Dr. M. F. Mörzer Bruyns, Head of the Delegation of the Kingdom of the Netherlands.

9. The Iranian Game and Fish Department and the International Wildfowl Research Bureau (IWRB) provided the Secretariat of the Conference. Prof. G. V. T. Matthews, Director of IWRB, was appointed Rapporteur-General of the Conference.

10. The following Committees were established by the Conference:—

Credentials Committee

Mr. S. A. Hejmadi (India)
Mr. A. Dakhgan (Jordan)
Dr. L. E. Esping (Sweden) (acting as Rapporteur)
Dr. A. Schifferli (Switzerland)

Drafting Committee

Count Cornet d'Elzius (Belgium)
Dr. W. Erz (Federal Republic of Germany)
Dr. M. Nabavi (Iran)
Dr. E. J. Ph. Roberts (The Netherlands)
Prof. Yu. Isakov (USSR)
Rapporteurs. Sir Hugh Elliott (IBP); Mr. F. G. Nicholls (IUCN)

11. The Conference was deeply impressed by the decision included in the Message sent to it by H. I. M. Mohammad Reza Pahlavi, Aryamehr, Shahanshah of Iran, that the Imperial Iranian Government would place one of its wetland ecosystems of special global significance in joint trust with a suitable international agency, such as the United Nations Organization, to conserve and administer for all mankind. The Conference commended this most important precedent to other Governments.

12. The Government of Iran in convening the Conference referred to it the draft of a Convention on Wetlands of International Importance, especially as Waterfowl Habitat, which had resulted from an international meeting of experts held at Espoo, Finland, in March

1970. This draft, together with comments of Governments concerning it, constituted the basis for discussion by the Conference.

13. On the basis of its deliberations, as recorded in the summary records of its sessions, the Conference prepared and adopted in accordance with its rules of procedure a final text of the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, which is appended as Annex I to this Final Act.

14. In the course of discussions on the draft Convention, the Conference agreed that whilst the final text of the Convention does not include an article concerning territorial application, this will not preclude Parties to the Convention indicating at any time to which territories constitutionally associated with them, the Convention shall apply.

15. In approving the final text of the Convention, the Head of the Delegation of the Union of Soviet Socialist Republics abstained from approving Article 9 because it contained the provisions that only members of the United Nations, the Specialized Agencies, the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to the Convention. His Delegation believed that all countries should have the right to become Parties to the Convention, since this would contribute to the cause of conservation of wetlands and waterfowl, and he noted that birds recognized no boundaries. He expressed the hope that those views will be taken into consideration by governments at the time the Convention is opened for signature.

16. The Representative of UNESCO stated that UNESCO was willing to accept the duties of Depository as specified in the final text of the Convention, subject to final legal clearance by the Organization and subsequent notification of its acceptance to the Imperial Government of Iran.

17. The Representative of IUCN stated that he was authorized to accept on behalf of IUCN the bureau duties specified in the final text of the Convention.

18. The Conference invited the Imperial Government of Iran to take the necessary steps to prepare the final document containing the English, French, German and Russian texts of the Convention and, after submission for verification to the Governments represented at this Conference, to open the Convention for signature at a convenient date.

19. During the course of discussion of the draft Convention the Conference decided to note the following points:

(a) The waterfowl referred to in the Convention include the following groups of birds:

Gaviiformes (Divers)
Podicipediformes (Grebes)
Pelicaniformes (Pelicans, Cormorants, Darters)
Ciconiiformes (Herons, Bitterns, Storks, Ibises, Flamingos)
Anseriformes (Screamers, Swans, Geese, Ducks)
Gruiformes (Cranes)
Ralliformes (Coots, Rails)
Charadriiformes (Waders, Gulls, Terns)

(b) The entries in the List of Wetlands of International Importance which is to be maintained under the Convention could usefully be supplemented by descriptions of the biotopes involved and an enumeration of the bird species especially in need of protection therein.

20. The Conference adopted eleven Recommendations which are submitted to the Governments and other Bodies concerned for consideration and appropriate action. Although in sympathy with the intention of Recommendations 1 to 5, Delegates from some countries refrained from voting on them for the formal reason that they did not wish to be involved in the internal affairs of the countries concerned. These Recommendations are appended as Annex II to this Final Act and relate to:

(1) Conservation of the Waddensea, northwestern Europe.
(2) Conservation of Thjorsarver, Iceland.
(3) Conservation of North Bull Island, Ireland.
(4) Conservation of Lakes Ab-i-Istada and Dasht-e-Nawar, Afghanistan.
(5) Conservation of the Medway Estuary, England.
(6) Oil Pollution.
(7) Pesticides.
(8) Promotion of Wetlands Research.
(9) Promotion of Hunting Research.
(10) African Wetlands.
(11) Wetlands and the Man and the Biosphere Programme.

In witness whereof, the Representatives have signed this Final Act.

Done at Ramsar this third day of February, One thousand nine hundred and seventy one, in a single copy in the English language.

The original text of this Final Act shall be deposited by the Government of Iran with the Director General of the United Nations Educational, Scientific and Cultural Organization who shall send a certified copy of this instrument to each of the Governments represented at the Conference.

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

The Contracting Parties,

Recognising the interdependence of Man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognising that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

Article 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters.

2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List", which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitats.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

Article 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely

to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

Article 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

Article 5

The Contracting Parties shall consult with each other about implementing obligations arising from this Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

Article 6

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. These Conferences shall have an advisory character and shall be competent inter alia:

(a) to discuss the implementation of this Convention;

(b) to discuss additions to and changes in the List;

(c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;

(e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take

into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

ARTICLE 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

ARTICLE 8

1. The International Union for the Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

(a) to assist in the convening and organizing of Conferences specified in Article 6;

(b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, deletions or restrictions concerning wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

(e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

ARTICLE 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or Party to the Statute of the International Court of Justice may become a party to this Convention by:

(a) signature without reservation as to ratification;

(b) signature subject to ratification followed by ratification;

(c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depository").

ARTICLE 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with Paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

ARTICLE 11

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

ARTICLE 12

1. The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:

(a) signatures to this Convention;
(b) deposits of instruments of ratification of this Convention;
(c) deposits of instruments of accession to this Convention;
(d) the date of entry into force of this Convention;
(e) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at _____ this _____ day of _____ 19____, in a single original in the English, French, German and Russian languages, in any case of divergency the English text prevailing, which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

C. FISHERIES

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C. FISHERIES

1. INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES, FEBRUARY 8, 1949*

Done at Washington, February 8, 1949; Ratification advised by the Senate August 17, 1949; Ratified by the President September 1, 1949; Ratification deposited September 1, 1949; Proclaimed by the President July 17, 1950; Entered into force July 3, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the International Convention for the Northwest Atlantic Fisheries was signed at Washington under date of February 8, 1949 by the respective plenipotentiaries of the Governments of the United States of America, Canada, Denmark, France (with a reservation), Iceland, Italy, Newfoundland, Norway, Portugal, Spain (with a reservation), and the United Kingdom of Great Britain and Northern Ireland;

WHEREAS the text of the said Convention, in the English language, is word for word as follows:

International Convention for the Northwest Atlantic Fisheries

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along west coast of Green-

*Citation: 1 UST 477; TIAS 2089.

States which are parties: Bulgaria, Canada, Denmark, France (with reservation), German Democratic Rep., Germany, Fed. Rep. (applicable to Land Berlin), Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain (with reservation), Union of Soviet Socialist Reps., United Kingdom, United States.

Implementing legislation: Northwest Atlantic Fisheries Act of 1950, as amended; Public Law 81–845 [S. 2801], 64 Stat. 1067, approved September 27, 1950, as amended by Public Law 90–420 [S. 1260], 82 Stat. 419, approved July 24, 1968; Public Law 92–87 [H.R. 9181], 85 Stat. 310, approved August 11, 1971; and Public Law 93–339 [H.R. 14291], 88 Stat. 293, approved July 10, 1974.

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land to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

Article II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter refered to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

Article III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

Article IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for reelection but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flat-fishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

Article V

1. Each Contracing Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracing Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracing Government may hold public hearings within the territories they represent.

Article VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1(b) of this Article.

Article VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

Article VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:

(a) establishing open and closed seasons;

(b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;

(c) establishing size limits for any species;

(d) prescribing the fishing gear and appliances the use of which is prohibited;

(e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

(a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or

(b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

ARTICLE IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

ARTICLE X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of he United Nations.

ARTICLE XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission puruant to Article VI or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall

be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an adminstrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

Article XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

Article XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which apear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

Article XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

Article XV

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, [1] and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

Article XVI

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depository Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

Article XVII

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. 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, having deposited their respective full powers, have signed this Convention.

Done in Washington this eighth day of February 1949 in the English language.

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00′ north latitude

[1] July 3, 1950.

and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15′ north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) *Sub-area 1*—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) *Sub-area 2*—Denmark, France, Italy, Newfoundland;

(c) *Sub-area 3*—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) *Sub-area 4*—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) *Sub-area 5*—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

* * * * * * *

WHEREAS the Senate of the United States of America by their Resolution of August 17, 1949, two-thirds of the Senators present con-

curring therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on September 1, 1949, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XV of the said Convention that the Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments;

WHEREAS instruments of ratification of the said Convention have been deposited with the Government of the United States of America by the Governments of the following states, namely: the United States of America on September 1, 1949; the United Kingdom of Great Britain and Northern Ireland on December 15, 1949; Iceland on February 13, 1950; and Canada on July 3, 1950, with the following observation: "That ratification by Canada of the Convention extends to Newfoundland, and that any claims Canada may have in regard to the limits of territorial waters or to the jurisdiction over fisheries, particularly as a result of the entry of Newfoundland into Confederation, will not be prejudiced";

WHEREAS, pursuant to the aforesaid provision of Article XV of the said Convention, the Convention entered into force on July 3, 1950;

NOW, THEREFORE, be it known that I, Harry S Truman, President of the United States of America, do hereby proclaim and make public the said International Convention for the Northwest Atlantic Fisheries to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after July 3, 1950, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventeenth day of July in the year of our Lord one thousand nine hundred fifty and of the Independence of the United States of American the one hundred seventy-fifth.

[SEAL]

HARRY S TRUMAN

By the President:

DEAN ACHESON
Secretary of State

a. Protocol to the International Convention for the Northwest Atlantic Fisheries, June 25, 1956*

Done at Washington June 25, 1956; Ratification advised by the Senate May 13, 1957; Ratified by the President May 22, 1957; Ratification deposited May 22, 1957; Proclaimed by the President February 3, 1959; Entered into force January 10, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949 was signed at Washington under date of June 25, 1956 for the United States of America and nine other Governments;

WHEREAS the text of the said protocol, in the English language, is word for word as follows:

Protocol to the International Convention for the Northwest Atlantic Fisheries Signed at Washington Under Date of February 8, 1949

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, [1] which Convention is hereinafter referred to as the 1949 Convention, desiring to provide for the holding of annual meetings of the Commission outside North America, agree as follows:

ARTICLE I

Paragraph 5 of Article II of the 1949 Convention is amended to read as follows:

"5: The Commission shall hold a regular annual meeting at its seat or at such other place in North America or elsewhere as may be agreed upon by the Commission."

ARTICLE II

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government Party to the 1949 Convention.

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*Citation: 10 UST 59; TIAS 4170.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep., Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

[1] TIAS 2089; 1 UST 477.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the 1949 Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1949 Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

ARTICLE III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the 1949 Convention.

2. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE in Washington this twenty-fifth day of June 1956 in the English language.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 13, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on May 22, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article II of the said protocol that the protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949;

WHEREAS instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Governments parties to the aforesaid 1949 Convention, namely: Denmark and Iceland on November 23, 1956; Portugal on January 17, 1957; Canada on March 27, 1957; the United Kingdom of Great Britain and Northern Ireland on April 2, 1957; Spain on May 2, 1957; Norway on May 15, 1957; the United States of America on May 22, 1957; Italy on June 7, 1957; the Federal Republic of Germany on June 27, 1957; the Union of Soviet Socialistic Republics on August 11, 1958; and France on January 10, 1959;

WHEREAS, pursuant to the aforesaid provision of Article II of the said protocol, the protocol entered into force on January 10, 1959;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and

make public the said protocol to the International Convention for the Northwest Atlantic Fisheries to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after January 10, 1959, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this third day of February in the year of our Lord one thousand nine hundred fifty-
[SEAL] nine and of the Independence of the United States of America the one hundred eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON
Acting Secretary of State

b. Declaration of Understanding Regarding the International Convention for the Northwest Atlantic Fisheries, April 24, 1961*

Signed at Washington, with reservation as to acceptance, April 24, 1961; Acceptance advised by the Senate January 31, 1962; Accepted by the President and notification of acceptance given on February 9, 1962; Proclaimed by the President June 20, 1963; Entered into force June 5, 1963.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Declaration of Understanding Regarding the International Convention for the Northwest Atlantic Fisheries was signed at Washington under date of April 24, 1961 for the United States of America "with reservation as to acceptance" and for nine other Governments;

WHEREAS the text of the said Declaration of Understanding, in the English language, is word for word as follows:

DECLARATION OF UNDERSTANDING REGARDING THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

1. The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949,[1] which Convention is hereinafter referred to as the Convention, hereby declare their understanding that the words "fish", "fishes", "fishery", "fisheries", and "fishing" as they appear in the Convention include and apply to mollusks, as well as finny fish.

2. Governments parties to the Convention may become parties to the present Declaration by:

(a) Signature without reservation as to acceptance;

(b) Signature with reservation as to acceptance, followed by acceptance; or

(c) Acceptance.

3. Acceptance shall be effected by written notification to the Government of the United States of America.

4. This Declaration shall enter into force on the date upon which all the Governments parties to the Convention have become parties to this Declaration. Any Government becoming a party to the Con-

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*Citation: 14 UST 924; TIAS 5380.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep., Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

[1] TIAS 2089; 1 UST 477.

vention after this Declaration enters into force shall accept this Declaration, such acceptance to be effective on the same date that such Government becomes a party to the Convention.

5. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all signatures and acceptances of this Declaration and of the date upon which this Declaration enters into force.

6. The original of this Declaration shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

7. This Declaration shall bear the date on which it is opened for signature and shall remain open for signature or acceptance for a period of fourteen days thereafter, following which period it shall remain open for acceptance.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Declaration.

DONE at Washington this twenty-fourth day of April 1961, in the English language.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of January 31, 1962, two-thirds of the Senators present concurring therein, did advise and consent to the acceptance of the said Declaration of Understanding;

WHEREAS the said Declaration of Understanding was duly accepted by the President of the United States of America on February 9, 1962, in pursuance of the said advice and consent of the Senate;

WHEREAS it is provided in paragraph 4 of the said Declaration of Understanding that it shall enter into force on the date upon which all the Governments parties to the International Convention for the Northwest Atlantic Fisheries have become parties to the Declaration of Understanding;

WHEREAS paragraph 2 of the said Declaration of Understanding provides that Governments parties to the said Convention may become parties to the Declaration of Understanding by: (a) signature without reservation as to acceptance; (b) signature with reservation as to acceptance, followed by acceptance; or (c) acceptance;

WHEREAS all the Governments parties to the said Convention have taken action required by the aforementioned paragraph 2 to become parties to the said Declaration of Understanding as follows: the Declaration of Understanding was signed without reservation as to acceptance on behalf of Denmark and the United Kingdom of Great Britain and Northern Ireland on May 2, 1961, France and Spain on May 5, 1961, the Federal Republic of Germany, Iceland, Norway, Portugal, and the Union of Soviet Socialist Republics on May 8, 1961; the Declaration of Understanding was signed with reservation as to acceptance on April 24, 1961 and accepted on February 9, 1962 on behalf of the United States of America; and the Declaration of Understanding was accepted on behalf of the following non-signatory Governments: Italy on September 14, 1961, Canada on September 15, 1961, and Poland on June 5, 1963;

WHEREAS, pursuant to the aforesaid provision of paragraph 4 of the Declaration of Understanding, the Declaration of Understanding entered into force on June 5, 1963;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said Declaration to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 5, 1963, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of June in the year of our Lord one thousand nine hundred sixty-three and of the Independence of the United States of America the one hundred eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State

c. Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Harp and Hood Seals, July 15, 1963*

Done at Washington July 15, 1963; Ratification advised by the Senate June 23, 1964; Ratified by the President July 13, 1964; Ratification deposited July 13, 1964; Proclaimed by the President May 23, 1966; Entered into force April 29, 1966.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949[1] was signed at Washington under date of July 15, 1963 for the United States of America and eleven other Governments;

WHEREAS the text of the said protocol, in the English language, is word for word as follows:

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended,[1] is hereinafter referred to as the Convention, desiring to extend the provisions of the Convention to harp and hood seals, agree as follows:

ARTICLE I

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals

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*Citation: 17 UST 635; TIAS 6011.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep., Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

[1] TIAS 2089, 4170, 5380; 1 UST 477; 10 UST 59; 14 UST 924.

in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

Article III

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depositary Government from all the Contracting Governments participating in the Panel for harp and hood seals.

Article IV

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

Article V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this fifteenth day of July, 1963 in the English language.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of June 23, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on July 13, 1964, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article IV of the said protocol that the protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949;

WHEREAS instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Governments parties to the aforesaid 1949 Convention, namely: Norway on December 3, 1963; Canada on January 23, 1964; Iceland on March 23, 1964; Union of Soviet Socialist Republics on April 13, 1964; the United Kingdom of Great Britain and Northern Ireland on May 8, 1964; the United States of America on July 13, 1964; France on July 21, 1964; Denmark on July 27, 1964; Spain on August 17, 1964; Portugal on October 2, 1964; the Federal Republic of Germany on May 26, 1965; Poland on January 5, 1966; and Italy on April 29, 1966;

WHEREAS pursuant to the aforesaid provision of Article IV of the said protocol, the protocol entered into force on April 29, 1966;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said protocol to the International Convention for the Northwest Atlantic Fisheries to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after April 29, 1966, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of May in the year of our Lord one thousand nine hundred sixty-six and of the Independence of the United States of America the one hundred ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:
DEAN RUSK
Secretary of State

d. Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, November 29, 1965*

Done at Washington November 29, 1965; Ratification advised by the Senate July 19, 1966, Ratified by the President August 16, 1966; Ratification deposited August 16, 1966; Proclaimed by the President February 4, 1970; Entered into force December 19, 1969.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission was signed at Washington under date of November 29, 1965 for the United States of America and twelve other Governments;

WHEREAS the text of the Protocol, in the English language, is word for word as follows:

Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended,[1] is hereinafter referred to as the Convention, desiring to facilitate the entry into force of proposals adopted by the Commission, agree as follows:

ARTICLE I

Paragraphs 7 and 8 of Article VIII of the Convention shall be amended to read as follows:

"7. (a) Each proposal made by the Commission under paragraphs 1 or 5 of this Article shall become effective for all Contracting Governments six months after the date on the notification from the Depositary Government transmitting the proposal to the Contracting Governments, except as otherwise provided herein.

"(b) If any Contracting Government participating in the Panel or Panels for the sub-area or sub-areas to which a proposal applies, or

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*Citation: 21 UST 567; TIAS 6840.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep. (with statement), Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

[1] TIAS 2089, 4170, 5380, 6011; 1 UST 477; 10 UST 59; 14 UST 924; 17 UST 635.

any Contracting Government in the case of a proposal made under paragraph 5 above, presents to the Depositary Government objection to any proposal within six months of the date on the notification of the proposal by the Depositary Government, the proposal shall not become effective for any Government for an additional sixty days. Thereupon any other Contracting Government participating in the Panel or Panels concerned, or any other Contracting Government in the case of a proposal made under paragraph 5 above, may similarly object prior to the expiration of the additional sixty-day period, or within thirty days after receiving notice of an objection by another Contracting Government made within such additional sixty days, whichever date shall be the later. The proposal shall become effective for all Contracting Governments except those Governments which have presented objections, at the end of the extended period or periods for objecting. If, however, objections have been presented by a majority of Contracting Governments participating in the Panel or Panels concerned, or by a majority of all Contracting Governments in the case of a proposal made under paragraph 5, the proposal shall not become effective unless any or all of the Contracting Governments nevertheless agree as among themselves to give effect to it on an agreed date.

"(c) Any Contracting Government which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such Government, immediately if the proposal is already in effect, or at such time as it becomes effective under the terms of this Article.

"8. The Depositary Government shall notify each Contracting Government immediately upon receipt of each objection and of each withdrawal of objection, and of the entry into force of any proposal."

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence by any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, from all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective powers, have signed this Protocol.

DONE at Washington this twenty-ninth day of November 1965, in the English language.

* * * * * * *

WHEREAS the Senate of the United States of America by its resolution of July 19, 1966, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the Protocol;

WHEREAS the Protocol was ratified by the President of the United States of America on August 16, 1966, in pursuance of the advice and consent of the Senate;

WHEREAS it is provided in Article II of the Protocol that the Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America from all the Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949;

WHEREAS instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America from all the Governments parties to the 1949 Convention, namely: Iceland on December 7, 1965; Canada on April 1, 1966; the United Kingdom of Great Britain and Northern Ireland on August 15, 1966; the United States of America on August 16, 1966; France on February 15, 1967; Norway on March 9, 1967; Romania on March 21, 1967; Spain on March 29, 1967; the Union of Soviet Socialist Republics on October 23, 1967; Denmark on August 14, 1968; Poland on January 7, 1969; the Federal Republic of Germany on May 29, 1969; Italy on December 19, 1969; and Portugal on December 19, 1969;

WHEREAS, pursuant to the provisions of Article II of the Protocol, the Protocol entered into force on December 19, 1969;

NOW, THEREFORE, be it known that I, Richard Nixon, President of the United States of America, do hereby proclaim and make public the said Protocol to the end that the same and every article and clause thereof shall be observed and fulfilled in good faith, on and after December 19, 1969, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of February in the year of our Lord one thousand nine hundred seventy
[SEAL] and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

By the President:
WILLIAM P. ROGERS
Secretary of State

e. Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Measures of Control, November 29, 1965*

Done at Washington November 29, 1965; Ratification advised by the Senate July 19, 1966; Ratified by the President August 16, 1966; Ratification deposited August 16, 1966; Proclaimed by the President February 4, 1970; Entered into force, except for article II, December 19, 1969.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Measures of Control was signed at Washington under date of November 29, 1965 for the United States of America and twelve other Governments;

WHEREAS the text of the Protocol, in the English language, is word for word as follows:

Protocol to the International Convention for the Northwest Atlantic Fisheries, Relating to Measures of Control

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended,[1] is hereinafter referred to as the Convention, desiring to provide for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder, agree as follows:

ARTICLE I

Paragraph 5 of Article VIII of the Convention is amended by adding the following:

> "and may also, on its own initiative, make proposals for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder."

Citation: 21 UST 576; TIAS 6841.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep. (with statement), Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

[1] TIAS 2089, 4170, 5380, 6011, 6840; 1 UST 477; 10 UST 59; 14 UST 924; 17 UST 635; 21 UST 567.

ARTICLE II[2]

Paragraph 8 of Article VIII of the Convention is amended by adding the following:

"or, in the case of proposals made under paragraph 5 above, from all Contracting Governments."

ARTICLE III

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention; provided, however, that Article II of this Protocol shall enter into force only if the Protocol Relating to Entry into Force of Proposals adopted by the Commission, done at Washington on November 29, 1965,[3] has not entered into force and shall, in such case, continue in force only until that Protocol enters into force.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

ARTICLE IV

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective powers, have signed this Protocol.

DONE at Washington this twenty-ninth day of November 1965, in the English language.

* * * * * * *

WHEREAS the Senate of the United States of America by its resolution of July 19, 1966, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the Protocol;

WHEREAS the Protocol was ratified by the President of the United States of America on August 16, 1966, in pursuance of the advice and consent of the Senate;

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[2] Art. II did not enter into force.
[3] TIAS 6840; 21 UST 567.

WHEREAS it is provided in Article III of the Protocol that the Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949; provided, however, that Article II of the Protocol shall enter into force only if the Protocol Relating to Entry into Force of Proposals Adopted by the Commission, done at Washington on November 29, 1965, has not entered into force;

WHEREAS instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America from all the Governments parties to the 1949 Convention, namely:

Iceland on December 7, 1965; Canada on April 1, 1966; the United Kingdom of Great Britain and Northern Ireland on August 15, 1966; the United States of America on August 16, 1966; France on February 15, 1967; Norway on March 9, 1967; Romania on March 21, 1967; Spain on March 30, 1967; the Union of Soviet Socialist Republics on October 23, 1967; Denmark on August 14, 1968; Poland on January 7, 1969; the Federal Republic of Germany on May 29, 1969; Italy on December 19, 1969; and Portugal on December 19, 1969;

WHEREAS, pursuant to the provisions of Article III of the Protocol, the Protocol entered into force on December 19, 1969, except for Article II of the Protocol which did not enter into force in view of the entry into force on December 19, 1969 of the 1965 Protocol Relating to Entry into Force of Proposals Adopted by the Commission;

NOW, THEREFORE, be it known that I, Richard Nixon, President of the United States of America, do hereby proclaim and make public the said Protocol to the end that the same and every article and clause thereof, except Article II, shall be observed and fulfilled in good faith, on and after December 19, 1969, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of February in the year of our Lord one thousand nine hundred seventy and of the Independence of the United States of America the one hundred ninety-fourth.

[SEAL]

RICHARD NIXON.

By the President:
WILLIAM P. ROGERS
Secretary of State

f. Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures, October 1, 1969*

Done at Washington October 1, 1969; Signed on behalf of the United States October 10, 1969; Ratification advised by the Senate March 19, 1970; Ratified by the President April 17, 1970; Ratification deposited April 17, 1970; Proclaimed by the President November 29, 1972; Entered into force December 15, 1971.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures was opened for signature at Washington on October 1, 1969 and signed for the United States of America on October 10, 1969;

The Senate of the United States of America by its resolution of March 19, 1970, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Protocol;

The President of the United States of America ratified the Protocol on April 17, 1970 and the United States instrument of ratification was deposited on that day; and

Pursuant to the provisions of paragraph 2 of Article IV of the Protocol, the Protocol entered into force on December 15, 1971, the date on which instruments of ratification or approval had been deposited with, or written notifications of adherence had been received by, the Government of the United States of America on behalf of all the Governments parties to the International Convention for the Northwest Atlantic Fisheries;

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public the Protocol to the end that it shall be observed and fulfilled with good faith on and after December 15, 1971 by the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the seal of the United States of America to be affixed.

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*Citation: 23 UST 1504; TIAS 7432.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep., Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

DONE at the city of Washington this twenty-ninth day of November in the year of our Lord one thousand nine hundred
[SEAL] seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

By the President:
WILLIAM P. ROGERS
Secretary of State

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND TO REGULATORY MEASURES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949, which Convention as amended [1] is hereinafter referred to as the Convention, desiring to establish a more appropriate basis for the determination of representation on the Panels established under the Convention, and desiring to provide for greater flexibility in the types of fisheries regulatory measures which may be proposed by the International Commission for the Northwest Atlantic Fisheries, agree as follows:

ARTICLE I

Paragraph 2 of Article IV of the Convention shall be amended to read as follows:

"2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation of the stocks of fish in the subarea concerned or on the basis of current substantial exploitation of harp and hood seals in the Convention Area, except that each Contracting Government with coastline adjacent to a subarea shall have the right of representation on the Panel for the subarea."

ARTICLE II

Paragraph 2 of Article VII of the Convention shall be amended to read as follows:

"2. Each Panel, upon the basis of scientific investigations, and economic and technical considerations, may make recommendations to the Commission for joint action by the Contracting Governments within the scope of paragraph 1 of Article VIII."

ARTICLE III

Paragraph 1 of Article VIII of the Convention shall be amended to read as follows:

[1] TIAS 2089, 4170, 5380, 6011, 6840, 6841; 1 UST 477; 10 UST 59; 14 UST 924; 17 UST 635; 21 UST 567, 576.

"1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, and economic and technical considerations, transmit to the Depositary Government appropriate proposals, for joint action by the Contracting Governments, designed to achieve the optimum utilization of the stocks of those species of fish which support international fisheries in the Convention Area."

ARTICLE IV

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government which adheres to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

ARTICLE V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. 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, following which period it shall be open for adherence.

In witness whereof the undersigned, having deposited their respective full powers, have signed this Protocol.

Done at Washington this first day of October 1969, in the English language.

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Note by the Department of State

Signatures Affixed to the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures signed at Washington under date of October 1, 1969

FOR CANADA:	
A. E. RITCHIE	October 10, 1969
FOR DENMARK:	
TORBEN RØNNE	October 15, 1969
FOR THE FEDERAL REPUBLIC OF GERMANY:	
ROLF PAULS	October 3. 1969

FOR FRANCE: CHARLES LUCET	October 13th 1969
FOR ICELAND:	
FOR ITALY: EGIDIO ORTONA	October 14th 1969
FOR NORWAY: ARNE GUNNENG	October 14, 1969
FOR POLAND: JERZY MICHALOWSKI	October 14th 1969
FOR PORTUGAL:	
FOR ROMANIA:	
FOR SPAIN: MERRY DEL VAL	15th October 1969
FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:	
FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: EDWARD E. TOMKINS	October 6, 1969
FOR THE UNITED STATES OF AMERICA: DONALD L. MCKERNAN	October 10, 1969

g. Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, October 6, 1970*

Done at Washington October 6, 1970; Signed on behalf of the United States October 6, 1970; Ratification advised by the Senate, with an understanding, October 3, 1972; Ratified by the President, with said understanding, February 8, 1973; Ratification deposited, with said understanding, February 8, 1973; Proclaimed by the President October 23, 1974; Entered into force September 4, 1974.

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

Article I

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

"Article XVII

"1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.

"2. A proposed amendment to the Convention shall be adopted by the Commission by a three-fourths majority of the votes of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depositary Government to all Contracting Governments.

"3. Any amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Governments unless any other Contracting Government notifies the Depositary Government that it objects to the amendment, within ninety days of the date

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Citation: TIAS 7941.

States which are parties: Bulgaria, Canada, Denmark, France, German Democratic Rep., Germany, Fed. Rep., Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Reps., United Kingdom, United States.

on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Government. Any Contracting Government which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of the last withdrawal.

"4. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

"5. The Depositary Government shall promptly notify all Contracting Governments of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments."

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from three-fourths of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the ninety, and one hundred and twenty, day periods specified in the first sentence of paragraph 3 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this sixth day of October 1970, in the English language.

* * * * * * *

TEXT OF RESOLUTION OF RATIFICATION

Resolved, (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the accession of The Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, dated October 6, 1970 (Executive C, 92d Congress, 1st session), with the understanding, which shall be made a part and condition of the resolution of ratification, that in accordance with Article I of the Protocol, it shall be the duty of the Secretary of State to register an objection to any proposed amendment if, upon approval of it by three-fourths of the Contracting Governments, action on the proposed amendment has not been completed in accordance with Article 2, Section 2 of the United States Constitution, which states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

35-415 O—75——15

2. INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS, MAY 14, 1966*

Done at Rio de Janeiro May 14, 1966; Ratification advised by the Senate March 1, 1967; Ratified by the President April 24, 1967; Ratification deposited with the Director-General of the Food and Agriculture Organization, Rome, May 18, 1967; Proclaimed by the President October 1, 1969; Entered into force March 21, 1969.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the International Convention for the Conservation of Atlantic Tunas was opened for signature at Rio de Janeiro on May 14, 1966 and was signed in behalf of the Government of the United States of America on that same date;

WHEREAS the text of the Convention, in the English, * * * languages, as certified for the Director-General of the Food and Agriculture Organization of the United Nations, is word for word as follows:

INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

PREAMBLE

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

ARTICLE I

The area to which this Convention shall apply, hereinafter referred to as the "Convention area", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

ARTICLE II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits

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*Citation: 20 UST 2887; TIAS 6767.
States which are parties: Brazil, Canada, France, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain, United States.

of territorial waters or the extent of jurisdiction over fisheries under international law.

ARTICLE III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention.

2. Each of the Contracting Parties shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in Article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its Members a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Comission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

ARTICLE IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus Scomber) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget inde-

pendent research to supplement the research work being done by governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this Article shall include:

(a) collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area;

(b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch;

(c) recommending studies and investigations to the Contracting Parties;

(d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, groups of species, or of geographic areas. Each Panel in such case:

(a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;

(b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;

(c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigations by the Contracting Parties.

Article VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe:

(a) co-ordinating the programmes of investigation by the Contracting Parties;

(b) preparing budget estimates for review by the Commission;

(c) authorising the disbursement of funds in accordance with the Commission's budget;

(d) accounting for the funds of the Commission;

(e) arranging for co-operation with the organizations referred to in Article XI of this Convention;

(f) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks;

(g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1(a) The Commission may, on the basis of scientific evidence make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.

(b) The recommendations referred to above shall be made:

(i) at the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two-thirds of all Contracting Parties if an appropriate Panel has been established;

(ii) on the proposal of an appropriate Panel if such a Panel has been established;

(iii) on the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.

3(a) If any Contracting Party in the case of a recommendation made under paragraph 1(b) (i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1(b) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional sixty days.

(b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional sixty days period, or within forty-five days of the date of the notification of an objection made by another Contracting Party within such additional sixty days, whichever date shall be the later.

(c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(d) However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(e) In the case referred to in sub-paragraph (d) above the Contracting Party or Parties concerned shall have an additional period of sixty days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(f) If a recommendation has met with objection from more than one-fourth but less than the majority of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree:

(a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;

(b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries.

Article X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to:

(a) U.S. $1,000 (one thousand United States dollars) for Commission membership.

(b) U.S. $1,000 (one thousand United States dollars) for each Panel membership.

(c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one-third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two-thirds the Commission shall determine on the basis of the latest available information:

(i) the total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party;

(ii) the total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this sub-paragraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise re-apportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The Executive Secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of Contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, inter alia, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for ten years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than April first of that year.

ARTICLE XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XIV

1. This Convention shall be open for signature by any Government which is a member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

ARTICLE XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in

paragraph 1 of Article XIV of deposits of instruments of ratification, approval or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

ARTICLE XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies to the Governments referred to in paragraph 1 of Article XIV.

In witness whereof the representatives duly authorized by their respective Governments have signed the present Convention. Done at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

* * * * * * *

WHEREAS the Senate of the United States of America by its resolution of March 1, 1967, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the Convention;

WHEREAS the President of the United States of America on April 24, 1967, duly ratified the Convention, in pursuance of the advice and consent of the Senate;

WHEREAS Article XIV provides that the Convention shall enter into force upon the deposit of instruments of ratification, approval or adherence by seven Governments;

WHEREAS instruments of ratification were deposited by the United State of America on May 18, 1967, Japan on August 24, 1967, and Spain on March 21, 1969; and instruments of adherence were deposited by South Africa on November 17, 1967, Ghana on April 17, 1968, Canada on August 20, 1968, and France on November 7, 1968;

AND WHEREAS, pursuant to the provisions of Article XIV of the Convention, the Convention entered into force on March 21, 1969;

NOW, THEREFORE, be it known that I, Richard Nixon, President of the United States of America, do hereby proclaim and make public the International Convention for the Conservation of Atlantic Tunas, to the end that the Convention and every article and clause thereof shall be observed and fulfilled with good faith on and after March 21, 1969, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of October in the year of our Lord one thousand nine hundred sixty-nine and
[SEAL] of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON

By the President:
ELLIOTT L. RICHARDSON
Acting Secretary of State

3. CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION WITH EXCHANGE OF NOTES OF MARCH 3, 1950, MAY 31, 1949*

Signed at Washington May 31, 1949; Ratification advised by the Senate August 17, 1949; Ratified by the President September 1, 1949; Ratified by Costa Rica December 23, 1949; Ratifications exchanged at Washington March 3, 1950; Proclaimed by the President March 23, 1950; Entered into force March 3, 1950; Exchange of Notes signed at Washington March 3, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and the Republic of Costa Rica for the establishment of an inter-American tropical tuna commission was signed by the duly authorized plenipotentiaries of the two countries at Washington on May 31, 1949, the original of which convention, in the English * * * languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

James E. Webb, Acting Secretary of State

Wilbert M. Chapman, Special Assistant to the Under Secretary of State

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**Citation:* 1 UST 230; TIAS 2044.

States which are parties: Canada, Costa Rica, France, Japan, Mexico, Nicaragua, Panama, United States.

Implementing legislation: Tuna Conventions Act of 1950, as amended; Public Law 81–764 [S. 2633], 64 Stat. 777, approved September 7, 1950, as amended by Public Law 87–814 [S. 2568], 76 Stat. 923, approved October 15, 1962; and by Public Law 92–471 [H.R. 9501], 86 Stat. 784, approved October 9, 1972.

The President of the Government of Costa Rica:

Mario A. Esquivel, Ambassador Extraordinary and Plenipotentiary of Costa Rica.

Jorge Hazera, Counselor of the Embassy of Costa Rica

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

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.

2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The Commission shall decide on the most convenient place or places for its headquarters.

6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.

8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.

12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.

13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:

(a) the drafting of programs of investigations, and the preparation of budget estimates for the Commission;

(b) authorizing the disbursement of the funds for the joint expenses of the Commission;

(c) the accounting of the funds for the joint expenses of the Commission;

(d) the appointment and immediate direction of technical and other personnel required for the functions of the Commission;

(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;

(f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;

(h) the performance of such other duties as the Commission may require.

14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the secretary, in either language.

15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.

16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

Article II

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, bi-

ometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.

2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.

4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.

5. Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.

6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by this Convention, from vessels or persons engaged in these fisheries.

7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

Article III

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

Article IV

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Party, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

Article V

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications.[1]

3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America an instrument of adherence which shall stipulate the effective date thereof. The Government of the United States of America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.

4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.

5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notification of denunciation received.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May, 1949.

* * * * * * *

WHEREAS the Senate of the United States of America, by their resolution of August 17, 1949, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on September 1, 1949, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of the Republic of Costa Rica;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on March 3, 1950;

AND WHEREAS it is provided in Article V of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the Unit-

[1] Mar. 3, 1950.

ed States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunder set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of March in the year of our Lord one thousand nine hundred fifty
[SEAL] and of the Independence of the United States of America the one hundred seventy-fourth.

HARRY S TRUMAN

By the President:
DEAN ACHESON
Secretary of State

Translation

EMBASSY OF COSTA RICA
WASHINGTON
No. 1579

MARCH 3, 1950.

EXCELLENCY:

I have the honor to refer to the Convention between the Republic of Costa Rica and the United States of America for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D. C., on May 31, 1949, which entered into force this day, and to inform Your Excellency of the desire of my Government to place on record the understanding of our two Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions and purposes of the Convention under reference, the understanding of my Government in regard to this matter is that which I set forth to you as follows.

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, paragraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government also desires to state that it recognizes as the authentic Spanish text of the Convention that contained in the Convention as signed, but at the same time recognizes that certain of its

provisions might have been worded more clearly in the following form:

Article I, paragraph 1.

"The High Contracting Parties agree to establish and maintain a Joint Commission to be known as the Inter-American Tropical Tuna Commission, which will hereinafter be called the Commission, which shall carry into effect the objectives of this Convention. The Commission shall be made up of national sections, each of which shall include from one to four members appointed by the Governments of the respective High Contracting Parties."

Article I, paragraph 3.

"Each of the High Contracting Parties shall determine and pay the expenses incurred by its respective section. The joint expenses incurred by the Commission shall be covered by the High Contracting Parties through contributions in such form and proportion as the Commission may recommend and the High Contracting Parties may approve. The proportion of the joint expenses to be paid by each of the High Contracting Parties shall be in relation to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party."

Article I, paragraph 8.

"Each national section shall have the right to one vote. The decisions, resolutions, recommendations and publications of the Commission must be approved by a unanimous vote.

Article IV.

"Nothing in the Convention shall be interpreted as changing any existing treaty or convention relating to the fisheries of the Eastern Pacific previously signed by one of the High Contracting Parties, nor as preventing a High Contracting Party from entering into treaties or conventions with other States relating to such fisheries, provided their terms are not incompatible with this Convention."

I avail myself of this opportunity to express to Your Excellency my highest consideration.

MARIO ECHANDI

His Excellency
DEAN ACHESON,
Secretary of State,
Washington, D. C.

The Secretary of State to the Costa Rican Appointed Ambassador

DEPARTMENT OF STATE
WASHINGTON
March 3, 1950

EXCELLENCY:

I have the honor to refer to your note No. 1579 of March 3, 1950 regarding the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949,

which entered into force this day, and the desire of your Government to place on record the understanding of our Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions or purposes of the Convention under reference, my Government concurs in the understanding set forth in your note as follows:

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, subparagraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government has also taken note of your statement that certain provisions of the Spanish text might have been more clearly expressed but that your Government recognizes that the authentic Spanish text of the Convention is that contained in the Convention as signed.

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

DEAN ACHESON

His Excellency
Señor DON MARIO ECHANDI,
Appointed Ambassador of Costa Rica.

4. INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN, WITH ANNEX AND PROTOCOL, MAY 9, 1952*

Signed at Tokyo May 9, 1952; Ratification advised by the Senate July 4, 1952; Ratified by the President July 30, 1952; Ratified by Canada and Japan May 15 and June 9, 1953, respectively; Ratifications exchanged at Tokyo June 12, 1953; Proclaimed by the President July 30, 1953; Entered into force June 12, 1953.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the international convention for the high seas fisheries of the North Pacific Ocean, together with a protocol relating thereto, was signed at Tokyo on May 9, 1952 by representatives of the United States of America, Canada, and Japan;

WHEREAS the originals of the said convention and protocol, in the English * * * languages, are word for word as follows:

INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recom-

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**Citation:* 4 UST 380; TIAS 2786.
States which are parties: Canada, Japan, United States.
Implementing legislation: North Pacific Fisheries Act of 1954, as amended; Public Law 83–579 [S. 3713], 68 Stat. 698, appoved August 12, 1954; as amended by Public Law 85–114 [S. 2212], 71 Stat. 310, approved July 24, 1957; and by Public Law 92–471 [H.R. 9501], 86 Stat. 784, approved October 9, 1972.

mendations, and provide for necessary restraints on its own nationals and fishing vessels.

Therefore agree as follows:

Article I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

Article II

1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission."

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1(c)(ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend

all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

Article III

1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfills the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures.

(c) In regard to any stock of fish in the Convention area;

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation

measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations.

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII.

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission many take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

Article IV

1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1, (b).

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year,

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programs based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned.

Article V

1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

Article VI

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

Article VII

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

Article VIII

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Article IX

1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agreed, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

Article X

1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Government if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

Article XI

1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications.[1] It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminates as to all Contracting Parties.

In witness whereof, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

Done in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North America origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tschawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary con-

[1] June 12, 1953.

servation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus kisutch, Oncorhynchus nerka and Oncorhynchus tschawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58′22.59″ West Longitude; thence due south to a point 65°15′00″ North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of the United States of America, Canada and Japan agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic orgin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1(c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of

scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of the United States of America, Canada and Japan, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.[2]

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

* * * * * * *

WHEREAS the Senate of the United States of America, by their resolution of July 4, 1952, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention, together with the protocol relating thereto;

WHEREAS the said convention and protocol were ratified by the President of the United States of America on July 30, 1952, in pursuance of the aforesaid advice and consent of the Senate, and the said convention has been duly ratified on the part of Canada and Japan;

WHEREAS it is provided in Article XI of the said convention that the convention shall enter into force on the date of the exchange of ratifications, and it is provided in the said protocol that the protocol shall become effective from the date of entry into force of the said convention;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Tokyo on June 12, 1953;

AND WHEREAS, pursuant to the aforesaid provision of Article XI of the said convention and the aforesaid provision of the said protocol, the convention entered into force on June 12, 1953 and the protocol became effective on that same date;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said international convention for the high seas fisheries of the North Pacific Ocean and the said protocol relating thereto to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after June 12, 1953, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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[2] June 12, 1953.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of July in the year of our Lord one thousand nine hundred fifty-three and of the Independence of the United States of America the one hundred seventy-eighth.

[SEAL]

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

a. Amendment of Paragraphs 1(a) and (b) of the Annex, November 17, 1962*

Recommendations relating to halibut and to herring adopted at the Ninth Annual Meeting of the International North Pacific Fisheries Commission, at Seattle, November 17, 1962, and amended, with respect to herring, January 25, 1963; Notifications of acceptance received by the Commission from Japan on February 26, 1963, from the United States of America on March 23, 1963, and from Canada on May 8, 1963; Entered into force May 8, 1963.

SECRETARIAT:
ROY I. JACKSON
Executive Director
HIROSHI KASAHARA
Assistant Director

OFFICES:
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International North Pacific Fisheries Commission

Established by Convention Between Canada, Japan and the United States for the Conservation of the Fisheries Resources of the North Pacific Ocean

JUNE 24, 1963.

The Honourable DEAN RUSK,
Secretary of State,
Washington 25, D.C.

DEAR SIR:

On November 17, 1962, at its Ninth Annual Meeting, at Seattle, the International North Pacific Fisheries Commission determined that the herring stocks off the west coast of the Queen Charlotte Islands and that the halibut stock of the eastern Bering Sea no longer meet the conditions of Article IV of the Convention [1] and adopted recommendations for the removal of such stocks of herring and halibut from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean.[1] It was subsequently noted that some ambiguity might arise from the language of the recommendation with respect to herring. Therefore, the Commission on January 25, 1963 formally amended that recommendation.

**Citation:* 14 UST 953; TIAS 5385.
States which are parties: Canada, Japan, United States.
[1] TIAS 2786; 4 UST 385, 391.

The Commission, having transmitted the recommendations to the Contracting Parties for their consideration, has now received notifications of acceptance of the recommendation relating to halibut and the recommendations, as amended, relating to herring, as follows: from Japan on February 26, 1963, from the United States of America on March 23, 1963, and from Canada on May 8, 1963.

In accordance with the provisions of Article VII, paragraph 1, of the Convention, sections (a) and (b) of paragraph 1 of the Annex are considered amended from May 8, 1963 to read in the English language as follows:

"(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coast of Canada and the United States of America, exclusive of the Bering Sea, in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

"(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted, exclusively of the waters of the high seas north of 51°56′ North Latitude and west of the Queen Charlotte Islands and west of a line drawn between Langara Point on Langara Island, Queen Charlotte Islands, and Cape Muzon on Dall Island in Southeast Alaska."

Copies are attached to this letter of the amended section (a) in the Japanese language, which I transmitted with my letter of December 6, 1962,[2] and of the amended section (b) in the Japanese language, which I transmitted with my letter of January 25, 1963.[2]

With assurances of our highest esteem.

Yours very truly,

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION,
ROY I. JACKSON, *Executive Director.*

[2] Not printed.

5. AMENDED AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL, NOVEMBER 23, 1961*

Adopted January 20, 1961, by the Indo-Pacific Fisheries Council at the Ninth Session, Karachi; Approved November 23, 1961, by the Eleventh Session of the Food and Agriculture Organization, held at Rome; Entered into force November 23, 1961; And amendments adopted December 17, 1958, by the Council at the Eighth Session, Colombo; Entered into force December 17, 1958.

Agreement for the Establishment of the Indo-Pacific Fisheries Council [1] as amended by the Ninth Session of the Indo-Pacific Fisheries Council Karachi, Pakistan (6–23 January 1961) and approved by the Eleventh Session of the Conference of the Food and Agriculture Organization of the United Nations Rome, Italy (4–24 November 1961)

Preamble

The Governments of Burma, China,[2] 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 co-operation by the establishment of an Indo-Pacific Fisheries Council, agree as follows:

Article I

THE COUNCIL

1. The contracting Governments agree to establish, within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization"), a Council to be known as the Indo-Pacific Fisheries Council, for the purpose of

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Citation: 13 UST 2511; TIAS 5218.

States which are parties: Australia, Burma, France, India, Indonesia, Japan, Khmer Rep., Korea, Malaysia, Netherlands, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, United Kingdom, United States, Viet Nam.

[1] The amended text printed herein replaces the text of the agreement of Feb. 26, 1948 (TIAS 1895; 62 Stat. (pt. 3) 3711), and also the composite text of the agreement as revised at the Sixth Session of the Council, Tokyo (TIAS 3674; 7 UST 2927), and the amendments to the agreement which were adopted Dec. 17, 1958, at the Eighth Session of the Council, Colombo (13 UST 2527).

[2] The Government of China having withdrawn from the FAO is deemed to have withdrawn also from the Indo-Pacific Fisheries Council. (Source: FAO document 59/10/7287, Oct. 5, 1959.)

carrying out the functions and duties hereinafter set forth in Article IV.

2. The Members of the Council [3] shall be such Member Nations and Associate Members of the Organization and such Non-Member Nations of the Organization which are Members of the United Nations, that accept this Agreement in accordance with the provisions of Article IX thereof. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV–5 of the Constitution [4] and Rule XXXI–3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

Article II

ORGANIZATION

1. Each Member shall be represented at sessions of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in sessions 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 shall have one vote. Decisions of the Council shall be taken by a majority of the votes cast, except when a greater majority is required by this Agreement or by the Rules governing the procedure of the Council. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall at each regular session elect a Chairman and a Vice-Chairman who shall serve until the end of the next regular session.

4. The Chairman of the Council in consultation with the Director-General of the Organization shall convene a regular session of the Council at least once in every two years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Council in consultation with the Director-General of the Organization.

5. The seat of the Council shall be at the seat of the Regional Office of the Organization most conveniently situated within the area defined in Article V. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

6. The Organization shall provide the Secretariat for the Council and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.

7. The Council may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall be consistent with the General Rules of the Organization. The Rules of the Council

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[3] At the time of this publication, the Member Nations were as follows: United States of America, Australia, Burma, France, India, Indonesia, Japan, Khmer Rep., Republic of Korea, Malaysia, Netherlands, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, United Kingdom, and Viet-Nam.

[4] TIAS 4803; 12 UST 995.

and any amendments thereto shall come into force as from the date of approval by the Director-General of the Organization, subject to confirmation by the Council of the Organization.

Article III

COMMITTEES AND WORKING PARTIES

1. There shall be an Executive Committee consisting of the Chairman, the Vice-Chairman and the immediately retired Chairman. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the Technical Committees which may from time to time be established in accordance with the Rules governing the procedure of the Council, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that one permanent member of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed three.

2. The Council may in addition establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Council.

3. The Council may establish working parties to study and recommend on specific technical problems. These working parties shall be convened by the Director-General of the Organization at such times and places as are in accordance with the objectives for which they were established.

4. The establishment of committees and working parties referred to in paragraphs 2 and 3 above shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditures in connection with the establishment of committees and working parties the Council shall have before it a report from the Director-General on the administrative and financial implications thereof.

Article IV

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 co-ordinate research and application of improved methods in every day practice;

c. To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;

d. To recommend to Members such national or co-operative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;

e. To undertake, where appropriate, co-operative 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 its Members to secure essential material and equipment;

h. To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by Members or by the Organization and other international, national or private organizations with related interests;

i. To transmit biennially to the Director-General of the Organization a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the Council provided for in Article III of this Agreement shall be transmitted to the Director-General through the Council.

Article V

AREA

The Council shall carry out the functions and duties set forth in Article IV in the Indo-Pacific area.

Article VI

COOPERATION WITH INTERNATIONAL BODIES

The Council shall cooperate closely with other international bodies in matters of mutual interest.

Article VII

EXPENSES

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Council and the expenses of representatives on committees or working parties established in accordance with Article III of this Agreement shall be determined and paid by their respective governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman, Vice-Chairman and the immediately retired Chairman of the Council, when performing duties connected with its work during intervals between its sessions, shall be determined and paid by the Organization within the limits of a biennial budget prepared and approved in accordance with the Constitution, the General Rules and Financial Regulations of the 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 IV, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.

5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Council, committees or working parties in their individual capacity shall be borne by the budget of the Organization.

Article VIII

AMENDMENTS

The Indo-Pacific Fisheries Council may amend this Agreement by a two-thirds majority of all the Members of this Council, any amendment becoming effective only after concurrence of the Council of the Organization unless the latter considers it desirable to refer the amendment to the Conference of the Organization for approval. An amendment shall become effective as from the date of the decision of the Council or Conference of the Organization as appropriate. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the Indo-Pacific Fisheries Council as well as the Secretary-General of the United Nations of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any member of the Indo-Pacific Fisheries Council that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

Article IX

ACCEPTANCE

1. This agreement shall be open to acceptance by Member Nations and Associate Members of the Organization.

2. The Council may, by a two-thirds majority of its membership, admit to membership such other nations that are Members of the United Nations as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission. Participation by such nations 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 Organization.

3. Acceptance of this Agreement by any Member Nation or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.

4. Acceptance of this Agreement by Non-Member Nations of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Council approves the application for membership, in conformity with the provisions of of paragraph 2 of this Article.

5. The Director-General of the Organization shall inform all Members of the Council, all Member Nations of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

6. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Council. The Director-General of the Organization shall notify forthwith all Members of the Council of any reservations. Members of the Council not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval the Nation making the reservation shall not become a party to this Agreement.

Article X

ENTRY INTO FORCE

This Agreement shall enter into force upon the date of receipt of the fifth instrument of acceptance.

Article XI

TERRITORIAL APPLICATION

The Members of the Council shall, when accepting this Agreement, state explicity to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XII below, the scope of the territorial application may be modified by a subsequent declaration.

Article XII

WITHDRAWAL

1. Any Member 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 Member by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform of such withdrawal all the Members of the Council and the Member Nations of the Organization as well as the Secretary-General of the United Nations. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. A Member of the Council may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Council it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the Council is responsible except that such withdrawal shall not be deemed to apply to an Associate Member.

3. Any Member of the Council that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Council, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

Article XIII

INTERPRETATION AND SETTLEMENT OF DISPUTES

Any dispute regarding the interpretation or application of this Agreement if not settled by the Council shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court,[1] unless the parties to the dispute agree to another method of settlement.

Article XIV

TERMINATION

This Agreement shall be considered terminated if and when the number of Members of the Council drops below five unless the remaining Members of the Council unanimously decide otherwise.

Article XV

CERTIFICATION AND REGISTRATION

The text of this Agreement was originally formulated at Baguio the 26th day of February, one thousand nine hundred and forty eight in the English language. Two copies in the English and French languages of this Agreement as amended shall after approval by the Council or Conference of the Organization, as appropriate, be certified by the Chairman of the Conference or Council of the Organization and by the Director-General of the Organization. One of these

[1] TS 993; 59 Stat. 1055.

copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member Nation of the Organization and to such Non-Member Nations of the Organization that may become parties to this Agreement.

AMENDMENTS [2] TO THE COUNCIL AGREEMENT

At the 8th Session of the Indo-Pacific Fisheries Council held in Colombo, Ceylon, December 6–22, 1958, the Agreement constituting the IPFC was amended to permit re-programming of the Council's activities to conform with the view expressed at the 7th Session of the Council.

The Amendments of the Agreement were as follows:

Article II, par. 5, to delete the word "year" and insert the words "two years" after the word "every".

Article III, clause "i," to delete the word "annually" and substitute the word "biennially" after "to report".

Article VI, par. 2, to delete the words "an annual" and substitute the words "a biennial" before the word "budget".

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[2] Source: Enclosure to FAO circular letter of June 3, 1959, reference IPFC/Cir.59/12 (FEFi 301).

These amendments, which entered into force Dec. 17, 1958, are embodied in the amended text of the agreement adopted at the Ninth Session of the Council; *ante,* p. 244. See Art. II, par. 4; Art. III, clause (i); Art. VII, par. 2.

6. PLAN OF OPERATION OF UNITED NATIONS SPECIAL FUND PROJECT ON CARIBBEAN FISHERY DEVELOPMENT, WITH ANNEX, WORK PLAN AND PLAN OF EXPENDITURE, APRIL 6, 1966*

Plan of operation signed on behalf of the United States of America April 6, 1966; With letter concerning the assumption by Puerto Rico of the financial and other specific obligations; Effective with respect to the United States April 6, 1966.

Plan of Operation

UNITED NATIONS SPECIAL FUND

REGIONAL, CARIBBEAN

FISHERY DEVELOPMENT PROJECT

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Note: Letter of April 6, 1966, with enclosure, addressed to the United Nations Development Program by the United States Mission to the United Nations, concerning the assumption by Puerto Rico of the financial and other specific obligations stipulated in the Plan of Operation (added by the Department of State).

**Citation:* 19 UST 4938; TIAS 6501.

States which are parties: Antigua, Barbados, Dominica, Dominican Republic, Food and Agriculture Organization, France, Grenada, Guyana, Jamaica, Montserrat, Netherlands Antilles, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Surinam, Trinidad and Tobago, United Nations Special Fund, United States.

Special Fund Contribution ..... US$2,548,400
Consisting of:
Special Fund Contribution ..... US$1,775,600
Governments' Counterpart Contribution in Cash ..... US$772,800
Duration ..... 4 years
Executing Agency:
Food and Agriculture Organization of the United Nations.
Cooperating Government Agencies:
Ministries or Departments of participating Governments responsible for fisheries development.

1. The states and territories participating in the Regional project of the United Nations Special Fund for the development of the Caribbean fisheries and original signatories to this Plan of Operation are as follows:

Barbados
British Guiana
Dominican Republic
France—in respect of:
French Guiana, Guadeloupe, Martinique, and their dependencies
Haiti
Jamaica
Leeward Islands:
Antigua, Montserrat, St. Christopher (Kitts), Nevis, and Anguilla
Netherlands Antilles
Surinam
Trinidad and Tobago
United States of America—on behalf of Puerto Rico
Windward Islands:
Grenada, St. Lucia, and St. Vincent

2. This Plan of Operation refers to a project for assistance to the Participating States and Territories by the United Nations Special Fund, for which the Food and Agriculture Organization of the United Nations shall act as Executing Agency. The Plan shall also be the Plan of Operation referred to in Article I, paragraph 2 of the Agreements which States participating in this project, and the United Kingdom in respect of participating dependent territories, have signed with the United Nations Special Fund.

I. PURPOSE AND DESCRIPTION

A. *Purpose*

3. The purpose of the project is to provide, through exploratory fishing, market study and demonstration, and training, a basis for the future growth of the fisheries of the Caribbean region, by indicating the most promising ways in which the productivity of the fisheries can be increased, by setting up a nucleus of trained fishermen and fishery officers, by indicating the most economic ways of developing domestic and export markets and by defining those fields in which future capital investment can most fruitfully be applied.

B. *Description*

4. To achieve this purpose, the project will consist of three parts:
(i) exploratory fishing,
(ii) marketing study and demonstration, and
(iii) training.

5. The four-year period of the project will be divided into two phases. A preparatory phase will last approximately one year, during which:

Vessels, gear and equipment will be acquired;

Shore facilities for vessels and training schemes will be arranged;

Vessel crews, marketing counterparts and training instructors will be recruited;

Programmes of work in exploratory fishing, marketing and training will be formulated;

A choice of trainee masterfishermen and trainee fishery officers will be made; and

Necessary preliminary market studies will be completed.

This phase will be followed by an operational phase lasting approximately three years. The division between the preparatory and operational phases may vary between the sections of the project. An earlier completion of Phase I in any field would enable the operational phase to start earlier in that field. During the course of the project it is envisaged that the services of a consultant will be made available to advise the Participating Governments on the financing of further development of their fisheries.

Exploratory Fishing

6. Work in this field will be carried out under contractual arrangements with the Bureau of Commercial Fisheries of the Fish and Wildlife Service of the United States Department of the Interior, by exploratory fishing vessels with their home ports in the following countries:

Barbados, Jamaica, Netherlands Antilles, and Trinidad.

7. The term "home port" means the port on which a project vessel will normally be considered to be based and from which it will draw its crew.

8. Exploratory fishing will be carried out in those waters considered to be potentially the most promising fishing grounds. Namely, the waters off the North-east coast of South America; the southern part of the Caribbean Sea; and waters near the island chain from Grenada to Jamaica including off-shore banks. Vessels will be provided to conduct exploratory fishing. Different fishing techniques will be tried which may include long-lining, live-bait fishing, gillnet fishing, trolling and fishing with lights for various species of tuna and other pelagic fishes. Line-fishing for reef-fish, trawling for bottom fish and shrimp, seining for pelagic species, and other types of fishing might also be undertaken. Such biological and oceanographic observations may be made by the exploratory fishing vessels as are considered practicable and desirable.

Marketing Study and Demonstration

9. The project will give attention to the urgent need to improve and extend the marketing of fishery products in three fields:

Domestic markets, intra-Caribbean trade, and export trade outside the Caribbean area.

Based on a study of existing marketing problems, the main emphasis will be placed on the demonstration of improved methods of processing, handling, storage and distribution of fish and fishery products. Steps will also be taken to demonstrate the potentialities of various products in export markets.

Training

10. The project will organize training schemes to develop fishery officers and masterfishermen. The training of fishery officers will be concentrated on exploratory fishing, fishing methods, preservation, transportation and marketing, and will emphasize the practical aspects of developing the industry. Potential masterfishermen will be trained in modern fishing techniques, handling and navigating larger boats, operation and maintenance of engines, manufacture and maintenance of fishing gear, and fish handling. On-the-job training for both fishery officers and masterfishermen will be provided on the exploratory fishing vessels, and through shore-based courses.

11. In carrying out the project the Executing Agency, in consultation with the Participating Governments, will make the necessary arrangements for securing the assistance and co-operation of all agencies concerned with fishery problems in the Caribbean.

12. The headquarters of the project will be situated in Bridgetown, Barbados. The necessary office and other facilities for the staff of the project will be provided by the Government of Barbados. The Executing Agency will make arrangements with other Participating Governments, as necessary, for office accommodation and facilities for project staff when working in such countries in the course of their duties, and for the necessary shore facilities in those places where exploratory vessels are based or are to land their catches, and where training courses and marketing studies and demonstrations are to be carried out.

II. Obligations

A. *Participation and contribution of the Special Fund*

13. The Special Fund shall provide the following through the Executing Agency:

(a) *Experts and Consultants.*—A total of 354 man/months of expert services as detailed in Appendix I to the Work Plan and Plan of Expenditure annexed to this Plan of Operation, to a value estimated at US$601,800. Within the total of 354 man/months of expert service minor adjustments of individual post assignments may be made by the Executing Agency, if this is found to be in the best interests of the project.

(b) *Equipment and Supplies.*—Equipment and supplies at a total cost not exceeding US$595,000 as detailed in Appendix I to the Work Plan and Plan of Expenditure annexed to this Plan of Operation.

(c) *Sub-contracts.*—The Executing Agency may, with the agreement of the Participating Governments, provide specified services, facilities and equipment to be supplied under this Plan of Operation by contract with competent persons, organizations and agencies. In particular, the Executing Agency is to make a contract with the United States Bureau of Commercial Fisheries under which the latter will provide services and facilities for the conduct of the exploratory fishing part of the project, including 270 man/months of expert and consultant services, exploratory fishing cruises by Bureau vessels, assistance in the design of vessels

and specification of gear, and advice by a high-level consultative group at a total cost not exceeding US$421,800.

(d) *Miscellaneous.* Miscellaneous services and facilities as detailed in Appendix I to the Work Plan and Plan of Expenditure.

(e) *Financial Consultant.* To assist in the mobilisation of public and private capital for the development of the industry, the Managing Director of the United Nations Special Fund, at an appropriate stage of the project, may provide the services of a consultant, acquainted with the financing of the industry and familiar with the Caribbean area, to advise the Participating Governments on the financing of the industry.

B. *Participation and contributions of the Governments*

(i) *Counterpart Contributions in Cash*

14. The Governments shall pay in cash the equivalent of US $772,800 to cover the cost of:

(a) *Personal Services*

A total of 2,677 man/months of counterpart staff services as detailed in Appendix I to the Work Plan and Plan of Expenditure for this project, at an estimated cost of the equivalent of US $435,800. Within this total of man/months, minor adjustments of individual post assignments may be made by the Executing Agency if this is found to be in the best interests of the project.

(b) *Office and Shore Facilities*

Office and Shore facilities as detailed in Appendix I to the Work Plan and Plan of Expenditure for this project, at an estimated cost of the equivalent of US$50,000.

(c) *Equipment and Supplies*

Equipment and supplies for marketing demonstrations as detailed in Appendix I to the Work Plan and Plan of Expenditure for this project, and the cost of transportation, handling and insurance of project equipment (other than vessels) at an estimated cost of the equivalent of US$30,000.

(d) *Maintenance and Running Expenses of Vessels*

A total estimated at the equivalent of US$257,000, to cover the cost of upkeep and repair of the exploratory vessels, and the operating expenses of the vessels including the cost of meals of the crew and trainees on board, and the cost of marine insurance.

15. The estimated cost of the counterpart contribution as detailed in Appendix I to the Work Plan and Plan of Expenditure for this project is based on the most realistic information available at the time of drafting this Plan of Operation. It is understood that price fluctuations during the period of execution of the project may necessitate an adjustment of said contribution in monetary terms; the latter shall at all times be determined by the value of the services and facilities required for the proper execution of the project.

(ii) *Other Contributions*

16. The Governments shall make available to the project, free of charge, personnel, services and facilities of the type listed in the Annex to this Plan of Operation in accordance with individual schedules to be agreed between the Participating Government and the Executing

Agency. Notwithstanding the specific commitments made with respect to counterpart contributions in kind, as set forth in these schedules, the Participating Governments undertake to give favourable consideration to any amendments, including transfer of responsibilities from one Government to another with respect to such contributions as may be proposed by the Executing Agency in the interests of the successful operation of the project.

17. The Participating Governments shall make available to the project and its personnel all past records, files, reports, publications and unclassified information about work undertaken by various Government agencies or other institutions which may be useful for the operation of the project. In particular, they will make available all existing records of fishing catch statistics, price and trading statistics, fishing records and meteorological data. They will also facilitate access by project personnel to commercial fishing vessels, fish processing and handling plants and markets.

C. *Other obligations of participating Governments*

18. The Governments shall take the necessary steps to ensure the co-operation of governmental agencies, bodies and organizations, to the extent necessary to accomplish the purposes of the project.

19. The Governments shall give favourable consideration to the relaxing of restrictions which may apply to fishing vessel operation within their territorial waters, in respect to the operation of all vessels being operated by or on behalf of the Executing Agency in the carrying out of the work of the project, to the extent necessary to accomplish the purposes of the project.

20. The Governments shall give favourable consideration to proposals that may be made to them in the course of operation of the project by or on behalf of the Executing Agency for relaxation or removal of restrictions or procedures at present in force within their territories in the project area on the distribution and sale of fish and fishery products, and on trade in fish and fishery products between them and with other countries as may be needed to accomplish the purposes of the project.

21. The Governments shall nominate, on request, persons to attend the training courses for fishery officers and potential masterfishermen. Nominees for the fishery officer courses will have at least a secondary school standard of education. Nominees for masterfishermen courses will have had considerable practical experience as fishermen and be of a type considered likely to benefit from the course of instruction. The Governments also undertake to pay salaries to fishery officer trainees during the period of sea-going training on their instruction courses. Rates of maintenance allowance for masterfishermen trainees and for fishery officer trainees while on shore shall be fixed by agreement between the Project Manager and the Governments. At the conclusion of fishery training courses, the Governments shall consider for employment in suitable posts in their fishery services those fishery officer trainees nominated by them who have successfully completed the course of training set up under this project, as evidenced by the issue to them of a certificate to that effect by the Executing Agency.

22. The Governments shall give favourable consideration to proposals that may be made to them during the course of operation of the project by the Executing Agency, for any necessary strengthening

of the staffs of their fishery departments, so that adequate counterpart assistance may be made available to the Executing Agency or its sub-contractors in all fields of their work on the project.

23. The Executing Agency shall arrange, as appropriate, for the granting of privileges and immunities with the Participating Countries through an exchange of letters with each country.

(iii) *Payment of Government Cash Contribution*

24. The cash counterpart contribution described in paragraph 14 above, the equivalent of US$772,800, will be paid in freely convertible currencies in accordance with the following schedule:

[U.S. dollar equivalents]

Participating countries	Shares	Payments to be made				Total payment
		On signing of Plan of Operation	On or before Jan. 2			
			1966	1967	1968	
Barbados, Antigua, Montserrat, St. Christopher, Nevis, Anguilla, Grenada, St. Lucia, St. Vincent	2	25,400	34,400	30,500	12,700	103,000
British Guiana	1	12,700	17,200	15,250	6,410	51,560
Dominican Republic	1	12,700	17,200	15,250	6,410	51,560
French Guiana, Guadeloupe, Martinique	1	12,700	17,200	15,250	6,410	51,560
Haiti	1	12,700	17,200	15,250	6,410	51,560
Jamaica	2	25,400	34,400	30,500	12,700	103,000
Netherlands Antilles	2	25,400	34,400	30,500	12,700	103,000
Surinam	1	12,700	17,200	15,250	6,410	51,560
Trinidad and Tobago	2	25,400	34,400	30,500	12,700	103,000
Puerto Rico	2	25,400	34,400	30,500	12,700	103,000
Total	15	190,400	257,600	229,600	95,200	772,800

25. Payments in accordance with the above schedule shall be made by the Participating Governments by depositing the specified sums for the credit of the United Nations Special Fund in the following Special Fund accounts:

Country	Bank	Account Number (if any).
Barbados, Antigua, Montserrat, St. Christopher, Nevis, Anguilla, Grenada, St. Lucia, St. Vincent.	Midland Bank Limited, Overseas Branch, P.O. Box 181, 60 Gracechurch St., London E.C.3.	1039
British Guiana	Barclays Bank DCO, Georgetown	8253
Dominican Republic	Banco de Reservas de la República Dominicana, Oficina Principal, Santo Domingo.	
French Guiana, Guadalupe, Martinique	Société Général, Departement de L'Etranger, Boite Postale 317–09, Paris 9e.	
Haiti	Banque Nationale de la République de Haiti, Port-au-Prince.	4446
Jamaica	Barclays Bank DCO, P.O. Box 120, Kingston	
Netherlands Antilles, Surinam	Amsterdamsche Bank, P.O. Box 155, The Hague	09930
Trinidad and Tobago	Barclays Bank DCO, P.O. Box 67, Marine Square, Port of Spain.	
Puerto Rico	Chemical Bank New York Trust Co., United Nations Branch, New York, N.Y.	

26. The Government of any territory becoming independent subsequent to the signing of this Plan of Operation and during the period of the project will, if it is eligible to receive assistance from the Special Fund, be invited by the Special Fund to continue to participate in the project. Subject to its agreement to pledge annual contributions during the remaining period of the project, and to other

conditions applying to the original participants, such newly-independent Government shall be determined a participant in the project. In such circumstances, the cash contribution of the Government formerly responsible for the external relations of the country will, for the remaining years of the project, be reduced accordingly.

27. The amounts payable in each instalment are determined on the basis of the United Nations operating rates of exchange at the time of payment. The payment by the Participating Government of their initial contributions in cash is a pre-requisite to the provision of support by the Special Fund. Continued Special Fund support during the period of the project shall be contingent on the Participating Governments meeting the total of their annual obligations, as set out in paragraph 24 above.

28. The Participating Governments agree to permit and facilitate the transfer of the net income received from the sale by or on behalf of the Executing Agency of the catches of the project's exploratory fishing vessels to the credit of a general account in the name of the Executing Agency at Barclays Bank D.C.O. Bridgetown, Barbados, and its use for the purposes of the project. The net income thus received may be made available to meet project costs chargeable against the Government counterpart contribution in cash set out in paragraph 14 above, in cases where such contribution proves to be insufficient to cover the provision of the specified services and facilities required for the proper execution of the project. Any such use of these funds by the Executing Agency shall be subject to prior agreement with the Special Fund and reflected in periodic provisions of the Plan of Expenditure contained in the Work Plan and Plan of Expenditure. These revisions will be communicated to the Participating Governments in accordance with Special Fund procedures. Any such amounts shall be transferred by the Executing Agency to an account to be designated by the Special Fund and shall be regarded as Government counterpart contributions in cash. The balance standing to the credit of the general account at the conclusion of the project shall be reimbursed to the Participating Governments in the same proportion as their cash counterpart contributions to the project.

D. *Organization*

29. The Food and Agriculture Organization of the United Nations shall act as Executing Agency for the United Nations Special Fund.

30. The Executing Agency may make contractual or other arrangements with national or international organizations as required for an efficient fulfillment of the project. Account shall be taken of bilateral aid programmes and of organizations having a special competence on fishery problems in the Caribbean region.

31. The Executing Agency will assume overall responsibility for the execution of the project including those parts which may be sub-contracted to other organizations and will also exercise full budgetary control of the funds allocated by the Special Fund. The operation of the project will be planned and directed by the Executing Agency through the Project Manager, in consultation with the Participating Governments.

32. The Participating Governments shall designate liaison officers who shall be the normal channel of communication between the

Executing Agency and the Project Manager, and the Participating Governments.

33. The liaison officers shall be given copies of all workplans, before their adoption, and will submit these plans to their respective Governments. They may make proposals on behalf of their Governments to the Project Manager regarding the project and review and comment on proposals made by him. They will, at the request of the Project Manager, take the necessary steps to secure timely and adequate provision by the Participating Governments of the accommodation, equipment, supplies and personnel set out in Chapter II B above.

34. Meetings of the Project liaison officers with representatives of the Executing Agency and the Special Fund, including the Project Manager, the Director of Special Fund Programmes in the Caribbean, members of their staffs, and representatives of subcontractors' staffs shall be arranged at the request of the Project Manager.

35. At the end of the second year of the project, and thereafter, once each year, the Participating Governments in collaboration with the Executing Agency, will carry out a broad-ranging review, based on reports supplied by the Executing Agency, of the total impact and effectiveness of the project programme, and in particular:—

(a) assess the results for each participating country at the date of the review;

(b) consider the steps taken to date for the application of the results of the project to the development of the industry in the various participating countries;

(c) make suggestions for the future application to fishery development of the results of the project in the various fields of work;

(d) make recommendations to the Executing Agency in respect of future programmes of work in the various fields; and

(e) evaluate the work of subcontractors in those fields in which they have been employed.

36. All expenses incurred by Government officials in respect of attendance at meetings called under the provisions of the two preceding paragraphs or in other ways connected with the project, shall be met by the Participating Governments.

37. The Project Manager, through whom the Executing Agency shall act in all matters relating to the project, shall be appointed by the Executing Agency. Under the general supervision of the Executing Agency, he will have full responsibility for the carrying out of the project in accordance with this Plan of Operation, with any contracts for the performance of parts of the project programme, with the work plan referred to in Chapter II E below and with the relevant rules and regulations of the Executing Agency.

38. Except as it may be specifically provided in sub-contracts to be entered into by the Executing Agency with contractors, the Project Manager will be responsible for the disbursement of funds relating to that portion of the Special Fund allocation to be expended locally, will collaborate in the appointment of the national staff, will direct the work and movements of the staff of the project, and will control the use of buildings, equipment, supplies, and other property belonging to the Special Fund or the Executing Agency, or assigned to the

project by the Governments in accordance with their obligations set out in Chapter II B above.

39. The Project Manager shall make technical information available to interested parties and shall publish it, if appropriate, for general distribution.

40. The international staff of the project will be employed by the Executing Agency. The national staff provided under Chapter II B above through the Government's counterpart contribution in cash will normally be appointed by the appropriate Government agency in consultation with the Project Manager. If appropriate, their services will be made available under the terms of a contract between the Executing Agency and the governmental agency concerned. Such staff will not be considered employees of the Executing Agency.

41. All the equipment supplied for the project by the Executing Agency, referred to in paragraph 13 above and Appendix I to the Work Plan and Plan of Expenditure, will remain the property of the Special Fund and will be held by the Executing Agency in the name of the Special Fund, during the period covered by this Plan of Operation, unless, exceptionally, other arrangements are made by agreement between the Executing Agency, the Special Fund and the Government or Governments concerned.

E. *Work plan and plan of expenditure*

42. Within the framework of this Plan of Operation, a Work Plan and Plan of Expenditure covering the whole period of Special Fund support has been prepared and will be signed by the authorized representative of the Executing Agency and the authorized representative of the Special Fund. Revisions of the Work Plan and Plan of Expenditure may be needed during the course of the project and in the light of projections of future requirements, and will require the concurrence of the Executing Agency and the Special Fund. The Work Plan and Plan of Expenditure will be attached to this Plan of Operation without, however, changing the above arrangements for signature and revision.

F. *Sequence of operation*

43. The duration of the project is four years. The Executing Agency shall commence execution of the project upon written authorization to do so from the Managing Director of the Special Fund.[1] A preparatory phase of approximately one year will be followed by an operational phase of approximately three years.

44. Immediately after the project becomes operational, the Executing Agency shall commence recruitment of the experts in accordance with the guide-lines provided in the Schedule of Operations included in the Work Plan and Plan of Expenditure referred to in paragraph 42 of this Plan of Operation and shall order the equipment and supplies required for this project.

III. Budget

45. The estimated cost of the services and facilities to be provided for the project, with the exception of those services and facilities to be

[1] Aug. 27, 1965.

provided by the Governments in accordance with paragraph 16 above, is detailed in the Plan of Expenditure contained in the annexed document "Work Plan and Plan of Expenditure". Funds will be provided by the Special Fund and the Government as indicated below:

Allocation by the Special Fund (Appendix I)	US$2, 548, 400
consisting of:	
Special Fund contribution	US$1, 775, 600
Governments' counterpart contribution in cash	US$ 772, 800

IV. Reports

46. The Executing Agency shall submit to the Participating Governments an inception report covering the first year's plan of work to be supplied once the Work Plan and Plan of Expenditure has been signed.

47. The Executing Agency shall submit to the Participating Governments once each year a report on the expenditure incurred out of the Governments' cash payments to the Special Fund for counterpart expenditure referred to in paragraph 14 above.

48. As soon as possible after the conclusion of project operations, and not later than six months from that date, the Executing Agency will submit a final comprehensive report on the project to the Managing Director of the Special Fund for presentation to the Governments.

49. At the end of each calendar year the Governments and the Executing Agency shall submit a joint certified inventory of project equipment purchased from the Special Fund allocation and for which title remains with the Executing Agency on behalf of the Special Fund.

V. Steps To Be Taken at the Completion of Special Fund Assistance to the Project

50. It is expected that the project will indicate the availability of resources, particularly of palagic fish, and the best methods of utilizing such resources; will assist by demonstration in improving fishery products and their marketing and distribution; and will build up a nucleus of trained fishery officers and masterfishermen. In addition, financial advice will be given on the most appropriate ways of securing the capital that will be required to take advantage of the lessons taught by the project. The Participating Governments agree to take appropriate steps for the application of the results of the project in developing their national fishing industries and in improving intercountry co-operation in fishing matters by the setting up of appropriate co-ordination machinery; by assisting the industry to improve its fishing vessels, gear and equipment; by facilitating improved marketing of fish, both for domestic and for export consumption; and by utilizing in appropriate appointments the trained fishery officers produced by the project.

51. At the successful conclusion of the project, the Governments, the Executing Agency and the Special Fund will consult with a view to determining the most appropriate form of disposal of the equipment held at that time by the Executing Agency on behalf of the Special Fund.

VI. Signature*

52. The original of this Plan of Operation in copies in the English, French and Spanish languages, all of which are equally authentic, shall be open for signature by the Participating Governments at ———— until ———— 196— and thereafter at United Nations Headquarters in New York.

53. The Secretary-General of the United Nations shall transmit certified copies of this Plan of Operation to each of the Participating Governments, to the Special Fund and to the Executing Agency.

54. Agreed by the duly authorized representatives of the Governments participating in the project, the Executing Agency and the Special Fund:

ANNEX

Caribbean Regional Fishery Development Project

PERSONNEL, EQUIPMENT, SUPPLIES, SERVICES AND FACILITIES, IN ADDITION TO THOSE PROVIDED FROM GOVERNMENTS' CASH CONTRIBUTIONS, WHICH MAY BE REQUESTED BY PROJECT MANAGER

1. Participating Governments undertake to provide for the above project free of charge, such of the under-mentioned personnel, equipment, supplies, services and facilities, as are required by the Project Manager, in accordance with the terms of paragraph 16 of the Plan of Operation to which this Annex is attached.

2. *Personal Services*

Fishery Biologists for work on the exploratory fishing project, both on board the vessels and in shore laboratories.

Training Instructors for the training courses for fishery officers and masterfishermen.

Shore-based Personnel required for the effective management, running and maintenance of the exploratory fishing vessels used for the project.

Casual labour.

3. *Equipment and Supplies*

Furniture and other equipment for the offices, stores, demonstration and training accommodation and other buildings which may be needed in addition to that provided under the Governments' cash contributions.

Vehicles for the use of the project staff on work of the project.

4. *Services and Facilities*

Maintenance and operating costs of the vehicles referred to in 3 above.

Costs of charter or hire of any vessels supplied by the Government to the project, including all costs of operation of such vessels.

Costs of travel of project staff within the Participating State.

Harbour and docking facilities owned by the Participating Government.

Exemption from harbour dues for vessels engaged in project.

*Signatures omitted.

Utilities (rent, hire charges, rates, heating, cleaning, lighting and maintenance) for the offices, stores, demonstration and training accommodation and other buildings of the project.

Unloading and dockside facilities for project vessels and their catches, including landing labour and equipment, boxes, ice and other facilities needed for dealing with vessel catches, their sale, packing and distribution.

Facilities for vessel management, crewing, fuelling, icing, victualling, repair and maintenance.

Facilities for marketing demonstration including supplies of fish and ice.

Costs of travel of Fishery Officer and Master Fisherman Trainees to and from Country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 2

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Government of Jamaica in accordance with the terms of paragraph 16 of the Plan of Operations to which this schedule is attached.

1. *Personal Services*

(a) Fisheries Biologist, subject to availability, for equivalent of 6 man-months per year for 3 years beginning September 1965 to participate in some vessel cruises and in preparation and evaluation of data collected.

(b) Training Instructors, subject to availability, equivalent to 3 man-months per year for 3 years beginning September, 1965, to participate in Masterfishermen's training programme.

(c) Assistant to Fleet Administrator to assist in procurement of supplies, keeping of records and inventories and to act as storekeeper—36 man-months beginning September 1, 1965.

(d) Stenographic services—36 man-months beginning September 1, 1965.

(e) Casual labour, as required, not to exceed 36 man-months beginning September 1, 1965.

(f) Driver—36 man-months beginning September 1, 1965.

2. *Office Space and Office Equipment*

700 square feet of office space comprising—4 rooms in close proximity to vessel operations facilities equipped with—

5 desks
2 tables (approx. 3′ x 6′)
5 desk chairs
5 office chairs
2 filing cabinets
2 typewriters
1 adding machine
30 feet of bookshelves
1 storage cabinet for office supplies.

3. *Vessel Berthing and Gear and Equipment Storage Facilities*

(a) Pier space for 2 vessels of approximately 75 feet in length, minimum water depth 12½ feet low-tide; pier to be able to carry vehicle loads of 5 tons gross weight and serviced with fresh water line and electrical shore power outlet.

(b) 3000 square feet of dry storage space with cement floor and minimum height of 12 feet—well ventilated.

4. *Shore Training Facilities for Fishermen*

600 square feet of classroom space for 3 months a year on intermittent basis—for three years beginning January 1, 1966.

5. *Vehicles*

1 Automobile for use of project officers on project business for three years beginning September 1, 1965.

1 Truck (with driver) on intermittent basis for three years beginning September 1, 1965.

6. *Services and Facilities*

(a) Maintenance and operating costs of vehicles referred to in paragraph 5.

(b) Operating costs of any vessels supplied to the project by the Government of Jamacia.

(c) Cost of travel, other than that by vehicles referred to in paragraph 5, and subsistence of project staff within Jamaica, estimated at £400 per year, on business specifically related to development of Jamaican fisheries as agreed between project staff and the Government of Jamaica for 3 years beginning September 1, 1965.

(d) Exemption from harbour dues for vessels engaged in the project.

(e) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores, demonstration and fisheries training accommodation and other buildings of the project.

(f) Unloading and dockside facilities for project vessels and their catches, including cost of landing labour and equipment, boxes, ice and other facilities needed for dealing with vessel catches, after they have been landed, for their sale, packing and distribution. Project staff, in consultation with the Fisheries Division of the Government of Jamaica, will be responsible for disposal of catches.

(g) Cost of supplies of fish, to be secured by project staff, in addition to those landed by project vessels, and ice which may be required for marketing demonstration.

(h) Cost of cold storage space required for storage of vessels' catches and for marketing demonstration.

(i) Costs of travel of Fisheries Officer and Masterfishermen Trainees to and from country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 3

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Government of the Netherlands Antilles in

accordance with the terms of paragraph 16 of the Plan of Operations to which this Schedule is attached.

1. *Personal Services*

(a) Fisheries Biologist for equivalent of 6 man-months per year for 3 years beginning September 1, 1965, to participate in some vessel cruises and in preparation and evaluation of data collected.

(b) Stenographic services required intermittently equivalent to 6 man-months per year for 3 years beginning September 1, 1965.

(c) Casual labour not to exceed 12 man-months per year for 3 years beginning September 1, 1965.

2. *Office Space*

Office space of 250 square feet, equipped with—

2 desks
2 desk chairs
2 office chairs
1 filing cabinet
1 typewriter
Telephone connections

3. *Shore Training Facilities for Fishermen*

600 square feet of class-room space, together with chairs and desks for 15 fishermen trainees for 3 months per year on intermittent basis—for 3 years beginning September 1, 1965.

4. *Vehicles*

(a) Local transportation for 15 fishermen trainees required intermittently equivalent to 3 months per year for 3 years beginning September 1, 1965.

(b) One automobile and driver required intermittently for 6 months per year for 3 years beginnig September 1, 1965.

5. *Services and Facilities*

(a) Maintenance and operating costs of vehicles referred to in paragraph 4.

(b) Maintenance and operating costs of any vessels supplied to the project by the Government of the Netherlands Antilles.

(c) Cost of travel including subsistence of project staff within the Netherlands Antilles estimated at $2,000.00 U.S. per year for three years beginning June 1, 1965.

(d) Exemption from harbour dues for vessels engaged in project.

(e) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores, fishermen trainee accommodation and other buildings.

(f) Unloading and dockside facilities for the 75 foot vessels, minimum water depth 12½ feet low tide. Pier to be able to carry vehicle loads of 5 tons gross weight, and serviced with fresh water line and electrical shore power outlet.

(g) Landing labour and equipment, boxes, ice, and other facilities needed for dealing with vessel catches after they have been landed for their sale, packing and distribution.

(h) Supplies of fish, apart from that landed by the project vessels, and ice which may be required for marketing demonstrations.

(i) Cost of cold storage space required for storage of vessels' catches and for marketing demonstrations.

(j) Costs of travel of Fishery Officer and Master Fishermen Trainees to and from country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 4

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Government of Suriname in accordance with the terms of paragraph 16 of the Plan of Operations to which this schedule is attached.

1. *Personal Services*

(a) Casual labour not to exceed 12 man-months per year for three years beginning September 1, 1965.

(b) Stenographic services equivalent to 6 man-months per year for three years beginning September 1, 1965.

2. *Office Space*

Office space of 250 square feet equipped with—

2 desks
2 desk chairs
2 office chairs
1 filing cabinet
1 typewriter
Telephone connections.

3. *Vehicles*

One automobile and driver required intermittently for six months per year beginning September 1, 1965, for three years.

4. *Services and Facilities*

(a) Maintenance and operating costs of vehicle referred to in paragraph 3.

(b) Maintenance and operating costs of any vessels supplied by the Government of Suriname.

(c) Cost of travel including subsistence of project staff in Suriname estimated at 1,500.00 U.S. per year for three years beginning June 1, 1965.

(d) Exemption from harbour dues for vessels engaged in project.

(e) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores and other buildings.

(f) Unloading and dockside facilities for one 75 foot vessel, minimum water depth 12½ feet low tide. Pier to be able to carry vehicle loads of 5 tons gross weight, fresh water line and shore power outlet.

(g) Landing labour and equipment, boxes, ice and other facilities needed for dealing with vessel catches after they have been landed, for their sale, packing and distribution.

(h) Supplies of fish, apart from those landed by the project vessels, and ice which may be required for marketing demonstrations.

(i) Cost of cold storage space required for storage of vessels' catches and for marketing demonstrations.

(j) Cost of travel of Fishery Officers and Master Fishermen Trainees to and from country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 5

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Government of British Guiana in accordance with the terms of paragraph 16 of the Plan of Operations to which this schedule is attached.

1. *Personal Services*

(a) Casual labour not to exceed 12 man-months per year for three years beginning September 1, 1965.

(b) Stenographic services equivalent to six man-months per year for three years beginning September 1, 1965.

2. *Office Space*

Office space of 250 square feet equipped with—

2 desks
2 desks chairs
2 office chairs
1 filing cabinet
1 typewritter
Telephone connections

3. *Vehicles*

One automobile and driver required intermittently for six months per year beginning September 1, 1965, for three years.

4. *Services and Facilities*

(a) Maintenance and operating costs of vehicle referred to in paragraph 3.

(b) Maintenance and operating costs of any vessels supplied by the Government of British Guiana.

(c) Cost of travel including subsistence of project staff in British Guiana estimated at 2,000 BWI per year for 3 years beginning June 1, 1965.

(d) Exemption from harbour dues for vessels engaged in project.

(e) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores and other buildings.

(f) Unloading and dockside facilities for one 75 foot vessel, minimum water depth 12½ feet low tide. Pier to be able to carry vehicle loads of 5 tons gross weight, fresh water line and shore power outlet.

(g) Landing labour and equipment, boxes, ice and other facilities needed for dealing with vessel catches after they have been landed, for their sale, packing and distribution.

(h) Supplies of fish, apart from those landed by the project vessels, and ice which may be required for marketing demonstrations.

(i) Cost of cold storage space required for storage of vessels' catches and for marketing demonstrations.

(j) Cost of travel of Fishery Officers and Master Fisherman Trainees to and from country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 6

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Government of Barbados in accordance with the terms of paragraph 16 of the Plan of Operations to which this schedule is attached.

1. *Personal Services*

(a) Training Instructors equivalent to three man-months per year for three years beginning September 1, 1965, to participate in Master Fisherman's Training Programme.

(b) Clerical and typing services—72 man-months beginning April 1, 1965.

(c) Casual labour/watchman—72 man-months beginning April 1, 1965.

2. *Office Space and Office Furniture and Equipment*

3,000 square feet of office space comprising—

10 rooms in close proximity to vessel operations facilities equipped with—

12 desks
7 tables (approx. 3′ x 6′)
12 desk chairs
15 office chairs
4 filing cabinets
4 typewriters
1 adding machine
60 feet of bookshelves
1 storage cabinet for office supplies
Telephone connections

3. *Vessel Berthing and Gear and Equipment Storage Facilities*

(a) Pier space for 2 vessels of approximately 75 feet in length, minimum water depth 12½ feet low tide; pier to be able to carry vehicle loads of 5 tons gross weight and serviced with fresh water line and electrical shore power outlet.

(b) 3000 square feet of dry storage space with cement floor and minimum height of 12 feet—well ventilated.

4. *Shore Training Facilities for Fishermen*

600 square feet of classroom space for three months a year on intermittent basis—for three years beginning June 1, 1965.

5. *Vehicles*

1 Truck (with driver) on intermittent basis for three years beginning September 1, 1965.

6. *Services and Facilities*

(a) Maintenance and operating costs of vehicle referred to in paragraph 5.

(b) Maintenance and operating costs of any vessels supplied to the project by the Government of Barbados.

(c) Cost of travel including subsistence of project staff within Barbados estimated at $300.00 B.W.I. per year for three years beginning September 1, 1965.

(d) Exemption from harbour dues for vessels engaged in the project.

(e) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores, demonstration and fisheries training accommodation and other buildings of the project.

(f) Unloading and dockside facilities for project vessels and their catches, including landing labour and equipment, boxes, ice and other facilities needed for dealing with vessel catches, after they have been landed, for their sale, packing and distribution.

(g) Supplies of fish, in addition to those landed by project vessels, and ice which may be required for marketing demonstration.

(h) Cost of cold storage space required for storage of vessels' catches and for marketing demonstration.

(i) Costs of travel of Fishery Officer and Master Fishermen Trainees to and from country in which training is to take place.

ANNEX

Caribbean Regional Fisheries Development Project

Schedule 7

Personnel, equipment, supplies, services and facilities to be provided free of charge by the Commonwealth of Puerto Rico in accordance with the terms of paragraph 16 of the Plan of Operations to which this Schedule is attached.

1. *Personal Services*

(a) Fisheries Biologist for equivalent of 6 man-months per year for 3 years beginning September 1, 1965, to participate in some vessel cruises and in preparation and evaluation of data collected.

(b) Stenographic services required intermittently equivalent to 6 man-months per year for 3 years beginning September 1, 1965.

(c) Casual labour not to exceed 12 man-months per year for 3 years beginning September 1, 1965.

2. *Office Space*

Office space of 250 square feet, equipped with—

2 desks
2 desk chairs
2 office chairs
1 filing cabinet
1 typewriter
Telephone connections

3. *Shore Training Facilities for Fishermen*

600 square feet of class-room space, together with chairs and desks for 15 fishermen trainees for 3 months per year on intermittent basis—for 3 years beginning September 1, 1965.

4. *Vehicles*

(a) Local transportation for 15 fishermen trainees required intermittently equivalent to 3 months per year for 3 years beginning September 1, 1965.

(b) One automobile required intermittently for 6 months per year for 3 years beginning September 1, 1965.

5. *Services and Facilities*

(a) Maintenance and operating costs of vehicles referred to in Paragraph 4.

(b) Maintenance and operating costs of any vessels supplied to the project by the Commonwealth of Puerto Rico.

(c) Cost of travel including subsistence of project staff within Puerto Rico estimated at $1,000.00 U.S. per year for three years beginning June 1, 1965.

(d) Utilities (rent, hire charges, rates, cleaning, lighting and maintenance) for offices, stores, fishermen trainee accommodation and other buildings.

(e) Exemption from harbour dues for vessels engaged in the project.

(f) Unloading and dockside facilities for two 75 foot vessels, minimum water depth 12½ feet low tide. Pier to be able to carry vehicle loads of 5 tons gross weight, and services with fresh water line and electrical shore power outlet.

(g) Landing labour and equipment, boxes, ice, and other facilities needed for dealing with vessel catches, after they have been landed, for their sale, packing and distribution.

(h) Supplies of fish, apart from that landed by the project vessels, and ice which may be required for marketing demonstrations.

(i) Cost of cold storage space required for storage of vessels' catches for marketing demonstrations.

(j) Costs of travel of Fishery Officer and Master Fishermen Trainees to and from country in which training is to take place.

RELATED LETTERS

UNITED STATES MISSION TO THE UNITED NATIONS,
99 United Nations Plaza,
New York, N.Y. 10017, April 6, 1966.

Mr. PAUL G. HOFFMAN,
Administrator, United Nations Development Program,
A–3004, United Nations.

DEAR MR. HOFFMAN: I am pleased to sign, on behalf of the United States, the United Nations Special Fund Caribbean Fishery Development Project Plan of Operations.

As the attached letter from the Secretary of State of the Commonwealth of Puerto Rico indicates, Puerto Rico will assume the finan-

cial and other specific obligations stipulated in the Plan of Operations. The Government of the United States will, of course, carry out the obligations of a general nature contained in Paragraphs 17, 19, 20 and 23 of the Plan.

My Government would appreciate your circulating this letter and the attached letter from the Secretary of State of the Commonwealth of Puerto Rico to all the signatories of the Plan of Operations for this project.

Sincerely yours,

JAMES ROOSEVELT.

COMMONWEALTH OF PUERTO RICO,
DEPARTMENT OF STATE,
San Juan, Puerto Rico, February 23, 1966.

The Honorable DEAN RUSK,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am pleased to notify you that the Government of the Commonwealth of Puerto Rico is willing to assume the cash counterpart contribution and other obligations stipulated in the Plan of Operation of the United Nations Special Fund Caribbean Fishery Development Project in which Puerto Rico shall be a participant.

Cordially yours,

CARLOS J. LASTRA,
Secretary of State.

7. CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC, JUNE 1, 1967. NOT IN FORCE *

Done at London, June 1, 1967; Signed by the United States November 25, 1967; Ratification advised by the Senate October 22, 1969; Ratified by President November 12, 1969;

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxemborg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

ARTICLE 1

(1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

"fishing vessel" means any vessel engaged in the business of catching fish;

"vessel" means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

ARTICLE 2

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

ARTICLE 3

(1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels and their small boats and fishing implements.

**Source:* 91st Congress, 1st Session. Senate. Executive D.
Ratified by: Iceland, Portugal (with reservation), United Kingdom, Union of Soviet Socialist Reps. (with reservation), Norway, Sweden, as of Dec. 31, 1974 (Entry into force requires ratification by 10 nations).

ARTICLE 4

(1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

ARTICLE 5

Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marking shall be in accordance with the provisions of Annex IV to this Convention.

ARTICLE 6

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear, and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with Article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

ARTICLE 7

(1) In any dispute that arises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes:

At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

ARTICLE 8

(1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

ARTICLE 9

(1) To facilitate the implementation of the provisions of the Convention the arrangements set out in this Article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon the request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorised officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer, may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

Article 10

(1) Any Contracting Party may propose amendments to the Articles of this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. Any amendment shall take effect on the thirtieth day after its acceptance by all Contracting Parties.

(2) When requested by one-fourth of the Contracting Parties, the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Articles of this Convention. Amendments shall be adopted unanimously at such a meeting and shall be notified by the depositary Government to all Contracting Parties and shall take effect on the thirtieth day after they have been accepted by all Contracting Parties.

(3) Notifications of acceptance of amendments shall be sent to the depositary Government.

Article 11

(1) Any Contracting Party may propose amendments to the Annexes to this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. The depositary Government shall inform all Contracting Parties of the date on which notices of acceptance of an amendment by two-thirds of the Contracting Parties have been received. The amendment shall take effect with respect to all Contracting Parties on the one hundred and fiftieth day after that date, unless within a period of one hundred and twenty days from the same date any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

(2) When requested by three Contracting Parties the depositary Government shall convene a meeting of Contracting Parties to con-

sider the need for amending the Annexes to this Convention. An amendment adopted at such a meeting by a two-thirds majority of the Contracting Parties represented shall be notified by the depositary Government to all Contracting Parties and shall take effect with respect to all Contracting Parties on the two hundred and tenth day after the date of notification, unless within one hundred and eighty days from the date of notification any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

ARTICLE 12

The Contracting Parties shall notify the depositary Government of the competent authorities they have designated for the purposes of each of the relevant provisions of this Convention. The depositary Government shall inform the Contracting Parties of any such notification.

ARTICLE 13

(1) Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration.

(2) The request of arbitration shall include a description of the claim to be submitted and a summary statement of the grounds on which the claim is based.

(3) Unless the parties agree otherwise, the arbitration commission shall be composed of one member appointed by each party to the dispute and an additional member, who shall be the chairman, chosen in common agreement between the parties. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties. Other details of procedure shall be determined by special agreement between the parties.

(4) Notwithstanding the provisions of paragraph (3), the parties may agree to submit the dispute to arbitration in accordance with another arrangement operating between the parties.

(5) If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute (as referred to in paragraph (1) to the International Court of Justice by request in conformity with the Statute of the Court.

(6) Notwithstanding the provision of paragraph (1), the parties may agree to submit the dispute to the International Court of Justice.

ARTICLE 14

(1) Except as provided in paragraphs (2) and (3) below and paragraph (3) of Article 17, no reservations may be made to the present Convention without the agreement of the Contracting Parties and signatory Governments. When one year has elapsed after the entry into force of the Convention, the agreement of the Contracting Parties only shall be required.

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(2) At the time of signature, ratification, approval or accession any State may make a reservation to Article 13 of the present Convention.

(3) Any State may, at the time of signature, ratification, approval or accession, make a reservation to paragraphs (5) and (6) of Article 9 with respect to one or more of the other Contracting Parties or signatory Governments.

(4) Any State which has made a reservation in accordance with the preceding paragraphs or paragraph (3) of Article 17 may at any time withdraw the reservation by a communication to that effect addressed to the depositary Government.

ARTICLE 15

The present Convention shall be open for signature at London from 1st June to 30th November, 1967. It is subject to ratification or approval. The instruments of ratification or approval shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 16

(1) The present Convention shall enter into force on the ninetieth day following the date of deposit of the tenth instrument of ratification or approval.

(2) Thereafter the Convention shall enter into force for each State on the ninetieth day after deposit of its instrument of ratification or approval.

ARTICLE 17

(1) Any State which has not signed the Convention may accede thereto at any time after the Convention has entered into force, provided that three-fourths of the Contracting Parties and signatory Governments agree to the proposed accession. When one year has elapsed after the entry into force of the Convention, the agreement of three-fourths of the Contracting Parties only shall be required.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland. The Convention shall enter into force for each acceding State on the ninetieth day after the deposit of its instrument of accession.

(3) At any time up to the entry into force of the Convention for a State which accedes under this Article, a Contracting Party may make a reservation to paragraphs (5) and (6) of Article 9 with respect to that State.

ARTICLE 18

(1) Any Contracting Party may, when depositing its instrument of ratification, approval or accession, or at any later date, by declaration addressed to the depositary Government, extend this Convention to any territory or territories for whose international relations it is responsible. The provisions of this Convention shall enter into force for such territory or territories on the ninetieth day after receipt of such declaration, or on the date on which the Convention enters into force in

accordance with paragraph (1) of Article 16, whichever is the later.

(2) Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 19.

ARTICLE 19

At any time after four years from the date on which this Convention has entered into force in accordance with paragraph (1) of Article 16, any Contracting Party may denounce the Convention by means of a notice in writing addressed to the depositary Government. Any such notice shall take effect twelve months after the date of its receipt. The Convention shall remain in force as between the other Parties.

ARTICLE 20

When the present Convention has entered into force, it shall be registered by the depositary Government with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

In witness whereof the undersigned, being duly authorized thereto, have signed the present Convention.

Done at London this first day of June, 1967, in the English and French languages, each text being equally authentic, in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.

For the Government of Belgium:
J. V. D. BOSCH

For the Government of Canada:
C. S. A. RITCHIE

For the Government of Denmark:
ERLING KRISTIANSEN

For the Government of the French Republic:
G. DE COURCEL

For the Government of the Federal Republic of Germany:
BLANKENHORN

For the Government of Ireland:
GUDM. I. GUDMUNDSSON

For the Government of Ireland:
J. G. MOLLOY

For the Government of Italy:
GASTONE GUIDOTTI

For the Government of Luxembourg:

For the Government of the Netherlands:
for the Kingdom in Europe
D. W. VAN LYNDEN

For the Government of Norway:
ARNE SKAUG

For the Government of the Polish People's Republic:

The Government of the Polish People's Republic does not consider itself bound by the provisions of Article 13, which state that any dispute between two or more Contracting Governments in respect of the interpretation or application of the Convention may, at the request of any of the parties to the dispute, be submitted to arbitration or placed before the International Court of Justice for settlement. The Government of the Polish People's Republic states that submitting the dispute to arbitration as well as placing it before the International Court of Justice requires the consent of all parties concerned in the dispute in each individual case.

The Government of the Polish People's Republic does not consider itself bound by the provisions of Article 9, paragraphs 5 and 6 of the Convention relating to those signatory and Contracting Governments with whom the Polish People's Republic has no diplomatic relations.

M. Fila

For the Government of Portugal:

Manuel Rocheta

For the Government of Spain:

With reservations in respect of paragraph 5 of Article 13 and paragraphs 5 and 6 of Article 9, applicable to all Contracting Parties and signatory Governments, as also to those Governments which shall in future accede to the Convention in accordance with Article 17 thereof.

Santa Cruz

For the Government of Sweden:

Sous réserve de ratification avec l'assentiment du Riksdag.

Gunnar Fagrell

For the Government of the Union of Soviet Socialist Republics:

(Translation)

Reservation to Article 13:

The Government of the Union of Soviet Socialist Republics consider that any dispute between two or more Contracting Parties regarding the interpretation or implementation of the Convention may be submitted to the International Court only with the consent of all the Contracting Parties participating in the dispute.

A. Nshkov

For the Government of the United Kingdom of Great Britain and Northern Ireland:

George Brown

For the Government of the United States of America:

Raymund T. Yingling

ANNEX I

AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

(*a*) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;

(*b*) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10′ north latitude to a point in 75° north latitude and 73° 30′ west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30′ west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;

(*c*) in the east by 51° east longitude, but excluding—

(i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbierg Head to the Kullen; and

(ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36′ west longitude.

ANNEX II

IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

Rule 1

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessel so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

Rule 2

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

ANNEX III

ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

Rule 1

General

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply to all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in Article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0·92 m.) apart but at a lower level than the lights prescribed in Rule 9 (*c*) (*i*) and (*d*) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9(*b*) of the above Regulations.

Rule 2

Signals for Trawling and Drift netting

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

(i) when shooting their nets:

two white lights in a vertical line one over the other;

(ii) when hauling their nets:

one white light over one red light in a vertical line one over the other;

(iii) when the net has come fast upon an obstruction:

two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

(i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;

(ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;

(iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.

(4) This rule need not be applied to fishing vessels of less than 65 feet (19·80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 3

Light signals for Purse Seining

(1) Fishing vessels engaged in fishing with purse seines shall show two amber coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) This rule need not be applied to fishing vessels of less than 85 feet (25·90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 4

Sound signals

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

ANNEX IV

MARKING OF NETS, LINES AND OTHER GEAR

RULE 1

Anchored gear

(1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.

(2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70–100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

Rule 2

Drift gear

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

ANNEX V

RULES GOVERNING THE OPERATIONS OF VESSELS

Rule 1

Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

Rule 2

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

Rule 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

Rule 4

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

RULE 5

No vessel shall use or have on board explosives intended for the catching of fish.

RULE 6

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

RULE 7

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

ANNEX VI

RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorized officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II Rule 2(1) and the fact of such document having been exhibited shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel.

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be

given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in Article 1(2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of Article 9, and communicate with vessels, only from surface craft.

APPENDIX

REPORT IN ACCORDANCE WITH PARAGRAPH (5) OF ANNEX VI TO THE CONVENTION

Authorised Officer

1. Name and nationality.
2. Name of ship carrying him.

Position, Date and Time of Occurrence

3.

Provisions of the Convention in question

4.

Information on Each Vessel Involved

General

5. Nationality.
6. Vessel's name and registration.
7. Skipper's name.
8. Owner's name and address.
9. Position, date and time of boarding.

At the Time of Occurrence

10. Fishing gear in use.
11. Stopped, anchored or estimated course and speed.
12. Signals or lights displayed and sound signals made.
13. Warnings given to other vessel(s).
14. Direction in which gear was shot or lying.
15. The horizontal distance gear extended from the vessel.

Conditions at the Time of Occurrence

16. Visibility.
17. Wind force and direction.
18. State of sea and tide and direction and strength of currents.
19. Other relevant conditions.
20. Describe, with the help of diagrams if necessary, the relative positions of vessels and gear.
21. Marking of any anchored or drifting gear involved.

Additional Information

22. Full particulars of loss or damage, giving condition of any gear involved.
23. Narrative description of occurrence.

24. Comments by Authorised Officer.
25. Statements by Witnesses.
26. Statements by Skippers of vessels involved.
27. Statements of photographs taken, with description of subjects (photographs to be attached to copy of report submitted to flag State).

Signature of Authorised Officer----------

The above report was prepared and signed by the Authorised Officer in our presence.

Signatures of Skippers----------

Signatures of Witnesses----------

Certified a true copy:

[SEAL]

V. A. TODD,
For Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

1 DECEMBER, 1967

D. LAW OF THE SEA

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D. LAW OF THE SEA

1. CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE, APRIL 29, 1958*

Done at Geneva April 29, 1958; Ratification advised by the Senate May 26, 1960; Ratified by the President March 24, 1961; Ratification deposited with the Secretary-General of the United Nations April 12, 1961; Proclaimed by the President September 8, 1964; Entered into force September 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on the Territorial Sea and the Contiguous Zone, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was opened for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and forty-three other States;

WHEREAS a certified copy of the text of the said Convention, in the English, * * * languages, is word for word as follows:

ANNEX I [1]

The States Parties to this Convention
Have agreed as follows:

PART I—TERRITORIAL SEA

SECTION I—GENERAL

ARTICLE 1

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

2. This sovereignty is exercised subject to the provisions of these articles and to other rules of internal law.

**Citation:* 15 UST 1606; TIAS 5639.

States which are parties: Australia, Belgium, Bulgaria (with reservation), Byelorussian Soviet Socialist Rep. (with reservation), Czechoslovakia (with reservation), Denmark, Dominican Rep., Fiji, Finland, German Democratic Rep. (with declaration and reservation), Haiti, Hungary (with reservation), Israel, Italy (with reservation), Jamaica, Japan (with a statement), Kenya, Khmer Rep., Lesotho, Madagascar (with a statement), Malawi, Malaysia, Malta, Mauritius, Mexico (with reservation), Netherlands, Nigeria, Portugal, Romania (with reservation), Sierra Leone, South Africa, Spain (with a statement), Swaziland, Switzerland, Thailand, Tonga, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Rep. (with reservation), Union of Soviet Socialist Reps. (with reservation), United Kingdom (with a declaration), United States, Venezuela (with reservation), Yugoslavia.

[1] The text of the convention printed herein constituted Annex I to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by the Department of State.]

Article 2

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

SECTION II. LIMITS OF THE TERRITORIAL SEA

Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 4

1. In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

3. Baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them.

4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

Article 5

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters.

Article 6

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 7

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water areas of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 4 is applied.

Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

Article 9

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

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Article 10

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.
2. The territorial sea of an island is measured in accordance with the provisions of these articles.

Article 11

1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.
2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 12

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.
2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

Article 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

SECTION III. RIGHT OF INNOCENT PASSAGE

Sub-section A. Rules Applicable to All Ships

Article 14

1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.
2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or making for the high seas from internal waters.

3. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

Article 15

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea.

Article 16

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

Article 17

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

Sub-section B. Rules Applicable to Merchant Ships

Article 18

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

Article 19

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with and crime committed on board the ship during its passage, save only in the following cases:

(*a*) If the consequences of the crime extend to the coastal State; or

(*b*) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or

(*c*) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or

(*d*) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 20

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Sub-section C. Rules Applicable to Government Ships Other Than Warships

Article 21

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

Article 22

1. The rules contained in sub-section A and in article 18 shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in the provisions referred to in the preceding paragraph, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Sub-section D. Rule Applicable to Warships

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

Part II—Contiguous Zone

Article 24

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(*a*) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(*b*) Punish infringement of the above regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

Part III—Final Articles

Article 25

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

Article 26

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 27

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 28

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 26. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 29

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification of accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 30

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 31

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 26:

(*a*) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 26, 27 and 28;

(*b*) Of the date on which this Convention will come into force, in accordance with article 29;

(*c*) Of requests for revision in accordance with article 30.

Article 32

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 26.

In witness whereof the undersigned Plenipotentiaries being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 26, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on March 24, 1961, in pursuance of the advice and consent of the Senate;

WHEREAS it is provided in Article 29 of the Convention that the Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations;

WHEREAS instruments of ratification were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: the United Kingdom of Great Britain and Northern Ireland, with a declaration, on March 14, 1960, Haiti on March 29, 1960, the Union of Soviet Socialist Republics, with reservations, on November 22, 1960, the Ukrainian Soviet Socialist Republic, with reservations, on January 12, 1961, the Byelorussian Soviet Socialist Republic, with reservations, on February 27, 1961, the United States of America on April 12, 1961, Venezuela, with reservations, on August 15, 1961, Czechoslovakia, with reservations, on August 31, 1961, Israel on September 6, 1961, Hungary, with reservations, on December 6, 1961, Rumania, with reservations, on December 12, 1961, Bulgaria, with reservations, on August 31, 1962, Portugal on January 8, 1963, the Republic of South Africa on April 9, 1963, Australia on May 14, 1963, and the Dominican Republic on August 11, 1964; instruments of accession were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Cambodia on March 18, 1960, Malaysia on December 21, 1960, Senegal on April 25, 1961, and the Malagasy Republic on July 31, 1962; and the Secretary General of the United Nations was informed in a communication received on June 26, 1961 from Nigeria and in a communication received on March 13, 1962 from Sierra Leone that those Governments consider themselves bound by the Convention;

AND WHEREAS, pursuant to the provision of Article 29 of the Convention, the Convention enters into force on September 10, 1964;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said Convention to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after September 10, 1964, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of September in the year of our Lord one thousand nine hundred sixty-four and of the Independence of the United States of America the one hundred eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:
DEAN RUSK
Secretary of State

2. CONVENTION ON THE HIGH SEAS, APRIL 29, 1958*

Done at Geneva April 29, 1958; Ratification advised by the Senate May 26, 1960; Ratified by the President March 24, 1961; Ratification deposited with the Secretary-General of the United Nations April 12, 1961; Proclaimed by the President November 9, 1962; Entered into force September 30, 1962.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on the High Seas, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was opened for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and forty-eight other States;

WHEREAS a certified copy of the text of the said Convention, in the * * * English, * * * languages, is word for word as follows:

ANNEX II [1]

CONVENTION ON THE HIGH SEAS

The States Parties to this Convention,

Desiring to codify the rules of international law relating to the high seas,

Recognizing that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

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Citation: 13 UST 2312; TIAS 5200

States which are parties: Afghanistan, Albania (with reservation and declaration), Australia, Austria, Belgium, Bulgaria (with reservation and declaration), Byelorussian Soviet Socialist Rep. (with reservation and declaration), Central African Rep., Costa Rica, Czechoslovakia (with reservation and declaration), Denmark, Dominican Rep., Fiji, Finland, German Democratic Rep. (with declarations and reservation), Germany, Fed. Rep. (Applicable to Land Berlin), Guatemala, Haiti, Hungary (with reservation and declaration), Indonesia (with reservation), Israel, Italy, Jamaica, Japan (with a statement), Kenya, Khmer Rep., Lesotho, Madagascar, Malawi, Malaysia, Mauritius, Mexico (with reservation), Nepal, Netherlands, Nigeria, Poland (with reservation), Portugal, Romania (with reservation and declaration), Senegal, Sierra Leone, South Africa, Spain (with a statement), Swaziland, Switzerland, Thailand, Tonga, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Rep. (with reservation and declaration), Union of Soviet Socialist Reps. (with reservation and declaration), United Kingdom (with declaration), United States, Upper Volta, Venezuela, Yugoslavia.

[1] The text of the convention printed herein constituted Annex II to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by the Department of State.]

Have agreed as follows:

ARTICLE 1

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

ARTICLE 2

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

(1) Freedom of navigation;
(2) Freedom of fishing;
(3) Freedom to lay submarine cables and pipelines;
(4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

ARTICLE 3

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international convention accord:

(*a*) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(*b*) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

ARTICLE 4

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

ARTICLE 5

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they

are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

ARTICLE 6

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

ARTICLE 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

ARTICLE 8

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

ARTICLE 9

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

ARTICLE 10

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(*a*) The use of signals, the maintenance of communications and the prevention of collisions;

(*b*) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(*c*) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

ARTICLE 11

1. In the event of a collison or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

ARTICLE 12

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

(*a*) To render assistance to any person found at sea in danger of being lost;

(*b*) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(*c*) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

ARTICLE 13

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

ARTICLE 14

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

ARTICLE 15

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, commited for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(*a*) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(*b*) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 of this article.

ARTICLE 16

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

ARTICLE 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

ARTICLE 18

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

ARTICLE 19

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

ARTICLE 20

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

ARTICLE 21

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

Article 22

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

(*a*) That the ship is engaged in piracy; or

(*b*) That the ship is engaged in the slave trade; or

(*c*) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in sub-paragraphs (*a*), (*b*) and (*c*) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

Article 23

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.

3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.

5. Where hot pursuit is effected by an aircraft:

(*a*) The provisions of paragraph 1 to 3 of this article shall apply *mutatis mutandis;*

(*b*) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an enquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

ARTICLE 24

Every State shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject.

ARTICLE 25

1. Every State shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organizations.

2. All States shall co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents.

ARTICLE 26

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the seabed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

ARTICLE 27

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

ARTICLE 28

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

ARTICLE 29

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

ARTICLE 30

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

ARTICLE 31

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 32

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 33

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 31. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

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Article 34

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 35

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 36

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 31:

(*a*) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 31, 32 and 33;

(*b*) Of the date on which this Convention will come into force, in accordance with Article 34;

(*c*) Of requests for revision in accordance with article 35.

Article 37

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 31.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 26, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on March 24, 1961, in pursuance of the said advice and consent of the Senate;

WHEREAS it is provided in Article 34 of the said Convention that the Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations;

WHEREAS instruments of ratification were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Poland, with a reservation, on October 31, 1958, Afghanistan on April 28, 1959, the United Kingdom of Great Britain and Northern Ireland, with a declaration, on March 14, 1960, Haiti on March 29, 1960, the Union of Soviet Socialist Republics, with a reservation and a declaration, on November 22, 1960, the Ukrainian Soviet Socialist Republic, with a reservation and a declaration, on January 12, 1961, the Byelorussian Soviet Socialist Republic, with a reservation and a declaration on February 27, 1961, the United States of America on April 12, 1961, Indonesia, with a reservation, on August 10, 1961, Venezuela on August 15, 1961, Czechoslovakia, with a reservation and a declaration, on August 31, 1961, Israel on September 6, 1961, Guatemala on November 27, 1961, Hungary, with a reservation and a declaration on December 6, 1961, Rumania, with a reservation and a declaration, on December 12, 1961, and Bulgaria, with a reservation and a declaration on August 31, 1962; instruments of accession were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Cambodia on March 21, 1960, the Federation of Malaya on December 21, 1960, Senegal on April 25, 1961, and the Malagasy Republic on July 31, 1962; and the Secretary General of the United Nations was informed in a communication received on June 26, 1961 from Nigeria and in a communication received on March 13, 1962 from Sierra Leone that those Governments consider themselves bound by the Convention;

AND WHEREAS, pursuant to the aforesaid provision of Article 34 of the said Convention, the Convention entered into force on September 30, 1962;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said Convention to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after September 30, 1962, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed,

DONE at the city of Washington this ninth day of November in the year of our Lord one thousand nine hundred sixty-two and [SEAL] of the Independence of the United States of America the one hundred eighty-seventh.

JOHN F KENNEDY

By the President:
DEAN RUSK
Secretary of State

3. CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS, APRIL 29, 1958*

Done at Geneva April 29, 1958; Ratification advised by the Senate, subject to an understanding, May 26, 1960; Ratified by the President, subject to the said understanding, March 24, 1961; Ratification deposited with the Secretary-General of the United Nations, with the said understanding, April 12, 1961; Proclaimed by the President March 31, 1966; Entered into force March 20, 1966.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was open for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and thirty-six other States;

WHEREAS a certified copy of the text of the said Convention, in the English, * * * languages, is word for word as follows:

ANNEX III [1]

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The States Parties to this Convention.

Considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being overexploited.

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible on the basis

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**Citation:* 17 UST 138; TIAS 5969.

States which are parties: Australia, Belgium, Colombia, Denmark (with reservation), Dominican Rep., Fiji, Finland, France, Haiti, Jamaica, Kenya, Khmer Rep., Lesotho, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Netherlands, Nigeria, Portugal, Sierra Leone, South Africa, Spain (with a statement), Switzerland, Thailand, Tonga, Trinidad and Tobago, Uganda, United Kingdom (with a statement), United States (with an understanding), Upper Volta, Venezuela, Yugoslavia.

[1] The text of the convention printed herein constituted Annex III to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by Department of State.]

of international co-operation through the concerted action of all the States concerned.

Have agreed as follows:

ARTICLE 1

1. All States have the right for their nationals to engage in fishing on the high seas, subject (*a*) to their treaty obligations, (*b*) to the interests and rights of coastal States as provided for in this Convention, and (*c*) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

ARTICLE 2

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

ARTICLE 3

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

ARTICLE 4

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by Article 9.

ARTICLE 5

1. If, subsequent to the adoption of the measures referred to in Articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture

Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any State specified by the State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties may initiate the procedure contemplated by Article 9. Subject to paragraph 2 of Article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

Article 6

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by Article 9.

Article 7

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

(*a*) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

(*b*) That the measures adopted are based on appropriate scientific findings;

(*c*) That such measures do not discriminate in form or in fact against foreign fishermen.

3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by Article 9. Subject to paragraph 2 of Article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

5. The principles of geographical demarcation as defined in Article 12 of the Convention on the Territorial Sea and the Contiguous Zone [2] shall be adopted when coasts of different States are involved.

Article 8

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under Articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by Article 9.

Article 9

1. Any dispute which may arise between States under Articles 4, 5, 6, 7 and 8 shall, at the request of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided in Article 33 of the Charter of the United Nations.[3]

2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any State party, be named by the Secretary-General of the United Nations, within a further three-month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of States not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

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[2] TIAS 5639 ; 15 UST 1610.

[3] TS 993 ; 59 Stat. 1042.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its decision, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.

7. Decisions of the commission shall be by majority vote.

Article 10

1. The special commission shall, in disputes arising under Article 7, apply the criteria listed in paragraph 2 of that article. In disputes under Articles 4, 5, 6 and 8 the commission shall apply the following criteria, according to the issues involved in the dispute:

(*a*) Common to the determination of disputes arising under Articles 4, 5 and 6 are the requirements:

(i) That scientific findings demonstrate the necessity of conservation measures;

(ii) That the specific measures are based on scientific findings and are practicable; and

(iii) That the measures do not discriminate, in form or in fact, against fishermen of other States.

(*b*) Applicable to the determination of disputes arising under Article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation programme is adequate, as the case may be.

2. The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under Article 7, the measures shall only be suspended when it is apparent to the commission on the basis of *prime facie* evidence that the need for the urgent application of such measures does not exist.

Article 11

The decisions of the special commission shall be binding on the States concerned and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

Article 12

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of

the States concerned may request the other States to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the States concerned may again resort to the procedure contemplated by Article 9 provided that at least two years have elapsed from the original award.

ARTICLE 13

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a State may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

ARTICLE 14

In Articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews.

ARTICLE 15

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 17

This Convention shall be open for accession by any States belonging to any of the categories mentioned in Article 15. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 18

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 19

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to Articles 6, 7, 9, 10, 11 and 12.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 20

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 21

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in Article 15:

(*a*) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 15, 16 and 17;

(*b*) Of the date on which the Convention will come into force, in accordance with Article 18;

(*c*) Of requests for revision in accordance with Article 20;

(*d*) Of reservations to this Convention, in accordance with Article 19.

ARTICLE 22

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article 15.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 26, 1960, two-thirds of the Senators present concurring

therein, did advise and consent to the ratification of the said Convention subject to the understanding "that such ratification shall not be construed to impair the applicability of the principle of 'abstention', as defined in paragraph A.1 of the documents of record in the proceedings of the Conference above referred to, identified as A/CONF.13/C.3/L69, 8 April 1968";

WHEREAS paragraph A.1 of document A/CONF.13/C.3/L69, 8 April 1958, of the United Nations Conference on the Law of the Sea reads as follows:

"Where the nationals of a coastal State, alone or with the nationals of one or more other States, are (a) fishing a stock of fish in an area of the high seas adjacent to the territorial sea of the coastal State with such intensity that an increase in fishing effort will not result in a substantial increase in the yield which can be maintained year after year, and (b) where the maintenance of the current yield, or when possible, the further development of it is dependent upon a conservation programme carried out by those States, involving research and limitations upon the size or quantity of the fish which may be caught, then (c) States whose nationals are not fishing the stock regularly or which have not theretofore done so within a reasonable period of time, shall abstain from fishing such stock, provided however that this shall not apply to any coastal State with respect to fishing any stock in waters adjacent to its territorial sea."

WHEREAS the said Convention was duly ratified by the President of the United States of America on March 24, 1961, in pursuance of the advice and consent of the Senate, subject to the understanding as aforesaid;

WHEREAS it is provided in Article 18 of the Convention that the Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations;

WHEREAS instruments of ratification were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: the United Kingdom of Great Britain and Northern Ireland, with a declaration, on March 14, 1960; Haiti on March 29, 1960; the United States of America on April 12, 1961, with the aforesaid understanding; Colombia on January 3, 1963; Portugal on January 8, 1963; Australia on May 14, 1963; Venezuela on July 10, 1963; the Dominican Republic on August 11, 1964; Finland on February 16, 1965; Yugoslavia on January 28, 1966; and the Netherlands on February 18, 1966; instruments of accession were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Cambodia on March 18, 1960, Malaysia on December 21, 1960, Senegal on April 25, 1961, Madagascar on July 31, 1962, South Africa on April 9, 1963, Uganda on September 14, 1964, Upper Volta on October 4, 1965, and Malawi on November 3, 1965; and the Secretary General of the United Nations was informed by the following Governments, in communications received by the Secretary General on the dates indicated, that those Governments consider themselves bound by the Convention: Nigeria on June 26, 1961, Sierra Leone on March 13, 1962, and Jamaica on April 16, 1964;

AND WHEREAS, pursuant to the provisions of Article 18, the Convention entered into force on March 20, 1966;

NOW THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said Convention to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after March 20, 1966, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirty-first day of March in the year of our Lord one thousand nine hundred sixty-six and of the Independence of the United States of America the one hundred ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK

Secretary of State

4. CONVENTION ON THE CONTINENTAL SHELF, APRIL 29, 1958*

Done at Geneva April 29, 1958; Ratification advised by the Senate May 26, 1960; Ratified by the President March 24, 1961; Ratification deposited with the Secretary-General of the United Nations April 12, 1961; Proclaimed by the President May 25, 1964; Entered into force June 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on the Continental Shelf, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was open for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and forty-five other States;

WHEREAS a certified copy of the text of the Convention, in the English, * * * languages, is word for word as follows:

ANNEX IV [1]

CONVENTION ON THE CONTINENTAL SHELF

The States Parties to this Convention
Have agreed as follows:

ARTICLE 1

For the purpose of these articles, the term "continental shelf" is used as referring (*a*) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (*b*) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

**Citation:* 15 UST 471; TIAS 5578.

States which are parties: Albania, Australia, Bulgaria, Byelorussian Soviet Socialist Rep., Canada (with declaration), China (with reservation), Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Rep., Fiji, Finland, France (with reservation and declaration), German Democratic Rep. (with declaration), Greece (with a statement), Guatemala, Haiti, Israel, Jamaica, Kenya, Khmer Rep., Lesotho, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nigeria, Norway (with a statement), Poland, Portugal, Romania, Senegal, Sierra Leone, South Africa, Spain (with a statement and a declaration), Swaziland, Sweden, Switzerland, Thailand, Tonga, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Rep., Union of Soviet Socialist Reps., United Kingdom, United States, Venezuela (with reservation), Yugoslavia (with reservation).

[1] The text of the convention printed herein constituted Annex IV to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by the Department of State.]

Article 2

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 3

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.

Article 4

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cable or pipe lines on the continental shelf.

Article 5

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

3. The safety zones referred to in paragraph 2 of this article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

4. Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

Article 6

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such State shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

Article 7

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

ARTICLE 8

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 9

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 10

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 11

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 12

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3 inclusive.
2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 13

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 14

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 8:

(*a*) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9 and 10;

(*b*) Of the date on which this Convention will come into force, in accordance with article 11;

(*c*) Of requests for revision in accordance with article 13;

(*d*) Of reservations to this Convention, in accordance with article 12.

ARTICLE 15

The original of this Convention, of which the Chinese, English, French, Russian and Spanish text are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 8.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 26, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on March 24, 1961, in pursuance of the said advice and consent of the Senate;

WHEREAS it is provided in Article 11 of the said Convention that the Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations;

WHEREAS instruments of ratification were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Haiti on March 29, 1960, the Union of Soviet Socialist Republics on November 22, 1960, the Ukrainian Soviet Socialist Republic on January 12, 1961, the Byelorussian Soviet Socialist Republic on February 27, 1961, the United States of America on April 12, 1961, Venezuela, with a reservation, on August 15, 1961, Czechoslovakia on August 31, 1961, Israel on September 6, 1961, Guatemala on November 27, 1961, Colombia on January 8, 1962, Poland on June 29, 1962, Portugal on January 8, 1963, Australia on May 14, 1963, Denmark on June 12, 1963, and the United Kingdom of Great Britain and Northern Ireland on May 11, 1964; instruments of accession were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Cambodia on March 18, 1960, the Federation of Malaya on December 21, 1960, Senegal on April 25, 1961, Rumania on December 12, 1961, the Malagasy Republic on July 31, 1962, Bulgaria on August 31, 1962, and the Republic of South Africa on April 9, 1963;

AND WHEREAS, pursuant to the aforesaid provision of Article 11

of the said Convention, the Convention enters into force on June 10, 1964;

NOW THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said Convention to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 10, 1964, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this twenty-fifth day of May in the year of our Lord one thousand nine hundred
[SEAL] sixty-four and of the Independence of the United States of America the one hundred eighty-eighth.

LYNDON B. JOHNSON

By the President:
DEAN RUSK
Secretary of State

5. OPTIONAL PROTOCOL OF SIGNATURE CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES, APRIL 29, 1958. IN FORCE, BUT NOT FOR THE UNITED STATES*

Done at Geneva, April 29, 1958; Signed on behalf of the United States September 15, 1958; Rejected by the Senate May 26, 1960; Entered into force September 30, 1962.

The States Parties to this Protocol and to any one or more of the Conventions on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea held at Geneva from 24 February to 27 April 1958,

Expressing their wish to resort, in all matters concerning them in respect of any dispute arising out of the interpretation or application of any article of any Convention on the Law of the Sea of 29 April 1958, to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided in the Convention or has been agreed upon by the Parties within a reasonable period,

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to this Protocol.

Article II

This undertaking relates to all the provisions of any Convention on the Law of the Sea except, in the Convention on Fishing and Conservation of the Living Resources of the High Seas, articles 4, 5, 6, 7 and 8, to which articles 9, 10, 11 and 12 of that Convention remain applicable.

Article III

The Parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to

---

Source: 450 UNTS 169.

States which are parties: Australia, Belgium, Bolivia, China, Colombia (with reservations), Costa Rica, Cuba, Denmark, Dominican Rep., Finland, France, Germany, Fed. Rep. (applicable to Land Berlin), Ghana, Haiti, Holy See, Liberia, Madagascar, Malawi, Malaya, Malta, Mauritius, Nepal, Netherlands, New Zealand, Pakistan, Panama, Portugal, Sierra Leone, Sri Lanka, Sweden, Switzerland, Uganda, United Kingdom, Uruguay, Yugoslavia.

resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either Party to this Protocol may bring the dispute before the Court by an application.

ARTICLE IV

1. Within the same period of two months, the Parties to this Protocol may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

ARTICLE V

This Protocol shall remain open for signature by all States who become Parties to any Convention on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea and is subject to ratification, where necessary, according to the constitutional requirements of the signatory States.

ARTICLE VI

The Secretary-General of the United Nations shall inform all States who become Parties to any Convention on the Law of the Sea of signatures to this Protocol and of the deposit of instruments of ratification in accordance with article V.

ARTICLE VII

The original of this Protocol, of which the Chinese, English, French, Russians and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

6. REPORT OF THE SENATE COMMITTEE ON FOREIGN RELATIONS ON THE 1958 LAW OF THE SEA CONVENTIONS, APRIL 27, 1960. *Excerpts.**

LAW OF THE SEA CONVENTIONS

WEDNESDAY, APRIL 27, 1960.—Ordered to be printed

Mr. FULBRIGHT, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Ex. J to N, inclusive, 86th Cong., 1st sess.]

The Committee on Foreign Relations, having had under consideration Executives J to N, inclusive, four conventions on the law of the sea, and an optional protocol concerning the settlement of disputes, reports the conventions and the protocol without objection and recommends that the Senate give its advice and consent to their ratification.

PURPOSE OF THE CONVENTIONS

The purpose of the four conventions and the optional protocol on the law of the sea is to codify existing international law and to establish additional international law in this field. The conventions are concerned with the rights and duties of states and vessels in the territorial sea, contiguous zone and on the high seas, rights and responsibilities with regard to fishing and conservation on the high seas, and the formulation of "international law" with respect to the exploitation of the natural resources of the continental shelf. Not covered in these conventions are the questions of the breadth of the territorial sea and the extent of exclusive fishing rights of coastal states.

COMMITTEE ACTION

The four conventions and the optional protocol were transmitted to the Senate on September 9, 1959. The Committee on Foreign Relations held a public hearing on January 20, 1960, and the record was held open for 30 days thereafter. The principal executive branch wit-

*Source: 86th Congress, 2d session. Senate. Executive Report No. 5, p. 1, 9–11.

ness was Mr. Arthur H. Dean, special consultant to the Department of State, who was chief of the U.S. delegation at the negotiations in Geneva which resulted in these conventions.

During the questioning of Mr. Dean, Senator Mansfield raised the question of the use of the high seas for the testing of nuclear or other dangerous weapons. Mr. Dean testified that when this general problem was raised during the Geneva Conference it was the consensus of the conference that the matter should be referred to the General Assembly of the United Nations to be taken up at the Conference on Disarmament in Geneva.

During questioning by Senator Long, Mr. Dean made clear that the conventions do not affect the relative rights as between the several states of the United States and the Federal Government. The conventions only affect the rights of the United States as a sovereign state with respect to the rights of other sovereign states.

Mr. W. M. Chapman, representing the American Tunaboat Association, the California Fish Canners Association, and the Westgate California Corp. of San Diego, supported the ratification of these conventions. Mr. William R. Neblett, executive director of the National Shrimp Congress, Inc., testified that the groups he represented supported the conventions. Mr. Fred Myers, executive director of the Humane Society of the United States, gave the support of his organization for ratification of the conventions and urged the employment of humane methods of killing animals of the sea, especially whales, seals, and polar bears. Letters and telegrams received from numerous organizations representing the U.S. fishing industry were unanimous in urging approval of the conventions. No opposition was registered. On April 5, 1960, the committee voted without objection to report the conventions favorably to the Senate.

Conclusion

The Committee on Foreign Relations was impressed with the following list of benefits accruing to the United States pursuant to the law of the sea conventions, which was furnished by the Department of State:

> "As a country which believes in the rule of law, any agreement on the rules of international law to which the United States can subscribe is of benefit to it. It is also of benefit to the United States as a principal maritime and naval power to have international agreement on the law of the sea. Aside from these benefits of a general nature, the following are some of the more specific benefits to the United States.
>
> "In the Convention on the Territorial Sea and the Contiguous Zone, the articles on straight baselines, innocent passage and the contiguous zone are a marked advance in the content and formulation of international law. By restricting the use of the straight baseline method to certain exceptional geographic situations, its indiscriminate use to reduce to internal waters large areas heretofore regarded as high seas or territorial sea is prevented. This is in the interest of the United

States which believes in the greatest possible freedom of the seas. The article defining passage as innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state furnishes a clear, simple and precise definition of innocent passage, something which has not heretofore existed in international law. It thus affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself. Article 24 on the contiguous zone is of benefit to the United States since it confirms the practice followed by the United States of exercising customs jurisdiction over a zone outside of its territorial sea and also sanctions the exercise of similar jurisdiction for fiscal, immigration and sanitary purposes in a contiguous zone, the outer limit of which is twelve miles from the coast.

"While the Convention on the High Seas is generally declaratory of existing principles of international law, by codifying these principles in agreed terms, the convention should help to provide stability and avoid disputes in this field of international law.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas could prove to be particularly beneficial to the United States which is one of the great fishing nations of the world. As such, it has farflung and highly diversified high seas fisheries interests. Since the resources of the sea are not inexhaustible, with the advent of modern-day fishing vessels, equipment and techniques, stocks of fish are more than ever vulnerable to overexploitation by the fishermen of many states. If this is to be avoided, it behooves the nations in concern to agree upon appropriate conservation regimes along rational lines.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas is the first international legislation dealing comprehensively with conservation problems. As a code regulating the conservation of maritime resources, it provides a sound basis for international cooperation in determining the need for and in the adoption of such conservation measures as are necessary to maximize the productivity of high seas fishery resources. At the same time, the convention represents a long step toward the development of orderly procedures for resolving problems that provide the basis for disputes among nations over fishing rights and interests on the high seas. The United States has had its share of these.

"The Convention on the Continental Shelf is particularly significant and beneficial to the United States which is one of the principal countries making use of the natural resources of the shelf because the convention reflects for the first time international agreement on the rules governing the exploration and exploitation of this vast submarine area of the world. The convention should prove specially beneficial to the United States since it endorses numerous principles which

the United States has been following since they were enunciated in the 1945 proclamation of President Truman concerning the Continental Shelf.

"Finally, the optional protocol would be beneficial in that it is in accordance with the U.S. policy of striving for solution of international disputes by peaceful means."

The committee believes that adherence to the principles set forth in the law of the sea conventions will reduce disputes and friction among nations and thereby serve the cause of peaceful and friendly relations among the nations of the world. The committee, therefore, recommends that the Senate give its advice and consent to the ratification of the pending conventions and the optional protocol on the law of the sea and include in its resolution of ratification an understanding on the principle of abstention.

E. OCEAN MAMMALS

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E. OCEAN MAMMALS

1. WHALES

a. Convention for the Regulation of Whaling, September 24, 1931*

Concluded at Geneva September 24, 1931; signed by the United States March 31, 1932; Ratification advised by the Senate June 10, 1932; Ratified by the President June 17, 1932; Ratification deposited at Geneva July 7, 1932; Proclaimed by the President January 16, 1935; Entered into force January 16, 1935.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention for the regulation of whaling, dated Geneva, September 24, 1931, and left open for signature until March 31, 1932, was signed by the respective Plenipotentiaries of the United States of America; Albania; Germany; Belgium; Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations; Canada; Australia; New Zealand; the Union of South Africa; India; Colombia; Denmark; Spain; Finland; France; Greece; Italy; Mexico; Norway; the Netherlands, including the Netherland Indies; Poland; Rumania; Switzerland; Czechoslovakia; Turkey and Yugoslavia; a true copy of which convention in the English * * * languages is word for word as follows:

CONVENTION FOR THE REGULATION OF WHALING

HIS MAJESTY THE KING OF THE ALBANIANS; THE PRESIDENT OF THE GERMAN REICH; THE PRESIDENT OF THE UNITED STATES OF AMERICA; HIS MAJESTY THE KING OF THE BELGIANS; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; THE PRESIDENT OF THE GOVERNMENT OF THE SPANISH REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF FINLAND; THE PRESIDENT OF THE FRENCH REPUBLIC; THE PRESIDENT OF THE HELLENIC REPUBLIC; HIS MAJESTY THE KING OF ITALY; THE PRESIDENT OF THE UNITED STATES OF MEXICO;

**Citation:* 49 Stat. 3079; TS 880; 3 Bevans 26.

States which are parties: Austria, Bahamas, Barbados, Brazil, Canada, Cyprus, Czechoslovakia, Denmark (including Greenland), Ecuador, Egypt, Fiji, Finland, France, Gambia, The, Ghana, Guyana, Indonesia, Ireland, Italy (with reservation), Jamaica, Kenya, Latvia, Malaysia, Malta, Mauritius, Mexico, Monaco, Netherlands (extended to Surinam and Curacao), New Zealand, Nicaragua, Nigeria, Norway, Poland, Sierra Leone, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Tanzania, Tonga, Trinidad and Tobago, Turkey, United Kingdom (Extended to Antigua, Ascension Island, Belize, Bermuda, British Solomon Islands Protectorate, British Virgin Islands, Brunei, Cayman Islands, Dominica, Falkland Islands and dependencies, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis, St. Helena, St. Lucia, St. Vincent, Seychelles, and Turks and Caicos Islands), United States, Yugoslavia.

His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic; His Majesty the King of Roumania; the Swiss Federal Council; the President of the Czechoslovak Republic; the President of the Turkish Republic; His Majesty the King of Yugoslavia

have appointed as their Plenipotentiaries the following:

His Majesty the King of the Albanians:

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

The President of the German Reich:

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

The President of the United States of America:

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

His Majesty the King of the Belgians:

M. P. Hymans, Minister for Foreign Affairs.

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

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

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

For the Dominion of Canada:

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

For the Commonwealth of Australia:

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

For the Dominion of New Zealand:

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

For the Union of South Africa:

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

For India:

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

The President of the Republic of Colombia:

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

His Majesty the King of Denmark and Iceland:

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

The President of the Government of the Spanish Republic:

M. Alejandro Lerroux García, Minister of State.

The President of the Republic of Finland:

M. Evald Gyllenbögel, Counsellor of Legation, Permanent Delegate *a.i.* accredited to the League of Nations.

The President of the French Republic:

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

The President of the Hellenic Republic:

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

His Majesty the King of Italy:
M. Augusto Rosso, Minister Plenipotentiary, Substitute Delegate to the Council of the League of Nations.
The President of the United States of Mexico:
M. Salvador Martínez de Alva, Head of the Permanent Office accredited to the League of Nations.
His Majesty the King of Norway:
M. Birger Braadland, Minister for Foreign Affairs.
Her Majesty the Queen of the Netherlands:
Jonkheer F. Beelaerts van Blokland, Minister for Foreign Affairs.
The President of the Polish Republic:
M. Auguste Zaleski, Minister for Foreign Affairs.
His Majesty the King of Roumania:
M. Constantin Antoniade, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.
The Swiss Federal Council:
M. Giuseppe Motta, President of the Swiss Confederation, Head of the Federal Political Department.
The President of the Czechoslovak Republic:
M. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.
The President of the Turkish Republic:
Cemal Hüsnü Bey, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.
His Majesty the King of Yugoslavia:
M. Voislav Marinkovitch, Minister for Foreign Affairs.

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

Article 1

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

Article 2

The present Convention applies only to baleens or whalebone whales.

Article 3

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

(1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;

(2) They do not carry firearms;

(3) They are not in the employment of persons other than aborigines;

(4) They are not under contract to deliver the products of their whaling to any third person.

Article 4

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

Article 5

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

Article 6

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

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

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

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

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

Article 7

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

Article 8

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

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

Article 9

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

Article 10

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

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

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

Article 11

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

Article 12

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13

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

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Article 14

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

Article 15

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

Article 16

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

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

Article 17

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

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

Article 18

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19

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

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

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

Article 20

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

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

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

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

Article 21

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

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the twenty-fourth day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

* * * * * * *

AND WHEREAS the said convention has been duly ratified by the Government of the United States of America and its instrument of ratification was deposited with the Secretary General of the League of Nations on July 7, 1932;

AND WHEREAS the number of ratifications or accessions required under Article 17 of the said convention for the entry into force thereof, including, as is required, the ratifications of the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, were received by the Secretary General of the League of Nations, the latest, the ratification of the Government of the United Kingdom of Great Britain and Northern Ireland, on October 18, 1934, and the fact of the deposit of such ratifications with him was notified to the

Government of the United States of America by the Secretary General;[1]

AND WHEREAS, in pursuance of Article 17 of the convention, the convention entered into effect on the ninetieth day following October 18, 1934, the date of the deposit of the ratification of the United Kingdom of Great Britain and Northern Ireland, that is to say on January 16, 1935;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of January, in the year of our Lord one thousand nine hundred and thirty-
[SEAL] five and of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

The following ratifications and accessions were received by the Secretary General of the League of Nations on or before Oct. 18, 1934:

Ratifications: United States of America, Czechoslovakia, Denmark (including Greenland), Great Britain and Northern Ireland (not including colonies, protectorates, overseas territories or territories under suzerainty or under mandate exercised by the British Government), Italy (with reservation that the convention can in no way constitute a precedent for future agreements providing for the limitation of fishing in extraterritorial sea), Mexico, Netherlands (including Netherland India, Surinam, and Curaçao), Norway, Poland, Spain, Switzerland, Union of South Africa, Turkey, and Yugoslavia.

Accessions: Brazil, Egypt, Monaco, Nicaragua, and Sudan.

b. International Whaling Convention with Schedule of Whaling Regulations, December 2, 1946*

Signed at Washington December 2, 1946; Ratification advised by the Senate July 2, 1947; Ratified by the President July 18, 1947; Ratification deposited at Washington July 18, 1947; Proclaimed by the President November 19, 1948; Entered into force November 10, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention for the regulation of whaling was signed at Washington under the date of December 2, 1946 by the respective plenipotentiaries of the Governments of the United States of America, Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the Union of South Africa;

Whereas the text of the said convention is word for word as follows:

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;

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 the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

**Citation:* 62 Stat. 1716; TIAS 1849; 4 Bevans 248.

States which are parties: Argentina (with reservation), Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Mexico, Norway (with a statement), Panama, South Africa, Union of Soviet Socialist Reps., United Kingdom, United States.

Implementing legislation: Whaling Convention Act of 1949; Public Law 81–676 [S. 2080], 64 Stat. 421, approved August 9, 1950.

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, 1937[1] and the protocols to that Agreement signed in London on June 24, 1938[2] and November 26, 1945;[3] 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;

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.

[1] Treaty Series 933; 52 Stat. 1460.
[2] Treaty Series 944; 53 Stat. 1794.
[3] Treaties and Other International Acts Series 1597.

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, in-

cluding 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 the 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 whales 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 [1] 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.

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.

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[1] Nov. 10, 1948.

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 whales 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 fœtus, 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 Austrialia 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.

* * * * * * *

WHEREAS the Senate of the United States of America by their Resolution of July 2, 1947, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on July 18, 1947, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article X of the said convention that the convention shall, when instruments of ratification have been desposited 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;

WHEREAS instruments of ratification of the said convention were deposited with the Government of the United States of America by the following Governments, namely: the United Kingdom of Great Britain and Northern Ireland on June 17, 1947; the United States of America on July 18, 1947; Australia on December 1, 1947; Norway on March 3, 1948; the Union of South Africa on May 5, 1948; the

Union of Soviet Socialist Republics on September 11, 1948; and the Netherlands on November 10, 1948;[1]

AND WHEREAS, pursuant to the aforesaid provisions of Article X of the said convention the convention entered into force on November 10, 1948;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention for the regulation of whaling, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after November 10, 1948, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of November in the year of our Lord one thousand nine hundred forty-
[SEAL] eight and of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:

ROBERT A LOVETT

Acting Secretary of State

[1] Iceland adhered by notice given Mar. 10, 1947, effective Nov. 10, 1948; and Panama adhered by notice given Sept. 27, 1948, effective Nov. 10, 1948, agreeing to apply convention provisionally until approved in conformity with constitutional requirements of Panama.

1. REVISED SCHEDULE, INCLUDING THE AMENDMENTS ADOPTED AT THE 24TH MEETING OF THE INTERNATIONAL WHALING COMMISSION, JUNE 30, 1972*

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 provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdistion over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*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.

(*c*) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.

2. It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government on behalf of aborigines and only 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 whales or female whales which are accompanied by calves or suckling whales.

4.—(1) (*a*) It is forbidden to kill blue whales in the North Atlantic Ocean.

(*b*) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for five years beginning with the 1971 season.

**Source:* Gt. Brit. Secretary of State for Foreign and Commonwealth Affairs. Schedule to the International Whaling Convention, 1946, Revised to Include the Amendments Adopted at the Twenty-fourth Meeting of the International Whaling Commission. London, H. M. Stationery Office, 1973. 11 p. [Gt. Brit. Parliament. Papers by Command] Cmnd. 5232.
Citation to Amendments to the Schedule: June 7, 1949 (1 UST 506, TIAS 2092) ; July 21, 1950 (2 UST 11, TIAS 2173) ; July 27, 1951 (3 UST 2999, TIAS 2486) ; June 6, 1952 (3 UST 5094, TIAS 2699) ; June 26, 1953 (4 UST 2179, TIAS 2866) ; July 23, 1954 (6 UST 645, TIAS 3198) ; July 23, 1955 (7 UST 657, TIAS 3548) ; July 20, 1956 (8 UST 69, TIAS 3739) ; June 28, 1957 (8 UST 2203, TIAS 3944) ; June 27, 1958 (10 UST 330, TIAS 4193) ; July 1, 1959 (11 UST 32, TIAS 4404) ; June 24, 1960 (13 UST 493, TIAS 5014) ; June 23, 1961 (13 UST 497, TIAS 5015) ; July 6, 1962 (14 UST 112, TIAS 5277) ; July 5, 1963 (14 UST 1690, TIAS 5472) ; June 26, 1964 (15 UST 2547, TIAS 5745) ; July 2, 1965 (17 UST 35, TIAS 5953) ; July 1, 1966 (17 UST 1640, TIAS 6120) ; June 30, 1967 (18 UST 2391, TIAS 6345) ; June 28, 1968 (19 UST 6030, TIAS 6562) ; June 27, 1969 (20 UST 4063, TIAS 6794) ; June 26, 1970 (21 UST 2460, TIAS 6985) ; June 25, 1971 (23 UST 179, TIAS 7293) ; June 30, 1972 (23 UST 2820, TIAS 7471) ;

(2) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of 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. [This paragraph was deleted following a recommendation made at the Twenty-fourth Meeting.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean. Notwithstanding this prohibition the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(3) It is forbidden to kill or attempt to kill blue whales in the waters south of the Equator.

(4) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator for three years beginning with the 1971 season.

(5) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° South Latitude and 40° North Latitude.*

7.—(*a*) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April following, both days inclusive.

(*b*) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may

* Paragraph 6 (5) came into force on 4th January, 1966 but is not binding on Japan, Norway and the Union of Soviet Socialist Republics, all of whom objected within the prescribed period.

be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continues open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached therto;

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to subparagraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(*a*) The number of baleen whales taken during the open season in waters south of 40° South Latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1,950 fin whales, 5,000 sei and Bryde's whales combined and 5,000 minke whales in 1972/73.

(*b*) 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 fin, sei, Bryde's and minke whales taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Bureau of International Whaling Statistics to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.

(*c*) If it appears that the maximum catches of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*d*) 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.

(*e*) The number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 650 in 1973.

(*f*) The number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 3,000 whales in 1973.

(*g*) The number of sperm whales taken in the North Pacific Ocean and dependent waters shall not exceed 6,000 male and 4,000 female sperm whales in 1973.

(*h*) The number of sperm whales taken in the Southern Hemisphere in the 1972/73 pelagic season and the 1973 coastal season shall not exceed 8,000 males and 5,000 females.

9.—(*a*) It is forbidden to take or kill any blue, sei, Bryde's or humpback whales below the following lengths:

Blue whales 70 feet (21.2 metres)
Sei Bryde's whales 40 feet (12.2 metres)
Humpback whales 35 feet (10.7 metres)

except that blue whales of not less than 65 feet (19.8 metres) and sei and Bryde's whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1971, the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1971, in each case the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).

(*d*) 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 feet 6 inches and 76 feet 6 inches shall be logged at 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.* 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whole catches attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*) Each Contracting Government* shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the Same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in subparagraph (*b*) of this paragraph) ; provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of

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* *Note:* This sub-paragraph 10(*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

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, apart from minke whales in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 8(e) and (f) and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke 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. A contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(*c*) Complete treatment of the carcases 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.—(*a*) The taking of whales for treatment by a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken

(2) Its species, and

(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information specified in sub-paragraph (*c*) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment

(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9

(3) Sex

(4) If female, whether milk-filled or lactating

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

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, fertiliser (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 of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship.

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers.

(*c*) A list of the land stations which were in operation during the period concerned.

[1] 17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ships shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in subparagraph (*c*) of this paragraph or south of 40° South Latitude.

(c) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies

[1] See *note* on page 363.

(2) On the west coast of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast 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 [1]

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, *i.e.* any whale other than a toothed whale.

"Blue whale" (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Bryde's whale" (*Balaenoptera edeni* or *brydei*) means any whale known by the name of "Bryde's whale."

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, finwhale, herring whale, razorback, or true fin whale.

"Gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (*Balaenoptera acutorostrata*, *B. Davidoni*, *B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"Right Whale" (*Balaena mysticetus*, *Eubalaena glacialis*, *E. australis*, etc.; *Neobalaena marginata*) 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, pygmy right whale, Southern pygmy right whale or Southern right whale.

"Sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale.

"Sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

Note: Paragraph 17 (*a*), (*b*) and (*c*) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

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 North-west 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.

Paragraph 17 (*c*) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959 as regards all Contracting Governments.

[1] See *note* above.

2. AMENDMENTS TO SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION OF DECEMBER 2, 1946, June 29, 1973*

Adopted at London, June 29, 1973 at the 25th meeting of the International Whaling Commission; Entered into force October 4, 1973, with the exceptions of paragraphs 8(a) and 8(h), which entered into force January 2, 1974, except for Japan and USSR.

INTERNATIONAL WHALING COMMISSION

JULY 5, 1973.

Reference: AS XXV.

SIR:

Circular Communication to all Contracting Governments.
International Whaling Convention 1946.
Amendments to the Schedule.

1. At its twenty-fifth meeting held in London from 25 to 29 June 1973, the Commission agreed to the following amendments to the Schedule:

Paragraph 4

Delete sub-paragraphs 4(1) (a) and (b).
Insert "It is forbidden to kill or attempt to kill blue whales".

Paragraph 6

Delete in sub-paragraph 6(1) "in the North Atlantic Ocean".
Insert at the end of the second line "not below 35 feet (10.7 metres) in length".
Delete sub-paragraphs 6 (2), (3) and (4).
Delete sub-paragraph 6(5).

Paragraph 7

Delete in sub-paragraph 7(a) "(excluding minke whales)".
Insert after "whales" in line 2 "except minke whales".

Paragraph 8

Sub-paragraph 8(a):
Delete "1950" line 3 *Insert* "450".
Delete "5000" line 3 *Insert* "500".
Delete "1972/73" line 4 *Insert* "1973/74".
Insert after "1973/74". "The taking of fin whales shall cease not later than 30 June 1976".

Sub-paragraph 8(e)
Delete "650" line 2 *Insert* "550".
Delete "1973" line 2 *Insert* "1974".

Sub-paragraphs 8 (f) and (g)
Delete "1973" line 2 *Insert* "1974".

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* *Citation:* TIAS 7936.

Sub-paragraph 8(h)

Delete "1972/73" line 1 *Insert* "1973/74".

Delete "1973" line 2 *Insert* "1974".

Insert after "females" line 2 "The total catches in any of the Areas I to VI shall not exceed the limits shown below:

Area	Male	Female
II and III—60° W., 70° E	1,900	1,800
IV and V—70° E., 170° W	2,900	2,100
VI and I—170° W., 60° W	3,200	1,100

Paragraph 9

Subparagraph 9(a)

Delete the first six lines and *Insert* "It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) except that sei and Bryde's whales".

Delete in lines 8 and 9 "except in the north-east Pacific area for a period of three years starting 1st April 1971".

Sub-paragraph 9(b)

Delete in lines 6 and 7 "except in the north-east Pacific area for a period of three years starting 1st April 1971".

Paragraph 10

Sub-paragraph 10(b)

Delete "(excluding minke)" line 3, *Insert* "except minke whales".

Delete "(excluding minke)" line 8, *Insert* "except minke whales".

Sub-paragraph 10(c)

Delete "(excluding minke whales)" line 6, *Insert* "except minke whales".

Paragraph 15

Delete paragraph.

Insert "A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations".

Paragraph 17

Delete sub-paragraphs 17(c)(1) and (2) and the accompanying footnote.

2. These amendments become effective with respect to each Contracting Government ninety days following the date of this letter in accordance with Article V of the Convention unless any Contracting Government lodges an objection, in which case the procedure under Article V(3) of the Convention will be followed.

3. The ninety days period will expire at midnight on 3 October. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

4. Will you please acknowledge receipt of this letter, a copy of which is being sent to each Commissioner.

I am, Sir,

Your obedient Servant,

R. STACEY,
Secretary to the Commission.

Reference: AS XXV.

October 5, 1973.

Circular communication to all contracting governments and Commissioners.

International Whaling Convention 1946.

Amendments to the schedule.

1. The Secretary refers to his circular letter dated 5th July 1973, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-fifth Annual Meeting.

2. As announced in circular communication dated 18th September 1973, the Government of Japan has objected to the following amendments:

1. the insertion in sub-paragraph 8(a) relating to cessation of the taking of fin whales after June 1976.

2. the maximum catch relating to minke whales in 1973/74 in sub-paragraph 8(a).

3. the insertion providing for area catch limits after "females" in line 2 of sub-paragraph 8(h).

The Government of the USSR has also notified the Commission of its objection to (2) and (3) of these amendments. In accordance with Article V(3) of the Convention these amendments will remain inoperative for an additional period of 90 days from the 4th October 1973 when, in the absence of further objections these amendments will become binding on all Contracting Governments except the Government of Japan in respect of (1) (2) (3) and the Government of the USSR in respect of (2) and (3).

3. No other objections have been received to the amendments approved at the Twenty-fifth Meeting and the amendments in the following paragraphs therefore become binding on all Contracting Governments from 4th October 1973.

Paragraph 4 sub-paragraphs (1) (a) and (b).

Paragraph 6 sub-paragraphs (1) (2) (3) (4) and (5).

Paragraph 7 (a).

Paragraph 8 sub-paragraph (a) *except* maximum catch relating to minke whales in 1973/74 and the insertion "the taking of fin whales shall cease not later than 30th June 1976", (e) (f) (g) and (h) except the insertion after "females" in line 2 providing for area catch limits.

Paragraph 9 (a) and (b).

Paragraph 10(b) and (c).

Paragraph 15.

Paragraph 17 sub-paragraph (c), (1) and (2) and accompanying footnote.

4. The Secretary requests an acknowledgment of the receipt of the Communication, a copy of which is being sent to all Commissioners.

Our Ref: AS.

Attention: U/FW.
The Secretary of State,
Department of State,
Washington 25 DC 20520.

JANUARY 9, 1974.

Circular communication to contracting Governments.
International Whaling Convention 1946.
Amendments to the schedule.

Contracting Governments were advised in the Secretary's Communications of 18th September and 5th October 1973 of objections lodged to parts of the amendments to sub-paragraph 8(a) and 8(b) by the Governments of Japan and the Union of the Soviet Socialist Republics. These objections have not been withdrawn and no further objections have been received. The amended sub-paragraphs are reproduced below and are now fully operative. The parts underlined to which objections were raised came into effect on 2nd January 1974 but are not binding on the Governments who objected to them.

The Secretary requested the acknowledgement of the receipt of this communication, a copy of which is being sent to all Commissioners.

8. (a) The number of baleen whales taken during the open season in waters south of 40 South Latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1,450 fin whales, 4,500 sei and Bryde's whales combined and *5,000** † minke whales in 1973/74. *The taking of fin whales shall cease not later than 30 June 1976.**

8. (h) The number of sperm whales taken in the Southern Hemisphere in the 1973/74 pelagic season and the 1973 coastal season shall not exceed 8,000 males and 5,000 females. *The total catches in any of the Areas I to VI shall not exceed the limits shown below:** †

Area	Male	Female
II and III– 60° W., 70° E.	1,900	1,800
IV and V– 70° E., 170° W.	2,900	2,100
VI and I– 170° W., 60° E.	3,200	1,100
Total	8,000	5,000

†Not binding on the Government of Japan.
*Not binding on the Government of the USSR.

3. AMENDMENTS TO SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION OF DECEMBER 2, 1946, JUNE 28, 1974*

Adopted at London, June 24–28, 1974 at the 26th meeting of the International Whaling Commission; Entered into force October 2, 1974.

INTERNATIONAL WHALING COMMISSION

October 3, 1974.

Ref: AS XXVI

Circular Communication to all Contracting Governments
International Whaling Convention 1946

AMENDMENTS TO THE SCHEDULE

The Secretary refers to his circular letter of 3 July, 1974 notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's Twenty-sixth Annual Meeting.

No objections have been received to the amendments which are listed overleaf and they therefore became binding on all Contracting Governments from 2 October 1974.

The Secretary requests an acknowledgement of this communication, a copy of which is also being sent to all Commissioners.

List of Amendments to the Schedule Approved by the Commission at Its 26th Meeting

Paragraph 1

Add the following at end of paragraph: 'lost whale' means any whale that has been taken but not delivered to the factory ship or land station.

Paragraph 11

Line 3
Delete 1,450 *Insert* 1,000

Line 3
Delete 4,500 *Insert* 4,000

Line 4
Delete 5,000 *Insert* 7,000

Line 4
Delete 1973/74 *Insert* 1974/75

**Citation:* TIAS 7960.

Add the following at end of paragraph: 'The total catches taken in any of the areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the area catches exceed the total quotas.'

	Fin	Sei and Bryde's	Minke
Areas:			
I and II 120° W—0°	475	1,275	3,300
III and IV 0—130° E	416	1,503	4,140
V and VI 130° E—120° W	300	1,664	1,060

'Further provided that in areas II and III the catch of sei and Bryde's whales does not exceed 810 and 495 respectively. From 1975/76 the quotas will be divided into six areas or such other divisions based on the advice tendered by the Scientific Committee.'

Paragraph 12

Line 2
Delete 550 *Insert* 300

Line 2
Delete 1974 *Insert* 1975

Paragraph 13

Line 2
Delete 3,000 *Insert* 2,000

Line 2
Delete 1974 *Insert* 1975

Paragraph 14

Line 2
Delete 1974 *Insert* 1975

Paragraph 15

Line 1
Delete 1973/74 *Insert* 1974/75

Line 2
Delete 1974 *Insert* 1975

Line 6
Delete 1,900 *Insert* 2,548

Line 6
Delete 1,800 *Insert* 2,563

Line 7
Delete 2,900 *Insert* 2,730

Line 7
Delete 2,100 *Insert* 2,188

Line 8
Delete 3,200 *Insert* 3,822

Line 8
Delete 1,100 *Insert* 1,500

Delete colon and dash in line 4. *Add* a full stop then the following sentence:

'However, in no circumstances shall the sum of the area catches exceed the total quotas'.

Paragraph 21

Delete and *Insert the following*:

Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw or, in sperm whales, the most forward part of the head and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metres. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

Paragraph 24(b)

Delete and *Insert* the following:

For each catcher ship attached to a factory ship or land station

(i) the dates on which each is commissioned and ceases whaling for the season.

(ii) the number of days on which each is at sea on the whaling grounds each season.

(iii) where possible the total number of hours spent each day searching for, chasing and catching whales, but not including time spent picking up or towing.

(iv) the gross tonnage, horsepower and length of each and the list of those equipped with asdic; vessels used only as tow boats should be specified.

Paragraph 24(c)

Delete full stop after 'concerned' *Add* a comma and then the following:

and the number of miles searched per day by aircraft, if any.

4. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, NOVEMBER 19, 1956*

Signed at Washington November 19, 1956; Ratification advised by the Senate August 8, 1957; Ratified by the President August 30, 1957; Ratification deposited at Washington August 30, 1957; Proclaimed by the President May 14, 1959; Entered into force May 4, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol to the international convention for the regulation of whaling signed at Washington under date of December 2, 1946 was signed at Washington under date of November 19, 1956 by the Plenipotentiaries of the United States of America and sixteen other governments;

WHEREAS the text of the said protocol, in the English language, is word for word as follows:

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

ARTICLE I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:

"3. 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

ARTICLE II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clasure (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: "and (i) methods of inspection".

**Citation:* 10 UST 952; TIAS 4228.
States which are parties: Argentina (with reservation), Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Mexico, Norway (with a statement), Panama, South Africa, Union of Soviet Socialist Reps., United Kingdom, United States.

ARTICLE III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.

4. 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, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, 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 Governments signatory or adhering to the 1946 Whaling Convention.

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of August 8, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on August 30, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article III of the said protocol that the protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the international convention for the regulation of whaling signed at Washington under date of December 2, 1946;

WHEREAS instruments of ratification with respect to the said protocol have been deposited with the Government of the United States of

America on behalf of all the Contracting Governments to the aforesaid 1946 convention, namely: Iceland on November 23, 1956, Australia on April 8, 1957, Norway on April 15, 1957, the Union of South Africa on April 25, 1957, the United Kingdom of Great Britain and Northern Ireland on May 23, 1957, Japan on May 24, 1957, Sweden on June 6, 1957, Canada on June 14, 1957, New Zealand on June 21, 1957, the Union of Soviet Socialist Republics on July 3, 1957, Denmark on July 26, 1957, the United States of America on August 30, 1957, the Netherlands on December 23, 1957, France on April 14, 1958, Panama on February 9, 1959, Mexico on March 9, 1959, and Brazil on May 4, 1959;

WHEREAS, pursuant to the aforesaid provision of Article III of the said protocol, the protocol entered into force on May 4, 1959;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said protocol to the international convention for the regulation of whaling to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after May 4, 1959, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourteenth day of May in the year of our Lord one thousand nine hundred fifty-nine and [SEAL] of the Independence of the United States of America the one hundred eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State

DECEMBER 1, 1964

35-415 O - 75 - 25

2. SEALS

a. Interim Convention on the Conservation of North Pacific Fur Seals, February 9, 1957*

Signed at Washington February 9, 1957; Ratification advised by the Senate August 8, 1957; Ratified by the President August 30, 1957; Ratifications deposited with the Government of the United States of America as follows: by the United States and by Canada on September 16, 1957; by Japan on September 20, 1957; and by the Union of Soviet Socialist Republics on October 14, 1957; Proclaimed by the President November 15, 1957; Entered into force October 14, 1957.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an interim convention on conservation of North Pacific fur seals was signed at Washington on February 9, 1957 by the respective representatives of the Governments of the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics;

WHEREAS the text of the said convention, in the English language, is word for word as follows:

INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal population can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

**Citation:* 8 UST 2283; TIAS 3948.
States which are parties: Canada, Japan, Union of Soviet Socialist Reps., United States.
Implementing legislation: Fur Seal Act of 1966, Public Law 89-702 [S. 2102], 80 Stat. 1091, approved November 2, 1966.

Article I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

Article II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear; and

(g) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, each of the Parties agrees to carry out, each year after the entry into force of the Convention, the programs set forth in the Schedule annexed to the Convention with any modifications thereof made pursuant to Article V, paragraph 3. The said Schedule, together with

any such modifications, shall be considered an integral part of this Convention.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and

(c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

Article III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 and the Schedule, in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

Article IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commis-

sion shall notify each Party of every such amendment and of the effective date thereof.

ARTICLE V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) recommend to the Parties at the end of the fifth year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year, the methods of sealing best suited to achieve the objectives of this Convention; the above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year provided for in Article XI.

3. The Commission may, subsequent to the first year of operation of the Convention, modify in accordance with its scientific findings the research programs set forth in the Schedule and, if any such modifications are made, the Schedule shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

Article VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalites in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

Article VII

The provisions of this Convention shall not apply to Indians, Ainos,

Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

Article VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with the Schedule, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

Article IX

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist Republics	to Canada	15 per cent
	to Japan	15 per cent
By the United States of America	to Canada	15 per cent
	to Japan	15 per cent

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed:

(a) that in any year in which commercial killing is carried out for both the Commander and Robben Islands herds and pelagic research in that area is carried on at a level of 2,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this

Article by a total of 375 sealskins to each of these Parties;

(b) that in any year in which commercial killing is carried out for one only of the Commander or Robben Islands herds and pelagic research in that area is carried on at a level of 1,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 188 sealskins to each of these Parties.

Article X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

Article XI

The Parties agree to meet early in the sixth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2(e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

Article XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

Article XIII

1. This Convention shall be ratified and the instruments of ratifica-

tion deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for six years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of six years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the sixth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

SCHEDULE

1. The United States of America each year during the first four years shall tag 50,000 black pups on the Pribilof Islands.

2. The Union of Soviet Socialist Republics each year during the first four years shall tag 25 per cent of the black pups on the Commander Islands and 25 per cent of the black pups on Robben Island.

3. In the event that pelagic sealing should be suspended for one or more years under the provisions of Article IV, paragraph 3, the tagging of black pups shall continue at the mentioned rates for a comparable number of years.

4. The United States of America each year shall take at sea for research purposes in the Eastern Pacific Ocean between 1,250 and 1,750 seals.

5. Canada each year shall take at sea for research purposes in the Eastern Pacific Ocean between 500 and 750 seals.

6. Japan shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 2,750 and 3,250 seals;

(b) annually during the remaining four years of pelagic research between 1,400 and 1,600 seals.

7. The Union of Soviet Socialist Republics shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 750 and 1,250 seals;

(b) annually during the remaining four years of pelagic research between 400 and 600 seals.

* * * * * * *

WHEREAS the Senate of the United States of America by their

resolution of August 8, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on August 30, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of said the convention that the convention shall enter into force on the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on September 16, 1957 by the United States of America and by Canada, on September 20, 1957 by Japan, and on October 14, 1957 by the Union of Soviet Socialist Republics;

AND WHEREAS, pursuant to the aforesaid provisions of Article XIII of the said convention, the convention entered into force on October 14, 1957;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of November in the year of our Lord one thousand nine hundred fifty-
[SEAL] seven and of the Independence of the United States of America the one hundred eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

1. PROTOCOL AMENDING THE INTERIM CONVENTION, OCTOBER 8, 1963*

Signed at Washington October 8, 1963; Ratification advised by the Senate January 30, 1964; Ratified by the President February 6, 1964; Ratifications deposited with the Government of the United States of America as follows: by Canada November 12, 1963; by the United States of America February 6, 1964; by the Union of Soviet Socialist Republics March 12, 1964; and by Japan April 10, 1964; Proclaimed by the President April 22, 1964; Entered into force April 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol amending the interim convention on conservation of North Pacific fur seals of February 9, 1957, was signed at Washington on October 8, 1963, by the respective representatives of the Governments of the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics;

WHEREAS the text of the protocol, in the English, * * * languages, as certified by the Department of State of the United States of America, is word for word as follows:

PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, [1] hereinafter referred to as the Convention,

Having given due consideration to the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962, and

Desiring to mend the Convention,

Have agreed as follows:

ARTICLE I

The convention shall be amended by this Protocol as from the date of its entry into force.

Citation: 15 UST 316; TIAS 5558.
States which are parties: Canada, Japan, Union of Soviet Socialist Reps., United States.
[1] TIAS 3948; 8 UST 2283.

Article II

1. In Article II, paragraph 2 of the Convention, "and" at the end of sub-paragraph (f) shall be deleted and "(g)" shall be replaced by "(i)".

2. After Article II, paragraph 2(f) of the Convention, the following shall be inserted:

"(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

"(h) quality of sealskins by sex, age, and time and method of sealing; and ".

Article III

Article II, paragraph 3 of the Convention shall be replaced by the following:

"3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3."

Article IV

In Article III of the Convention, "and the Schedule" shall be deleted.

Article V

Article V, paragraph 2(e) of the Convention shall be replaced by the following:

"(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI."

ARTICLE VI

Article V, paragraph 3 of the Convention shall be replaced by the following:

"3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the number of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party."

ARTICLE VII

In Article VIII, paragraph 2 of the Convention, "the Schedule" shall be replaced by "Article II, paragraph 3".

ARTICLE VIII

Article IX, paragraph 3 of the Convention shall be replaced by the following:

"3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years."

ARTICLE IX

1. In Article XI of the Convention, "sixth" shall be replaced by "twelfth".

2. In Article XIII, paragraph 4 of the Convention, "six" shall be replaced by "twelve" and "sixth" shall be replaced by "twelfth".

ARTICLE X

The Schedule annexed to the Convention shall be deleted.

ARTICLE XI

1. This Protocol shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Protocol shall enter into force on October 14, 1963, if the fourth instrument of ratification is deposited on or before that date, and if the fourth instrument of ratification is deposited after October 14, 1963, on the date of its deposit.

4. Notwithstanding Article I of this Protocol:

(a) if this Protocol has not enttered into force on or before January 31, 1964, the Convention shall apply with respect to pelagic research for the seventh year;

(b) even if this Protocol has entered into force after the beginning of the commercial sealing season of the seventh year, Article IX, paragraph 3 as amended by this Protocol shall apply with respect to the said season.

5. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof of each of the Governments signatory to this Protocol.

WHEREAS the Senate of the United States of America by their resolution of January 30, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the protocol;

WHEREAS the protocol was ratified by the President of the United States of America on February 6, 1964, in pursuance of the aforesaid advice and consent to ratification;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on November 12, 1963 by Canada, on February 6, 1964 by the United States of America, on March 12, 1964 by the Union of Soviet Socialist Republics, and on April 10, 1964 by Japan;

AND WHEREAS, pursuant to the provisions of Article XI of the protocol, the protocol entered into force on April 10, 1964, the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-second day of April in
[SEAL] the year of our Lord one thousand nine hundred sixty-four and of the Independence of the United States of America the one hundred eighty-eighth.

LYNDON B. JOHNSON

By the President:
DEAN RUSK
Secretary of State

2. AGREEMENT EXTENDING THE INTERIM CONVENTION, SEPTEMBER 3, 1969*

Notifications of confirmation received from the United States of America March 19, 1969; from the Union of Soviet Socialist Republics April 1, 1969; from Canada June 4, 1969; and from Japan September 3, 1969; Entered into force September 3, 1969.

The Secretary of State to the Chiefs of Mission of the Union of Soviet Socialist Republics, Canada, and Japan

OCTOBER 17, 1969.

The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments concerned with the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963, [1] and has the honor to refer to the Secretary of State's circular note dated March 19, 1969 which stated, *inter alia*, as follows:

> "In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.
>
> "It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen years and thereafter until the entry into force of a new or revised

*Citation: 20 UST 2992; TIAS 6774.
States which are parties: Canada, Japan, Union of Soviet Socialist Rep., United States.

[1] TIAS 3948, 5558; 8 UST 2283; 15 UST 316.

fur seal convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.

"It is further the understanding of the Government of the United States that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.

"The Government of the United States hereby confirms the foregoing understanding on its part and would appreciate receiving written confirmation of such understandings by the other Parties. The Government of the United States will be pleased to notify such Parties of confirmations when received."

The Secretary of State transmits herewith copies of notes received from the Embassy of the Union of Soviet Socialist Republics dated April 1, 1969 (with translation by the Department of State), the Embassy of Canada dated June 3, 1969, and the Ambassador of Japan dated August 29, 1969, confirming the foregoing understandings on the part of the respective Governments of the Union of Soviet Socialist Republics, Canada, and Japan. As indicated hereinbefore the United States of America notified the other Parties of its confirmation of the understandings on March 19, 1969.

Notifications of confirmation having been given by each of the four Parties to the Convention, the agreement on the matter became effective on September 3, 1969, the date of receipt of the fourth note.

The Secretary of State would be grateful if each Chief of Mission would forward this information to his Government.

Enclosures:
Copies of three notes, as stated.

Department of State,
Washington.

Translation

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS

No. 14

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Secretary of State of the United States of America and, referring to his note dated March 19, 1969, communicates that the Government of the Union of Soviet Socialist Republics agrees that the Interim Convention on Conservation of North Pacific Fur Seals, signed in Washington on February 9, 1957, with amendments introduced by the Protocol signed in Washington on October 8, 1963, remain in force, bearing in mind Article XIII, Paragraph 4, of the Convention, for a period of eighteen years and further, until the entry into force of a new or revised Fur Seal Convention between the Parties or until the expiration of one year after such eighteen year period, depending upon which occurs first.

WASHINGTON, *April 1, 1969*

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

[Initialed]

35-415 O - 75 - 26

CANADIAN EMBASSY AMBASSADE DU CANADA

No. 153

The Canadian Embassy presents its compliments to the Secretary of State and has the honour to refer to the Secretary's Note of March 19, 1969 concerning the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963. The Embassy wishes to inform the Secretary of State that the Canadian Government has noted the understandings set out and confirmed in the Secretary's Note under reference.

The Canadian Government has received a letter from the Chairman of the North Pacific Fur Seal Commission similar to the Chairman's letter of October 13, 1968 to the Secretary of State, a copy of which was attached to the above-mentioned Note.

The Canadian Government agrees that it would be in order for the Parties to the Interim Convention on Conservation of North Pacific Fur Seals to continue the amended Convention in force for an additional period of time.

It is the understanding of the Canadian Government that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for 18 years, and thereafter until the entry info force of a new or revised Fur Seal Convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.

It is further the understanding of the Canadian Government that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.

The Embassy confirms the foregoing understandings on the part of the Government of Canada as requested by the Government of the United States in its capacity of Depositary Government for the Convention.

The Canadian Embassy avails itself of this opportunity to renew to the Secretary of State the assurances of its highest consideration.

WASHINGTON, D. C.

June 3, 1969 [Initialed]

EMBASSY OF JAPAN
WASHINGTON
August 29, 1969

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SIR:

I have the honor to acknowledge the receipt of your Note dated March 19, 1969, which reads as follows:

"The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments concerned with the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963, and has the honor to refer to a letter dated October 13, 1968 received from the Chairman of the North Pacific Fur Seal Commission, a copy of which is enclosed. It is the understanding of the Government of the United States that similar letters have been received by each of the Parties to the above-mentioned Convention.

In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.

It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.

It is further the understanding of the Government of the United States that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.

The Government of the United States hereby confirms the foregoing understanding on its part and would appreciate receiving

written confirmations of such understandings by the other Parties. The Government of the United States will be pleased to notify such Parties of confirmations when received."

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

T. SHIMODA

Takeso Shimoda
Ambassador of Japan

The Honorable
WILLIAM P. ROGERS
The Secretary of State

b. Convention for the Conservation of Antarctic Seals, February 11, 1972. *Not in Force.* **[For text, see Antarctica section, p. 102]**

3. POLAR BEARS

a. Agreement on the Conservation of Polar Bears, November 15, 1973. *Not in Force**

Done at Oslo November 15, 1973; signed by the United States November 15, 1973;

The Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States of America,

Recognizing the special responsibilities and special interests of the States of the Arctic Region in relation to the protection of the fauna and flora of the Arctic Region;

Recognizing that the polar bear is a significant resource of the Arctic Region which requires additional protection;

Having decided that such protection should be achieved through coordinated national measures taken by the States of the Arctic Region;

Desiring to take immediate action to bring further conservation and management measures into effect;

Have agreed as follows:

ARTICLE I

1. The taking of polar bears shall be prohibited except as provided in Article III.

2. For the purpose of this Agreement, the term "taking" includes hunting, killing and capturing.

ARTICLE II

Each Contracting Party shall take appropriate action to protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns, and shall manage polar bear populations in accordance with sound conservation practices based on the best available scientific data.

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*[Reproduced from the text provided to *International Legal Materials* by the U.S. Department of State.

[Canada, Denmark, Norway and the United States signed the agreement on November 15, 1973. As of February 1, 1974, there were no ratifications.]

Source: International Legal Materials, v. 13, No. 1, January 1974: 13–18.

Ratified by: Canada (with declaration), as of Dec. 31, 1974. (Entry into force requires ratification by three nations).

Article III

1. Subject to the provisions of Articles II and IV, any Contracting Party may allow the taking of polar bears when such taking is carried out:

(a) for *bona fide* scientific purposes; or

(b) by that Party for conservation purposes; or

(c) to prevent serious disturbance of the management of other living resources, subject to forfeiture to that Party of the skins and other items of value resulting from such taking; or

(d) by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party; or

(e) wherever polar bears have or might have been subject to taking by traditional means by its nationals.

2. The skins and other items of value resulting from taking under sub-paragraphs (b) and (c) of paragraph 1 of this Article shall not be available for commercial purposes.

Article IV

The use of aircraft and large motorized vessels for the purpose of taking polar bears shall be prohibited, except where the application of such prohibition would be inconsistent with domestic laws.

Article V

A Contracting Party shall prohibit the exportation from, the importation and delivery into, and traffic within, its territory of polar bears or any part or product thereof taken in violation of this Agreement.

Article VI

1. Each Contracting Party shall enact and enforce such legislation and other measures as may be necessary for the purpose of giving effect to this Agreement.

2. Nothing in this Agreement shall prevent a Contracting Party from maintaining or amending existing legislation or other measures or establishing new measures on the taking of polar bears so as to provide more stringent controls than those required under the provisions of this Agreement.

Article VII

The Contracting Parties shall conduct national research programmes on polar bears, particularly research relating to the conservation and management of the species. They shall as appropriate coordinate such research with research carried out by other Parties, consult with other Parties on the management of migrating polar bear populations, and exchange information on research and management programmes, research results and data on bears taken.

Article VIII

Each Contracting Party shall take action as appropriate to promote compliance with the provisions of this Agreement by nationals of States not party to this Agreement.

Article IX

The Contracting Parties shall continue to consult with one another with the object of giving further protection to polar bears.

Article X

1. This Agreement shall be open for signature at Oslo by the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics and the United States of America until 31st March 1974.

2. This Agreement shall be subject to ratification or aproval by the signatory Governments. Instruments of ratification or approval shall be deposited with the Government of Norway as soon as possible.

3. This Agreement shall be open for accession by the Governments referred to in paragraph 1 of this Article. Instruments of accession shall be deposited with the Depositary Government.

4. This Agreement shall enter into force ninety days after the deposit of the third instrument of ratification, approval or accession. Thereafter, it shall enter into force for a signatory or acceding Government on the date of deposit of its instrument of ratification, approval or accession.

5. This Agreement shall remain in force initially for a period of five years from its date of entry into force, and unless any Contracting Party during that period requests the termination of the Agreement at the end of that period, it shall continue in force thereafter.

6. On the request addressed to the Depositary Government by any of the Governments referred to in paragraph 1 of this Article, consultations shall be conducted with a view to convening a meeting of representatives of the five Governments to consider the revision or amendment of this Agreement.

7. Any Party may denounce this Agreement by written notification to the Depositary Government at any time after five years from the date of entry into force of this Agreement. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

8. The Depositary Government shall notify the Governments referred to in paragraph 1 of this Article of the deposit of instruments of ratification, approval or accession, of the entry into force of this Agreement and of the receipt of notifications of denunciation and any other communications from a Contracting Party specifically provided for in this Agreement.

9. The original of this Agreement shall be deposited with the Government of Norway which shall deliver certified copies thereof to each of the Governments referred to in paragraph 1 of this Article.

10. The Depositary Government shall transmit certified copies of this Agreement to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Agreement.

DONE at Oslo, in the English and Russian languages, each text being equally authentic, this fifteenth day of November, 1973.

For the Government of Canada
For the Government of Denmark
For the Government of Norway
For the Government of The Union of Soviet Socialist Republics
For the Government of The United States of America

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F. OCEANOGRAPHY

1. CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION, WITH ANNEXES, MAY 3, 1967*

Done at Monaco May 3, 1967; Signed on behalf of the United States at Paris September 13, 1967; Ratification advised by the Senate May 13, 1968; Ratified by the President May 17, 1968; Ratification deposited at Monaco June 10, 1968; Proclaimed by the President August 18, 1970; Entered into force September 22, 1970. With Regulations.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Convention on the International Hydrographic Organization, was opened for signature at Monaco on May 3, 1967 and subsequently at the Legation of the Principality of Monaco in Paris, and was signed for the United States of America at Paris on September 13, 1967, subject to ratification;

The text of that Convention, in the English * * * languages, is as follows:

CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANISATION

The Governments Parties to this Convention,

Considering that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

Desiring to pursue on an intergovernmental basis their cooperation in hydrography;

Have agreed as follows:

ARTICLE 1

There is hereby established an International Hydrographic Organisation, hereinafter referred to as the Organisation, the seat of which shall be in Monaco.

**Citation:* 21 UST 1857; TIAS 6933.

States which are parties: Argentina, Australia, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Rep., Ecuador, Egypt, Finland, France, Germany, Fed. Rep. (with reservation; applicable to Land Berlin), Greece, Guatemala, Iceland, India, Indonesia, Iran, Italy, Japan, Korea, Monaco, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Singapore, South Africa, Spain, Sweden, Thailand, Turkey, United Kingdom, United States, Venezuela, Yugoslavia.

ARTICLE 2

The Organisation shall have a consultative and purely technical nature. It shall be the object of the Organisation to bring about:

(a) The coordination of the activities of national hydrographic offices;

(b) The greatest possible uniformity in nautical charts and documents;

(c) The adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys;

(d) The development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

ARTICLE 3

The Members of the Organisation are the Governments Parties to this Convention.

ARTICLE 4

The Organisation shall comprise:

—The International Hydrographic Conference, hereinafter referred to as the Conference;

—The International Hydrographic Bureau, hereinafter referred to as the Bureau, administered by the Directing Committee.

ARTICLE 5

The functions of the Conference shall be:

(a) To give general directions on the functioning and work of the Organisation;

(b) To elect the members of the Directing Committee and its President;

(c) To examine the reports submitted to it by the Bureau;

(d) To make decisions in respect of all proposals of a technical or administrative nature submitted by the Member Governments or by the Bureau;

(e) To approve the budget by a majority of two thirds of the Member Governments represented at the Conference;

(f) To adopt, by a two thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations;

(g) To adopt, by the majority prescribed in the preceding paragraph, any other particular regulations that may prove to be necessary, notably on the status of the directors and staff of the Bureau.

ARTICLE 6

1. The Conference shall be composed of representatives of the Member Governments. It shall meet in ordinary session every five years. An extraordinary session of the Conference may be held at the request of a Member Government or of the Bureau, subject to approval by the majority of the Member Governments.

2. The Conference shall be convened by the Bureau on at least six months' notice. A provisional agenda shall be submitted with the notice.

3. The Conference shall elect its President and Vice-President.

4. Each Member Government shall have one vote. However, for the voting on the questions referred to in Article V(b), each Member Government shall have a number of votes determined by a scale established in relation to the tonnage of its fleets.

5. Conference decisions shall be taken by a simple majority of the Member Governments represented at the Conference, except where this Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to make a decision. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments.

6. Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical functioning of the Organisation. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organisation.

7. The Conference shall constitute its own Committees, including the Finance Committee referred to in Article VII.

Article 7

1. The supervision of the financial administration of the Organisation shall be exercised by a Finance Committee on which each Member Government may be represented by one delegate.

2. The Committee shall meet during sessions of the Conference. It may meet in extraordinary session.

Article 8

For the fulfilment of the objects defined in Article II it shall be the responsibility of the Bureau, in particular:

(a) To bring about a close and permanent association between national hydrographic offices;

(b) To study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;

(c) To further the exchange of nautical charts and documents between hydrographic offices of Member Governments;

(d) To circulate the appropriate documents;

(e) To tender guidance and advice upon request, in particular to countries engaged in setting up or expanding their hydrographic service;

(f) To encourage coordination of hydrographic surveys with relevant oceanographic activities;

(g) To extend and facilitate the application of oceanographic knowledge for the benefit of navigators;

(h) To cooperate with international organisations and scientific institutions which have related objectives.

ARTICLE 9

The Bureau shall be composed of the Directing Committee and the technical and administrative staff required by the Organisation.

ARTICLE 10

1. The Directing Committee shall administer the Bureau in accordance with the provisions of this Convention and the Regulations and with directives given by the Conference.

2. The Directing Committee shall be composed of three members of different nationality elected by the Conference, which shall further elect one of them to fill the office of President of the Committee. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations.

3. The President of the Directing Committee shall represent the Organisation.

ARTICLE 11

The functioning of the Organisation shall be set forth in detail in the General Regulations and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof.

ARTICLE 12

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

ARTICLE 13

The Organisation shall have juridical personality. In the territory of each of its Members it shall enjoy, subject to agreement with the Member Government concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

ARTICLE 14

The expenses necessary for the functioning of the Organisation shall be met:

(a) From the ordinary annual contributions of Member Governments in accordance with a scale based on the tonnage of their fleets;

(b) From donations, bequests, subventions and other sources, with the approval of the Finance Committee.

ARTICLE 15

Any Member Government which is two years in arrears in its contributions shall be denied all rights and benefits conferred on Member

Governments by the Convention and the Regulations until such time as the outstanding contributions have been paid.

ARTICLE 16

The budget of the Organisation shall be drafted by the Directing Committee, studied by the Finance Committee and approved by the Conference.

ARTICLE 17

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Directing Committee shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

ARTICLE 18

1. This Convention shall be open in Monaco on 3 May 1967, and subsequently at the legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.

2. The Governments referred to in paragraph 1 above may become Parties to the present Convention:

(a) By signature without reservation as to ratification or approval, or

(b) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.

3. Instruments of ratification or approval shall be handed to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.

4. The Government of the Principality of Monaco shall inform the Governments referred to in paragraph 1 above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

ARTICLE 19

1. This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.

2. The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

ARTICLE 20

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government

of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

ARTICLE 21

1. Any Contracting Party may propose amendments to this Convention.

2. Proposals of amendment shall be considered by the Conference and decided upon by a majority of two thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to submit it to all Contracting Parties.

3. The amendment shall enter into force for all Contracting Parties three months after notifications of approval by two thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendment.

ARTICLE 22

1. Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Government of the Principality of Monaco. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the Government concerned of all rights and benefits of membership in the Organisation.

2. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of any notification of denunciation it receives.

ARTICLE 23

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter. [1]

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatory and acceding Governments and to the President of the Directing Committee.

* * * * * * *

GENERAL REGULATIONS

ARTICLE 1

The Organisation is a consultative agency. It has no authority over the hydrographic offices of the Governments Parties to the Convention.

[1] TS 993; 59 Stat. 1052.

ARTICLE 2

The activities of the Organisation are of a scientific or technical nature and shall not include matters involving questions of international policy.

International Hydrographic Conference

ARTICLE 3

The International Hydrographic Conference shall meet in ordinary session every five years at the seat of the Organisation at a date fixed at the close of the previous session.

ARTICLE 4

The International Hydrographic Conference shall be prepared and organised by the Bureau.

ARTICLE 5

Each Member Government may be represented at the Conference by one or more delegates, one of whom should preferably be the head of the national hydrographic office. Travelling and hotel expenses of delegates shall be defrayed by their respective Governments.

ARTICLE 6

The Directing Committee shall be authorized to invite observers from:

(a) Governments that are not Parties to the Convention: one or two observers each, if proposed by a Member Government or the Directing Committee and subject to approval by two thirds of the Member Governments.

(b) International organisations whose activities are connected with those of the Bureau: one or exceptionally two observers each. A list of such organisations shall be notified by the Directing Committee to Member Governments in advance, so that they may have opportunity to raise objections or suggest additions.

(c) National organisations of Member Governments which have had or are likely to have occasion to collaborate with the Bureau, under the conditions prescribed in the preceding paragraph.

ARTICLE 7

The working languages of the Conference shall be English, French and Spanish.

ARTICLE 8

(a) The Conference shall examine the reports of the Bureau on its work since the previous Conference. These reports shall be submitted to Member Governments by the Bureau at least two months before the Conference.

(b) Committees shall be designated to study the reports. The committees' conclusions shall be submitted to the appropriate plenary session of the Conference.

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ARTICLE 9

(a) Twelve months before the opening of the Conference, the Bureau shall invite representatives of Member Governments to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments.

(b) Proposals submitted after that date shall be accepted only if they are signed by representatives of at least three Member Governments.

(c) Proposals may also be submitted during the Conference. They must be signed by three delegations and submitted to the President of the Conference; they may not be discussed less than twenty-four hours after being officially announced.

ARTICLE 10

(a) Unless the ordinary International Hydrographic Conference has specifically decided otherwise, the foregoing rules of procedure shall apply to extraordinary sessions.

(b) Government delegates to extraordinary sessions shall be chosen as far as possible in the light of the questions submitted for consideration.

Finance Committee

ARTICLE 11

(a) Between conferences, the Finance Committee may meet in extraordinary session on the request of three Governments or of the Directing Committee. The Directing Committee may also consult the Finance Committee by correspondence.

(b) Dates of meetings of the Finance Committee shall be fixed by its Chairman in arrangement with the Directing Committee.

(c) The Chairman of the Finance Committee shall be elected for five years by the Conference.

ARTICLE 12

During its ordinary session, the Committee shall:

examine and approve the administrative accounts for the preceding financial period,

examine the budget for the coming financial period and submit it to the Conference.

ARTICLE 13

The Committee shall take decisions by a majority of two thirds of the Members present. Each delegate shall have one vote.

ARTICLE 14

The accounts shall be audited annually by an external auditor designated by the Committee.

International Hydrographic Bureau

ARTICLE 15

In accordance with the provisions of article VIII of the Convention, the Bureau shall undertake the scientific and technical activities necessary for the attainment of the objectives of the Organization.

ARTICLE 16

For its relations with the Bureau, each Member Government shall designate an official representative, preferably the head of its hydrographic office.

ARTICLE 17

The Bureau shall keep in close communication with the hydrographic offices of Member Governments. It may also correspond with related scientific organisations of Member Governments, provided that it informs the official representative of the Government concerned (article 16 above). Furthermore it may correspond with similar bodies of other Governments and with international organisations.

ARTICLE 18

The Bureau shall bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake. It shall strive for the solution of such problems or the undertaking of such work by seeking the necessary collaboration between Member Governments.

ARTICLE 19

To enable the Bureau to achieve its purpose, the hydrographic offices of Member Governments shall forward copies of their new publications and new editions of their charts, as well as works or documents published by them or by other offices in their countries which may be of interest.

ARTICLE 20

The Bureau shall satisfy as far as possible all requests from representatives of Member Governments for information or advice related to its work. Matters which can be dealt with directly between two national hydrographic offices should not normally be referred to the Bureau.

ARTICLE 21

The Bureau shall issue and distribute the publications referred to in articles 32 to 35 and any other documents requested by the Conference.

ARTICLE 22

In their communications with the Bureau, representatives of Member Governments may use languages other than the official languages

of the Organisation, but the Bureau shall not be held responsible for any delay or misinterpretation which may ensue.

Directing Committee

ARTICLE 23

(a) The Directing Committee shall administer the Bureau in accordance with the provisions of the Convention and the Regulations and with directives given by the Conference.

(b) It shall be responsible for the carrying out by the Bureau of the scientific and technical assignments entrusted to it.

ARTICLE 24

In the period between two Conferences, should no appropriate provision be made in the Convention or the Regulations, the Committee shall make any administrative or technical decisions which may be necessary, with the reservation that they be referred to the next Conference.

ARTICLE 25

(a) If the Committee considers that any question should be referred to the Member Governments for solution, it shall send a circular letter to their representatives, in accordance with article VI(6) of the Convention, requesting them to notify the Bureau of the opinion of their respective Governments.

(b) When voting for or against is evenly divided, the question shall be deferred to the next Conference.

ARTICLE 26

If circumstances preclude observation of the procedure prescribed in the Regulations, the Committee shall make the necessary decisions and give Member Governments an immediate account of the fact.

ARTICLE 27

(a) The directors shall be elected for a period of five years, in accordance with articles 36 to 47.

(b) The directors shall be eligible for re-election for a second five-year period.

(c) A candidate must be less than sixty-six years old in the year of his election or re-election.

(d) When a director is elected to fill a vacancy occurring between Conferences, his term of office shall end at the same time as his predecessor's would have done had he retained the post.

ARTICLE 28

The duties of the Directing Committee shall terminate on the last day of the third month following that in which the new Directing Committee has been elected.

ARTICLE 29

A director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his term of office shall automatically cease to be a director.

ARTICLE 30

Each director shall have particular responsibility for one or more branches of the work of the Bureau, but the Committee shall deliberate on all important questions. If only two directors attend a meeting of the Committee and a decision cannot be postponed until a full meeting, the view of the President or the acting President shall prevail.

ARTICLE 31

The staff of the Bureau shall be under the control of the Directing Committee. It shall consist of technical and administrative assistants and employees. The staff shall be appointed by the Committee as necessary.

PUBLICATIONS

ARTICLE 32

At the beginning of each year the Bureau shall publish a report on its activities.

ARTICLE 33

(a) The Bureau shall issue a Yearbook giving all necessary information on the hydrographic offices of the Member Governments and, insofar as such information can be obtained, on those of other Governments.

(b) The Yearbook shall include the addresses of the official representatives designated in accordance with Article 16, and the following information:

(i) A list of Governments which have participated in the work of the Bureau between the date of its creation and the date of entry into force of the Convention.

(ii) A list of Member Governments.

(iii) A list of Governments which have denounced the Convention pursuant to Article XXII.

(iv) A table of tonnages of Member Governments' fleets.

(v) A table showing the shares, contributions and number of votes of the Member Governments.

ARTICLE 34

(a) The Bureau shall issue two periodical publications: the International Hydrographic Review and the International Hydrographic Bulletin.

(b) The International Hydrographic Review shall contain articles on hydrography and allied sciences and techniques, and on any other

subjects of general interest to the Organisation and to the various hydrographic offices.

(c) The International Hydrographic Bulletin shall appear more frequently than the Review, and shall contain matters of the moment and information of a temporary or ugent nature. This publication shall also contain information on work carried out and projected by Members.

ARTICLE 35

The Bureau shall issue special publications on technical subjects of interest to hydrographic offices.

Elections

ARTICLE 36

The directors shall be elected by the Conference in accordance with the provisions of Articles V(b), VI(4) and X(2) of the Convention. The election shall be held by secret ballot at the end of the Conference.

ARTICLE 37

(a) For the election of the directors, each Member Government shall have two votes; those Governments which have 100,000 tons of shipping or more shall have supplementary votes in accordance with the following scale:

Gross tonnage	*Supplementary votes*
100,000–499,999	1
500,000–1,999,999	2
2,000,000–7,999,999	3
8,000,000 and above	4

(b) The estimates of tonnage shall be made in accordance with article 5 of the Financial Regulations.

ARTICLE 38

Each Member Government may nominate one or more candidates who may be of the nationality of any Contracting Party. If possible, nominations should reach the Bureau at least three months before the Conference. The list of candidates shall be closed ten days prior to the opening of the Conference.

ARTICLE 39

Every candidate should have had considerable sea experience and have extensive knowledge of practical hydrography and navigation. In the elections, the technical and administrative ability only of the candidates should be taken into consideration. No particular rank or other standing is required of them.

ARTICLE 40

Every nomination shall be accompanied by a note giving the candidate's qualifications for the position. To facilitate comparison

of the candidates' qualifications the statements of service shall be compiled in a uniform manner as follows:

General

1. Name.
2. Nationality.
3. Date of birth.
4. Titles and decorations.

Education and Promotions

5. Education (periods, including specialised or special qualifications).
6. Languages (speaking and reading knowledge).
7. Promotions.

Service

8. Hydrographic service.
   (a) Sea service (periods and posts).
   (b) Shore service (periods and posts).
9. Non-hydrographic service.
   (a) Sea service (periods and posts).
   (b) Shore service (periods and posts).

Scientific activities

10. Publications.
11. Research work and awards.
12. Scientific societies (member of, past and present).

Additional information

(Signature of candidate and of forwarding authority).

ARTICLE 41

(a) The names of the candidates, with the statements of service, shall be published by the Directing Committee as soon as they are received.

(b) The Bureau shall collate the lists of names submitted and present them, together with the statements of service, to each delegation at the opening of the Conference.

ARTICLE 42

(a) To register their votes for electing the members of the Directing Committee, the delegation shall inscribe on a number of voting papers equal to the number of votes to which each is entitled the names of only those three candidates whom they wish to elect.

(b) The three candidates inscribed on each of the voting papers must be of different nationality.

(c) Any voting paper not completed in strict accordance with paragraphs (a) and (b) shall be nullified.

ARTICLE 43

(a) The three candidates of different nationality receiving the largest number of votes shall be considered elected.

(b) In the event of two or more candidates receiving an equal number of votes making it impossible to fill the three posts under the conditions prescribed in the preceding paragraph, a new ballot shall be held to determine the relative positions only of those candidates who obtained the same number of votes.

ARTICLE 44

(a) When the three directors have been elected, a separate ballot shall be held to elect one of them as President of the Directing Committee. For this purpose, delegations shall inscribe on their allotted number of voting papers the name of the director they wish to make President.

(b) The number of votes actually received by each director shall determine the order in which they may be called upon to replace the President elected.

(c) In the case of a tie, a second ballot shall be held to determine the relative positions of the directors who obtained the same number of votes.

ARTICLE 45

When voting has been completed, the President of the Conference shall invite the newly-elected directors to take up their duties on the first day of the fourth month following the month of their election.

ARTICLE 46

(a) If a post of director falls vacant during the period between two Conferences and more than two years before the next Conference is due to meet, the Directing Committee shall conduct a bye-election by correspondence to fill the vacancy.

(b) In such a case, the Bureau shall invite Member Governments to send lists of candidates in accordance with articles 38 to 40. On receipt of these lists the election shall be held observing a procedure closely modelled on that described in articles 41 to 43.

(c) On completion of the above-mentioned procedure, the Committee shall immediately notify Member Governments of the result of the ballot and invite the director elected to take up his duties.

ARTICLE 47

A director elected to fill a vacancy shall take third place among the directors.

Financial Regulations

ARTICLE 1

The financial administration of the Bureau shall be effected in accordance with the provisions of articles V, VII, XIV and XVI of the Convention and Articles 11 to 14 of the General Regulations.

Ordinary Budget

ARTICLE 2

(a) The budget shall be established for five years and calculated on the basis of the gold franc adopted by the International Monetary Convention of 1885;[1] namely, 1 gold franc=0.290 322 58 gr. or 0.009 334 086 5 ounces troy of fine gold.

(b) The financial year of the Bureau shall coincide with the Gregorian calendar year.

ARTICLE 3

Any balancing of income and expenditure shall be prohibited in the presenting of the budget.

ARTICLE 4

The annual contributions of Governments Parties to the Convention shall be based on the standard of the gold franc as defined in article 2 and shall be paid into the Bureau's bank accounts. Such contributions shall be fixed by the following rules:

(a) Each Government shall subscribe two shares of 2,000 gold francs each;

(b) Those Governments which have 100,000 gross tons of shipping or more shall contribute supplementary shares of the same value in accordance with the following scale:

Gross tonnage	*Supplementary Shares (2,000 gold francs each)*
100,000–249,999	1
250,000–454,999	2
455,000–719,999	3
720,000–1,049,999	4
1,050,000–1,449,999	5
1,450,000–1,924,999	6
1,925,000–2,479,999	7
2,480,000–3,119,999	8
3,120,000–3,849,999	9
3,850,000–4,674,999	10
4,675,000–5,599,999	11
5,600,000–6,629,999	12
6,630,000–7,769,999	13
7,770,000–9,024,999	14
9,025,000–10,399,999	15
10,400,000–11,899,999	16
11,900,000–13,529,999	17
13,530,000–15,294,999	18
15,295,000–17,199,999	19
17,200,000–19,249,999	20
19,250,000–21,449,999	21
21,450,000–23,804,999	22
23,805,000–26,319,999	23
26,320,000–28,999,999	24
29,000,000 and above	(max.) 25

[1] 76 *British Foreign and State Papers*, p. 315.

ARTICLE 5

In application of the Convention and its Regulations, the tonnage figures of the Member Governments shall be obtained by adding to 6/7 of the displacement tonnage of ships of war the gross tonnage of all other vessels exceeding 100 tons.

ARTICLE 6

(a) The table of tonnages determining the contributions of Governments shall be brought up to date by the Directing Committee before each ordinary Conference. Twelve months before the Conference, the Bureau shall ask Governments to supply their tonnage figures as of 1 January of the year preceding that of the Conference. Six months before the Conference the Bureau shall distribute to Governments a revised table of tonnages.

(b) The table of tonnages and that of shares, contributions and votes shall be submitted to the Conference for approval, and shall enter into force on 1 January of the year following that of the Conference. Except as provided for in paragraphs (c) and (d) below, these tables shall remain in force until 31 December of the year of the subsequent Conference.

(c) When a Government desires to accede to the Convention, it shall declare the amount of tonnage of its fleets. The Directing Committee shall enter this amount in the table of tonnages as soon as accession becomes effective.

(d) A Government wishing to amend its tonnage figure as it appears in the table of tonnages must give notice of the amended tonnage at least 6 months before the start of the next financial year.

ARTICLE 7

The Principality of Monaco shall enjoy special treatment. In consideration of the fact that it provides the Bureau with premises free of charge, it shall not pay any contribution but shall retain its right of vote.

ARTICLE 8

The Directing Committee shall draw up the estimated budget and forward it to the Member Governments for examination by the Finance Committee at least three months in advance of the Finance Committee's Session.

ARTICLE 9

The Directing Committee shall carry the budget into effect. Subject to the provisions of article 11, the Directing Committee shall ensure that expenditures and commitments conform with the budgetary provisions.

ARTICLE 10

Transfers of credit from one chapter to another shall require authorization by the Finance Committee.

ARTICLE 11

After the close of the financial period corresponding to a budget, no further financial obligations under it may be incurred. Outstanding obligations may be met for a further period of three months.

TREASURY—WORKING CAPITAL

ARTICLE 12

All Bureau funds shall be under the control of the Directing Committee. No expenditure exceeding 1,000 gold francs may be incurred without the prior approval of one of the members of the Directing Committee. Payments exceeding 10,000 gold francs require the prior approval of the full Committee.

ARTICLE 13

(a) Governments' annual contributions to the ordinary budget as specified in Article 4 shall be due on 1 January of the corresponding financial year. Payment must be punctual.

(b) The rate of exchange to be applied is that on the date of dispatch of the contribution; notice of such date must be promptly given to the Bureau.

ARTICLE 14

A Government acceding to the Convention shall be liable to pay its contribution for that year only if its accession takes effect before 1 July. If its accession takes effect on or after that date it shall be liable only for half that contribution.

ARTICLE 15

Outstanding contributions shall be shown in a table annexed to the report on financial administration which is submitted to the Finance Committee by the Directing Committee.

ARTICLE 16

The suspension of the rights of a Member Government pursuant to the provisions of Article XV of the Convention shall be notified by the Directing Committee to the Government concerned on or shortly after 1 July of the year in which a third annual contribution would be due. Any Member Government thus deprived of its rights of membership shall remain obligated to the Bureau for the two years' contributions outstanding at the time of suspension.

ARTICLE 17

(a) Any Member Government which pays only part of its contribution shall be given two years in which to make good the deficit, starting from the first notice given by the Bureau. At the end of this

period its rights and benefits of membership shall be suspended until the balance due is paid.

(b) The suspension of rights under the terms of paragraph (a) above shall become effective as of 1 July of the year in which the two-year period expires.

ARTICLE 18

To ensure the financial stability of the Bureau, and to avoid any treasury difficulties, the Bureau shall have at its disposal a working capital, the amount of which shall correspond, at the beginning of each year, to not less than half the total annual contributions of Member Governments.

RESERVE FUND

ARTICLE 19

The Bureau shall have at its disposal a reserve fund, the amount of which shall be fixed by the Conference. This fund is exclusively designed to enable the Organisation to meet extraordinary expenditure. It shall only be used in exceptional circumstances.

CONTROL

ARTICLE 20

Every year the Directing Committee shall submit to the Member Governments a report on the financial administration over the past financial year. At the same time, the Directing Committee shall give information on the value of the movable and immovable property of the Organisation.

ARTICLE 21

The external auditor designated under the terms of article 14 of the General Regulations shall ensure that expenditures are appropriate and conform to the directives given by the Conference and that they are correctly entered into the books. Such auditing may be carried out at any time.

DISSOLUTION

ARTICLE 22

In the event of dissolution, the balance of the accounts of the Organisation shall be divided amongst the Governments which are still Parties to the Convention on the day when the latter ceases to have effect. Any credit balance shall be divided amongst these Governments in proportion to the total amount of their contributions since 1921. Any debit balance shall be divided amongst these Governments in proportion to their last annual contribution.

By its resolution of May 13, 1968, the Senate of the United States of America, two-thirds of the Senators present concurring, gave its advice and consent to the ratification of the Convention, and the Con-

vention was ratified by the President of the United States of America on May 17, 1968;

It is provided in Article XIX of the Convention that the Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties by signature without reservation as to ratification or approval or by signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval;

The Convention was signed without reservation as to ratification or approval for the Governments of Brazil, Monaco, and the United Kingdom of Great Britain and Northern Ireland on May 3, 1967, for the Government of Cuba on December 20, 1967, and for the Government of New Zealand on December 21, 1967; and instruments of ratification or approval were deposited for the following Governments signatory to the Convention: Finland on February 16, 1968; Argentina on April 4, 1968; France on April 4, 1968; Iceland on May 7, 1968; the United States of America on June 10, 1968; Pakistan on June 17, 1968; India on June 24, 1968; South Africa on August 16, 1968; Canada on August 26, 1968; Iran on September 16, 1968; Yugoslavia on September 20, 1968; the Republic of China on November 18, 1968; Indonesia on November 28, 1968; Australia on November 25, 1968; Portugal on November 27, 1968; the United Arab Republic on December 13, 1968; Norway on March 12, 1969; Spain on June 2, 1969; the Netherlands on June 6, 1969; the Federal Republic of Germany on June 12, 1969, with reservation; Japan on June 22, 1969; the Republic of Korea on July 21, 1969; and Denmark on June 22, 1970;

Pursuant to the provisions of Article XIX of the Convention, the Convention will enter into force on September 22, 1970, three months after the date upon which twenty-eight Governments had become Parties;

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public the Convention to the end that it shall be observed and fulfilled with good faith on and after September 22, 1970 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of August in the year of our Lord one thousand nine hundred seventy
[SEAL] and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

By the President:
WILLIAM P. ROGERS
Secretary of State

2. CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA, SEPTEMBER 12, 1964*

Done at Copenhagen September 12, 1964; Ratification advised by the Senate March 1, 1967; Ratified and accession approved by the President April 24, 1967; Accession deposited with the Secretary-General of the United Nations April 18, 1973; Proclaimed by the President June 7, 1973; Entered into force April 18, 1973.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Convention for the International Council for the Exploration of the Sea was opened for signature at Copenhagen under date of September 12, 1964, a certified copy of which is hereto annexed;

The Senate of the United States of America by its resolution of March 1, 1967, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention;

On April 24, 1967 the President of the United States of America, in pursuance of the advice and consent of the Senate, ratified the Convention and approved accession of the United States of America thereto:

Accession to the Convention by the United States of America, was approved, in accordance with the provisions of Article 16 thereof, by the Governments of three-quarters of the States which had deposited instruments of ratification of the Convention;

The United States deposited its instrument of accession on April 18, 1973;

Pursuant to the provisions of Article 16, the Convention entered into force for the United State of America on April 18, 1973;

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public the Convention, to the end that it shall be observed and fulfilled with good faith on and after April 18, 1973 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United State of America to be affixed.

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*Citation: 24 UST 1080; TIAS 7628.

States which are parties: Belgium, Canada, Denmark, Finland, France, Germany, Fed. Rep. (applicable to Land Berlin), Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Union of Soviet Socialist Reps., United Kingdom, United States.

DONE at the city of Washington this seventh day of June in the year of our Lord one thousand nine hundred seventy three and of the Independence of the United States of America the one hundred ninety-seventh.

[SEAL]

RICHARD NIXON

By the President:

WILLIAM P. ROGERS
Secretary of State

CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

PREAMBLE

The Governments of the States Parties to this Convention

Having participated in the work of the International Council for the Exploration of the Sea, which was established at Copenhagen in 1902 as a result of conferences held in Stockholm in 1899 and in Christiania in 1901 and entrusted with the task of carrying out a programme of international investigation of the sea

Desiring to provide a new constitution for the aforesaid Council with a view to facilitating the implementation of its programme

Have agreed as follows:

ARTICLE 1

It shall be the duty of the International Council for the Exploration of the Sea, hereinafter referred to as the "Council",

(a) to promote and encourage research and investigations for the study of the sea particularly those related to the living resources thereof;

(b) to draw up programmes required for this purpose and to organise, in agreement with the Contracting Parties, such research and investigation as may appear necessary;

(c) to publish or otherwise disseminate the results of research and investigations carried out under its auspices or to encourage the publication thereof.

ARTICLE 2

The Council shall be concerned with the Atlantic Ocean and its adjacent seas and primarily concerned with the North Atlantic.

ARTICLE 3

(1) The Council shall be maintained in accordance with the provisions of this Convention.

(2) The seat of the Conucil shall remain at Copenhagen.

ARTICLE 4

The Council shall seek to establish and maintain working arrangements with other international organisations which have related objectives and cooperate, as far as possible, with them, in particular in the supply of scientific information requested.

ARTICLE 5

The Contracting Parties undertake to furnish to the Council information which will contribute to the purposes of this Convention and can reasonably be made available and, wherever possible, to assist in carrying out the programmes of research coordinated by the Council.

ARTICLE 6

(1) Each Contracting Party shall be represented at the Council by not more than two delegates.

(2) A delegate who is not present at a meeting of the Council may be replaced by a substitute who shall have all the powers of the delegate for that meeting.

(3) Each Contracting Party may appoint such experts and advisers as it may determine to assist in the work of the Council.

ARTICLE 7

(1) The Council shall meet in ordinary session once a year. This session shall be held in Copenhagen, unless the Council decides otherwise.

(2) Extraordinary sessions of the Council may be called by the Bureau at such place and time as it may determine and shall be so called on the request of at least one-third of the Contracting Parties.

ARTICLE 8

(1) Each Contracting Party shall have one vote in the Council.

(2) Decisions of the Council shall, except where otherwise in this Convention specially provided, be taken by a simple majority of the votes cast for or against. If there is an even division of votes on any matter which is subject to a simple majority decision the proposal shall be regarded as rejected.

ARTICLE 9

(1) Subject to the provisions of this Convention the Council shall draw up its own Rules of Procedure which shall be adopted by a two-thirds majority of the Contracting Parties.

(2) English and French shall be the working languages of the Council.

ARTICLE 10

(1) The Council shall elect from among the delegates its President, a first Vice-President and a further 5 Vice-Presidents. This last number may be augmented by a decision taken by the Council by a two-thirds majority.

(2) The President and the Vice-Presidents shall assume office on the first day of November next following their election, for a term of three years. They are eligible for re-election according to the Rules of Procedure.

(3) On assuming office the President shall cease forthwith to be a delegate.

ARTICLE 11

(1) The President and Vice-Presidents shall together constitute the Bureau of the Council.

(2) The Bureau shall be the Executive Committee of the Council and shall carry out the decisions of the Council, draw up its agenda and convene its meetings. It shall also prepare the budget. It shall invest the reserve funds and carry out the tasks entrusted to it by the Council. It shall account to the Council for its activities.

ARTICLE 12

There shall be a Consultative Committee, a Finance Committee and such other committees as the Council may deem necessary for the discharge of its functions with the duties respectively assigned to them in the Rules of Procedure.

ARTICLE 13

(1) The Council shall appoint a General Secretary on such terms and to perform such duties as it may determine.

(2) Subject to any general directions of the Council the Bureau shall appoint such other staff as may be required for the purposes of the Council on such terms and to perform such duties as it may determine.

ARTICLE 14

(1) Each Contracting Party shall pay the expenses of the delegates, experts and advisers appointed by it, except in so far as the Council may otherwise determine.

(2) The Council shall approve an annual budget of the proposed expenditure of the Council.

(3) In the first and second financial years after this Convention enters into force in accordance with Article 16 of this Convention the Contracting Parties shall contribute to the expenses of the Council such sums as they respectively contributed, or undertook to contribute, in respect of the year preceding the entry into force of this Convention.

(4) In respect of the third and subsequent financial years the Contracting Parties shall contribute sums calculated in accordance with a scheme to be prepared by the Council and accepted by all the Contracting Parties. This scheme may be modified by the Council with the agreement of all Contracting Parties.

(5) A Government acceding to this Convention shall contribute to the expenses of the Council such sum as may be agreed between that Government and the Council in respect of each financial year until the scheme under paragraph 4 provides for contributions from that Government.

(6) A Contracting Party which has not paid its contribution for two consecutive years shall not enjoy any rights under this Convention until it has fulfilled its financial obligations.

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Article 15

(1) The Council shall enjoy, in the territories of the Contracting Parties, such legal capacity as may be agreed between the Council and the Government of the Contracting Party concerned.

(2) The Council, delegates and experts, the General Secretary and other officials shall enjoy in the territories of the Contracting Parties such privileges and immunities, necessary for the fulfilment of their functions, as may be agreed between the Council and the Government of the Contracting Party concerned.

Article 16

(1) This Convention shall be open until 31st December, 1964, for signature on behalf of the Governments of all states which participate in the work of the Council.

(2) This Convention is subject to ratification or approval by the signatory Governments in accordance with their respective constitutional procedures. The instruments of ratification or approval shall be deposited with the Government of Denmark, who will act as the depository Government.

(3) This Convention shall enter into force on the 22nd July next following the deposit of the instruments of ratification or approval by all signatory Governments. If, however, on the 1st January, 1968, all the signatory Governments have not ratified this Convention, but not less than three quarters of the signatory Governments have deposited instruments of ratification or approval, these latter Governments may agree among themselves by special protocol on the date on which this Convention shall enter into force and on other related matters; and in that case this Convention shall enter into force, with respect to any other signatory Government that ratifies or approves thereafter, on the date of deposit of its instrument of ratification or approval.

(4) After the entry into force of this Convention in accordance with paragraph 3 of this Article, the Government of any State may apply to accede to this Convention by addressing a written application to the Government of Denmark. It shall be permitted to deposit an instrument of accession with that Government after the approval of the Governments of three quarters of the states which have already deposited their instruments of ratification, approval or accession, has been notified to the Government of Denmark. For any acceding Government this Convention shall enter into force on the date of deposit of its instrument of accession.

Article 17

At any time after two years from the date on which this Convention has come into force any Contracting Party may denounce the Convention by means of a notice in writing addressed to the Government of Denmark. Any such notice shall take effect twelve months after the date of its receipt.

Article 18

When the present Convention comes into force it shall be registered by the depository Government with the Secretariat of the United Nations Organisation in accordance with Article 102 of its Charter. [1]

Final Clause

In Witness Whereof the undersigned being duly authorised have signed the present Convention:

Done at Copenhagen this twelfth day of September 1964, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of Denmark who shall forward certified true copies to all signatory and acceding Governments.

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[1] TS 993; 59 Stat. 1052.

a. Protocol to the Convention for the International Council for the Exploration of the Sea, August 13, 1970. *Not In Force**

Done at Copenhagen August 13, 1970; Signed on behalf of the United States August 22, 1973; Ratification advised by the Senate September 4, 1974; Ratified by the President September 18, 1974; Ratification deposited October 31, 1974;

The Governments of the States Parties to the Convention for the International Council for the Exploration of the Sea, signed at Copenhagen on the twelfth day of September 1964 (hereinafter referred to as "the Convention"),

Desiring to amend certain provisions of the Convention

Have agreed as follows:

ARTICLE I

Paragraph (2) of Article 14 of the Convention shall be amended to read as follows:

"(2) the Council shall by a ⅔ majority vote of all the Contracting Parties approve an annual budget of the Council".

ARTICLE II

(1) This Protocol shall be open for signature on behalf of the Governments of all States Parties to the Convention with or without reservation as to ratification or approval.

(2) Instruments of ratification or approval shall be deposited with the Government of Denmark.

(3) This Protocol shall enter into force on the date on which the Governments of all States Parties to the Convention have become Parties to this Protocol.

(4) The Government of Denmark shall inform the Governments of the States Parties to the Convention of each signature, ratification or approval of this Protocol and of the date of the entry into force of the Protocol.

IN WITNESS WHEREOF the undersigned being duly authorized have signed this Protocol.

DONE at Copenhagen this thirteen day of August 1970, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of Denmark who shall forward certified true copies to the Governments of all States Parties to the Convention.

**Source:* 93d Congress, 1st session. Senate. Executive V.
Ratified by: Belgium, Canada, Denmark, Finland, France, Germany, Fed. Rep., Iceland, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Union of Soviet Socialist Reps., United Kingdom, as of Dec. 31, 1974 (Entry into force requires ratification by all States Parties to the Convention).

G. PROTECTION OF THE MARINE ENVIRONMENT

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G. PROTECTION OF THE MARINE ENVIRONMENT

1. INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, MAY 12, 1954*

Opened for signature at London May 12, 1954; Ratification advised by the Senate, subject to an understanding, reservations, and recommendation May 16, 1961; Ratified, and acceptance declared, by the President, subject to the said understanding, reservations, and recommendation, May 29, 1961; Acceptance deposited with the Intergovernmental Maritime Consultative Organization, subject to the said understanding, reservations, and recommendation, September 8, 1961; Proclaimed by the President December 8, 1961; Entered into force December 8, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, was opened for signature at London on May 12, 1954, remained open for signature for three months during which period it was signed in behalf of twenty States, not including the United States of America, and thereafter remained open for acceptance;

WHEREAS the text of the said Convention in the English . . . languages, as certified by the Government of the United Kingdom of Great Britain and Northern Ireland, is word for word as follows:

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954.

**Citation:* 12 UST 2989; TIAS 4900.

States which are parties: Algeria, Australia, Belgium, Canada, Denmark, Dominican Rep., Egypt, Fiji (with reservation and statement), Finland, France, Germany, Fed. Rep. (applicable to Land Berlin), Ghana, Greece, Iceland, India, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kuwait, Lebanon, Liberia (with reservation), Libya, Madagascar, Mexico, Monaco, Morocco, Netherlands (extended to Netherlands Antilles), New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal (with reservation), Saudi Arabia (with reservation), Senegal, Spain, Sweden, Switzerland, Syrian Arab Rep., Tunisia (with reservation) Union of Soviet Socialist Reps. (with reservation and statement), United Kingdom, United States (with an understanding, reservations, and a recommendation), Venezuela, Yemen (Aden), Yugoslavia.

Implementing legislation: Oil Pollution Act, 1961; Public Law 87–167 [S. 2187], 75 Stat. 402, approved August 30, 1961; as amended by Public Law 89–551 [H.R. 8760], 80 Stat. 372, approved September 1, 1966; and by Public Law 93–119 [H.R. 5451], 87 Stat. 424, approved October 4, 1973.

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:

Article I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say—

"The Bureau" has the meaning assigned to it by Article XXI;

"Discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.158/53;

"Mile" means a nautical mile of 6080 feet or 1852 metres;

"Oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil, and "oily" shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

Article II

The present Convention shall apply to sea-going ships registered in any of the territories of a Contracting Government, except

(i) ships for the time being used as naval auxiliaries;

(ii) ships of under 500 tons gross tonnage;

(iii) ships for the time being engaged in the whaling industry;

(iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

Article III

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of—

(*a*) oil;

(*b*) any oily mixture the oil in which fouls the surface of the seas, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that—

(*a*) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(*b*) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offense punishable under the laws of the territory in which the ship is registered.

Article IV

(1) Article III shall not apply to—

(*a*) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(*b*) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;

(*c*) the discharge of sediment—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

Article V

Article III shall not apply to the discharge from the bilges of a ship—

(*a*) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;

(*b*) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

Article VI

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

Article VII

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

Article VIII

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

Article IX

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official logbook or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may

make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations—

(*a*) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(*b*) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either

party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by—

(i) signature without reservation as to acceptance;

(ii) signature subject to acceptance followed by acceptance; or

(iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2)—(*a*) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(*b*) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)—(*a*) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

Article XVII

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

Article XVIII

(1)—(*a*) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(*b*) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2)—(*a*) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as

may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

Article XIX

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

Article XX

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

Article XXI

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultive Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, [1] and thereafter the duties of the Bureau shall be carried out by the said Organisation.

In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

* * * * * * *

[1] TIAS 4044; 9 UST 621.

ANNEX A

Prohibited Zones

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea Zone*

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium
Denmark
the Federal Republic of Germany
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(*c*) *The Atlantic Zone*

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54°30′ north, longitude 30° west; thence to latitude 44°20′ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(*d*) *The Australian Zone*

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea and Atlantic Zones*

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium
Denmark
the Federal Republic of Germany
Ireland
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3)—(*a*) Any Contracting Government may propose—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B

Form of Oil Record Book

I.—FOR TANKERS

Date of entry					
(a) Ballasting of and discharge of ballast from cargo tanks					
1. Identity numbers of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast water					
5. Place or position of ship					
6. Approximate amount of oil-contaminated water transferred to slop tank(s)					
7. Identity numbers of slop tank(s)					
(b) Cleaning of cargo tanks					
8. Identity numbers of tank(s) cleaned					
9. Type of oil previously contained in tank(s)					
10. Identity numbers of slop tank(s) to which washings transferred					
11. Dates and times of cleaning					
(c) Settling in slop tank(s) and discharge of water					
12. Identity numbers of slop tank(s)					
13. Period of settling (in hours)					
14. Date and time of discharge of water					
15. Place or position of ship					
16. Approximate quantities of residue					
(d) Disposal from ship of oily residues from slop tank(s) and other sources					
17. Date and method of disposal					
18. Place or position of ship					
19. Sources and approximate quantities					

(Signature of Officer or Officers in charge of the operations concerned)

(Signature of Master)

II.—FOR SHIPS OTHER THAN TANKERS

Date of entry					
(a) Ballasting, or cleaning during voyage, of bunker fuel tanks					
1. Identity number of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast or washing water					
5. Place or position of ship					
6. Whether separator used: if so, give period of use					
7. Disposal of oily residue retained on board					
(b) Disposal from ship of oily residues from bunker fuel tanks and other sources					
8. Date and method of disposal					
9. Place or position of ship					
10. Sources and approximate quantities					

(Signature of Officer or Officers in charge of the operations concerned)

(Signature of Master)

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Form of Oil Record Book—Continued

III.—FOR ALL SHIPS

Date of entry					
Accidental and other exceptional discharges or escapes of oil					
1. Date and time of occurrence					
2. Place or position of ship					
3. Approximate quantity and type of oil					
4. Circumstances of discharge or escape and general remarks					

(Signature of Officer or Officers in charge of the operations concerned)

(Signature of Master)

* * * * * * *

WHEREAS the Senate of the United States of America by their resolution of May 16, 1961, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention subject to the following understanding and reservations and with the following recommendation:

"The acceptance by the United States of America of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, is subject to the following understanding:

"In accepting the Convention the United States declares that it does so subject to the understanding that article XI effectively reserves to the parties to the Convention freedom of legislative action in territorial waters, including the application of existing laws, anything in the Convention which may appear to be contrary notwithstanding. Specifically, it is understood that offenses in U.S. territorial waters will continue to be punishable under U.S. laws regardless of the ship's registry;

"The acceptance by the United States of America of the said Convention is subject to the following reservations:

"1. The United States accepts article VIII of the Convention, subject to the reservation that, while it will urge port authorities, oil terminal or private contractors to provide adequate disposal facilities, the United States shall not be obliged to construct, operate, or maintain shore facilities at places on U.S. coasts or waters where such facilities may be deemed inadequate, or to assume any financial obligation to assist in such activities;

"2. The United States accepts the Convention subject to the reservation that amendments communicated to contracting governments under the provisions of paragraph (2) of article XVI will become binding upon the United States of America only after notification of acceptance thereof has been given by the United States.

"The United States of America, in accepting the Convention subject to the aforesaid understanding and reservations, recommends that the parties give consideration to the formulation of

amendments to the Convention at the earliest practicable date to bring about—

"(1) International uniformity in fines and penalties;

"(2) International uniformity of enforcement;

"(3) A more realistic definition of what shall constitute oil pollution;

"(4) The right of access of each contracting government to the official reports of other contracting governments filed with the bureau which relate to its own vessels; and

"(5) A more flexible arrangement for fixing the time within which contracting governments shall notify the bureau whether or not they accept an amendment";

WHEREAS the said Convention was duly ratified by the President of the United States of America on May 29, 1961, in pursuance of the said advice and consent of the Senate, subject to the understanding and reservations and with the recommendation as aforesaid;

WHEREAS it is provided in Article XIV of the Convention that Governments may become parties by (i) signature without reservation as to acceptance, (ii) signature subject to acceptance followed by acceptance, or (iii) acceptance;

WHEREAS it is provided in Article XV of the Convention that the Convention shall enter into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage;

WHEREAS it is further provided in Article XV of the Convention that for each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force it shall come into force on that date, and for each Government which accepts the Convention on or after that date it shall come into force three months after the date of deposit of that Government's acceptance;

WHEREAS no signature was affixed to the Convention without reservation as to acceptance, all signatures affixed thereto being subject to acceptance or ratification;

WHEREAS instruments of acceptance of the Convention were deposited with the Government of the United Kingdom of Great Britain and Northern Ireland pursuant to Article XIV and Article XXI of the Convention as follows:

(a) By Governments of countries each having a tanker tonnage of not less than 500,000 gross tons: The United Kingdom of Great Britain and Northern Ireland on May 6, 1955; Sweden on May 24, 1956; Denmark on November 26, 1956; Norway on January 26, 1957; and France on July 26, 1957; and

(b) By other Governments: Mexico on May 10, 1956; the Federal Republic of Germany on June 11, 1956; Canada on December 19, 1956; Ireland on February 13, 1957; Belgium on April 16, 1957; and the Netherlands on July 24, 1958.

WHEREAS the Convention entered into force for the aforesaid Governments, pursuant to Article XV, on July 26, 1958.

WHEREAS an instrument of acceptance by the Government of Finland was deposited on December 30, 1958 with the Government of

the United Kingdom of Great Britain and Northern Ireland, and an instrument of acceptance by the Government of Poland was deposited on February 28, 1961, with the Intergovernmental Maritime Consultative Organization, which under Article XXI of the Convention had succeeded to the depositary duties, and the Convention accordingly entered into force for the Governments of Finland and Poland, pursuant to Article XV, three months after the respective dates of deposit;

WHEREAS an instrument of acceptance by the Government of the United States of America was deposited with the Intergovernmental Martitime Consultative Organization on September 8, 1961, subject to the understanding and reservations and with the recommendation as aforesaid;

AND WHEREAS, pursuant to paragraph (2) (a) of Article XV, the Convention entered into force for the United States of America, subject to the understanding and reservations and with the recommendation as aforesaid, on December 8, 1961.

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said International Convention for the Prevention of Pollution of the Sea by Oil, 1954, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after December 8, 1961, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, subject to the understanding and reservations and with the recommendation as aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred sixty-one and of the Independence of the United States of America the one hundred eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State

a. Amendment to the International Convention for the Prevention of Pollution of the Sea by Oil, April 11, 1962*

Amendments adopted at London, April 11, 1962; Ratification advised by the Senate February 25, 1964; Ratified by the President September 9, 1966; Acceptance by the United States deposited with the Intergovernmental Maritime Consultative Organization September 21, 1966; Proclaimed by the President October 7, 1966; Entered into force May 18, 1967, for amendments to Articles I–X, XVI, and XVIII and Annexes A and B; Entered into force June 28, 1967, for amendment to Article XIV.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a series of amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, [1] adopted by a conference of Contracting Governments which convened at London from April 4 to April 11, 1962, was communicated to all Contracting Governments for their acceptance in accordance with paragraph (3) of Article XVI of that Convention;

WHEREAS the text of those amendments, in the English * * * languages, as certified by the Secretary-General of the Inter-Governmental Maritime Consultative Organization, is word for word as follows:

ANNEX [2]

The following are the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954:

1. The existing text of Article I of the Convention is replaced by the following:

ARTICLE I

(1) For the purposes of the present Convention, the following expres-

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**Citation:* 17 UST 1523; TIAS 6109.

States which are parties: Algeria, Australia, Belgium, Canada, Denmark, Dominican Rep., Egypt, Fiji, Finland, France, Germany, Fed. Rep. (applicable to Land Berlin), Ghana, Greece, Iceland, India, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Mexico, Monaco, Morocco, Netherlands (extended to Netherlands Antilles), New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Saudi Arabia, Senegal, Spain, Sweden, Switzerland, Syrian Arab Rep., Tunisia, Union of Soviet Socialist Reps., United Kingdom, United States, Venezuela, Yemen (Aden), Yugoslavia.

[1] TIAS 4900; 12 UST 2989.

[2] The text of the amendments constituted the Annex to the Final Act of the Conference of Contracting Governments.

sions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

'The Bureau' has the meaning assigned to it by Article XXI;

'Discharge' in relation to oil or to oily mixture means any discharge or escape howsoever caused;

'Heavy diesel oil' means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.86/59;

'Mile' means a nautical mile of 6,080 feet or 1,852 metres;

'Oil' means crude oil, fuel oil, heavy diesel oil and lubricating oil, and 'oily' shall be construed accordingly;

'Oily mixture' means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

'Organization' means the Inter-Governmental Maritime Consultative Organization;

'Ship' means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and 'tanker' means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under Article XVIII.

2. The existing text of Article II of the Convention is replaced by the following:

ARTICLE II

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(*a*) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reason-

able and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(*b*) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(*c*) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(*d*) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in subparagraph (*d*) of paragraph (1) of this Article.

3. The existing text of Article III of the Convention is replaced by the following:

ARTICLE III

Subject to the provisions of Articles IV and V:

(*a*) the discharge from a tanker to which the present Convention applies, within any of the prohibited zones referred to in Annex A to the Convention, of oil or oily mixture shall be prohibited;

(*b*) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, sub-paragraph (*a*) of this Article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in Article VIII;

(*c*) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be

prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in Annex A to the Convention. The reasons for such discharge shall be reported to the Contracting Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

4. The existing text of Article IV of the Convention is replaced by the following:

ARTICLE IV

Article III shall not apply to:

(*a*) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;

(*b*) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(*c*) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

5. The existing text of Article V of the Convention is replaced by the following:

ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship:

(*a*) during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, of oily mixture;

(*b*) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

6. The existing text of Article VI of the Convention is replaced by the following:

ARTICLE VI

(1) Any contravention of Articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

7. The existing text of Article VII of the Convention is replaced by the following:

ARTICLE VII

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

8. The existing text of Article VIII of the Convention is replaced by the following:

ARTICLE VIII

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(*a*) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of such residues and oily mixtures as would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(*b*) oil loading terminals shall be provided with facilities adequate

for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(*c*) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) As regards paragraph (1) of this Article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

9. The existing text of Article IX of the Convention is replaced by the following:

ARTICLE IX

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in Annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(*a*) ballasting of and discharge of ballast from cargo tanks of tankers;

(*b*) cleaning of cargo tanks of tankers;

(*c*) settling in slop tanks and discharge of water from tankers;

(*d*) disposal from tankers of oily residues from slop tanks or other sources;

(*e*) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(*f*) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

(*g*) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (*c*) of Article III or in Article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this Article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this Article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

10. The existing text of Article X of the Convention is replaced by the following:

ARTICLE X

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is

available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

11. The existing text of Article XIV of the Convention is replaced by the following:

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to Article XV, the Governments of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

(*a*) signature without reservation as to acceptance;
(*b*) signature subject to acceptance followed by acceptance, or
(*c*) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the present Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

12. The existing text of Article XVI of the Convention is replaced by the following:

ARTICLE XVI

(1) (*a*) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(*b*) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2) (*a*) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(*b*) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all

Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3) (*a*) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

13. The existing text of Article XVIII of the Convention is replaced by the following:

ARTICLE XVIII

(1) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing

given to the Bureau declare that the Convention shall extend to such territory.

(*b*) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this Article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may by a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph (1) of this Article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the Convention has been or will cease to be so extended.

14. The existing text of Annex A to the Convention is replaced by the following:

ANNEX A

PROHIBITED ZONES

(1) All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purposes of this Annex, the term 'from the nearest land' means 'from the base-line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958'. [3]

(2) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(*a*) *Pacific Ocean*
The Canadian Western Zone
The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

[3] TIAS 5639; 15 UST 1606.

(*b*) *North Atlantic Ocean, North Sea and Baltic Sea*

(i) *The North-West Atlantic Zone*
The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47′ north, longitude 73° 43′ west to latitude 39° 58′ north, longitude 68° 34′ west thence to latitude 42° 05′ north, longitude 64° 37′ west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*
The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*
The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*
The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
62° north	2° east,
64° north	00°
64° north	10° west,
60° north	14° west;
54° 30′ north	30° west,
53° north	40° west;
44° 20′ north	40° west,
44° 20′ north	30° west;
46° north	20° west, thence towards Cape Finisterre at the intersection of the 50-mile limit.

(v) *The Spanish Zone*
The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*
The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from

the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(*c*) *Mediterranean and Adriatic Seas*
The Mediterranean and Adriatic Zone
The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(*d*) *Black Sea and Sea of Azov*
The Black Sea and Sea of Azov Zone
The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.
Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(*e*) *Red Sea*
The Red Sea Zone
The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(*f*) *Persian Gulf*

(i) *The Kuwait Zone*
The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*
The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

(*g*) *Arabian Sea, Bay of Bengal and Indian Ocean*

(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
23° 33′ north	68° 20′ east,
23° 33′ north	67° 30′ east;
22° north	68° east,
20° north	70° east;
18° 55′ north	72° east,
15° 40′ north	72° 42′ east;
8° 30′ north	75° 48′ east,
7° 10′ north	76° 50′ east;
7° 10′ north	78° 14′ east,
9° 06′ north	79° 32′ east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

Latitude	*Longitude*
10° 15′ north	80° 50′ east,
14° 30′ north	81° 38′ east;
20° 20′ north	88° 10′ east,
20° 20′ north	89° east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(*h*) *Australia*

The Australian Zone

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the

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Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(3) (*a*) Any Contracting Government may propose:

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from the nearest land along any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period to the effect that it considers that the destruction of birds and adverse effects on fish and the marine organisms on which they feed would be likely to occur or that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the declaration.

(4) The Organization shall prepare a set of charts indicating the extent of the prohibited zones in force in accordance with paragraph (2) of this Annex and shall issue amendments thereto as may be necessary.

15. The following changes to be made in Annex B to the Convention:

1. Throughout the Annex replace the words 'Identity numbers of tank(s)' by 'Identity numbers of tank(s) concerned'.

2. In Form I(*a*) replace the words 'Place or position of ship' by 'Place or position of ship at time of discharge'.

3. In Form I(*d*) and Form II(*a*) and (*b*) replace the words 'Place or position of ship' by 'Place or position of ship at time of disposal'.

4. In Form I(*c*) add a new line 17 as follows: '17. Approximate quantities of water discharged' and re-number lines in (*d*) 18 to 20.

5. Delete the words 'from ship' in the headings of Forms I(*d*) and II(*b*).

6. In Form III replace the words 'Place or position of ship' by 'Place or position of ship at time of occurrence'.

WHEREAS the Senate of the United States of America by their resolution of February 25, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the acceptance of the said amendments;

WHEREAS the amendments were duly ratified and accepted by the President of the United States of America on September 9, 1966, in pursuance of the advice and consent of the Senate;

WHEREAS it is provided in paragraph (4) of Article XVI of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, that any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of that Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments;

WHEREAS instruments of acceptance of the said amendments were deposited with the Inter-Governmental Maritime Consultative Organization by Contracting Governments as follows: Poland, except as to the amendment to Article XIV, on January 28, 1963; France on April 29, 1963; Sweden on June 10, 1963; Canada on July 5, 1963; Kuwait on July 17, 1963; Norway on August 7, 1963; Liberia on August 21, 1963; the United Kingdom of Great Britain and Northern Ireland on August 28, 1963; the United Arab Republic on October 3, 1963; the Netherlands on December 23, 1963; Denmark on May 22, 1964; Ghana on October 19, 1964; Jordan on December 14, 1964; the Federal Republic of Germany on December 17, 1964; Malagasy Republic on June 21, 1965; Ireland on August 3, 1965; the Philippines on November 9, 1965; Belgium on February 10, 1966; Finland on March 14, 1966; Switzerland on May 11, 1966; Iceland on May 18, 1966; and Israel on June 28, 1966;

WHEREAS, as a consequence of the deposit by a Contracting Government (Iceland) of the twenty-first acceptance of the amendments to Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XVI, and XVIII and the amendments to Annexes A and B, two-thirds of the Contracting Governments to the Convention had accepted those amendments, which will accordingly come into force on May 18, 1967;

WHEREAS, as a consequence of the deposit on June 28, 1966 by a Contracting Government (Israel) of the twenty-first acceptance of the amendment to Article XIV, two-thirds of the Contracting Governments had accepted that amendment, which will accordingly come into force on June 28, 1967;

AND WHEREAS an instrument of acceptance of all of the aforesaid amendments was deposited by the Government of the United States of America on September 21, 1966;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, to the end that they shall be observed and fulfilled with good faith, on and after May 18,

1967 with respect to the amendments to Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XVI, and XVIII and the amendments to Annexes A and B, and on and after June 28, 1967 with respect to the amendment to Article XIV, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of October in the year of our Lord one thousand nine hundred sixty-six and [SEAL] of the Independence of the United States of America the one hundred ninety-first.

LYNDON B. JOHNSON

By the President:
NICHOLAS DEB KATZENBACH
Acting Secretary of State

b. Amendments, October 21, 1969. *Not In Force**

Adopted by the Sixth Session of the Intergovernmental Maritime Consultative Organization Assembly October 21, 1969; Ratification advised by the Senate September 20, 1971; Ratified by the President October 13, 1971; Acceptance deposited October 17, 1973;

Distr., General.
A VI/Res. 175, 16 January 1970.
Original: English.

IMCO

Assembly—6th Session.
Agenda item 10.

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

RESOLUTION A.175(VI), ADOPTED ON 21 OCTOBER 1969

The Assembly,

Recalling its Resolution A.142(v) adopted on 26 October 1967 by which it approved the work programme of the Organization in particular with respect to the possible need for amending the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 in accordance with the conclusions of the third extraordinary session of the Council,

Recalling Further its Resolution A.151(ES.IV) concerning proposals for amending Article X, Resolution A.153(ES.IV) concerning proposals for amending Articles IX and X, and Resolution A.155 (ES.IV) concerning proposals for amending Article III of the Convention in sufficient time to permit their consideration by the Assembly at its next regular session,

Noting Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly,

Noting further that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures of amendment involving participation by the Organization,

Having Considered certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and the Annexes thereto, forming the subject of a recommendation adopted

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**Source:* 91st Congress, 2d session, Senate. Executive G.
Ratified by: Australia, Belgium, Canada, Denmark, Egypt, Fiji, Finland, France, Iceland, Japan, Lebanon, Liberia, Madagascar, Norway, Philippines (with declaration), Saudi Arabia, Sweden, Tunisia, Union of Soviet Socialist Reps., United Kingdom, United States, as of Dec. 31, 1974.
Implementing legislation: Oil Pollution Act Amendments of 1973; Public Law 93–119 [H.R. 5451], 87 Stat. 424, approved October 4, 1973 [previously cited].

by the Maritime Safety Committee at its nineteenth session in accordance with Article XVI of that Convention with a view to preventing and controlling deliberate pollution of the sea by oil,

Recalling Resolution 1 of the International Conference on Prevention of Pollution of the Sea by Oil, 1962, concerning the complete avoidance, as soon as practicable, of the discharge of persistent oils into the sea and considering that the amendments to the Convention, as recommended by the Maritime Safety Committee, will enable significant progress to be made towards the ultimate achievement of complete avoidance of discharge,

Adopts the following Amendments to the Articles and the Annexes to the Convention the texts of which are attached to this Resolution:

(*a*) The replacement of paragraph (1) of Article I by a new paragraph;

(*b*) the replacement of Article III, by a new Article;

(*c*) the deletion of paragraph (c) of Article IV;

(*d*) the replacement of Article V by a new Article;

(*e*) the replacement of Article VII by a new Article;

(*f*) the replacement of paragraphs (1) and (2) of Article IX by new paragraphs;

(*g*) the replacement of paragraph (2) of Article X by a new paragraph;

(*h*) the deletion of Annex A;

(*i*) the replacement of Annex B by a new Annex;

Requests the Secretary-General of the Organization, in conformity with Article XVI(2)(a), to communicate, for consideration and acceptance, certified copies of this Resolution and its attachment, to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization, and

Invites all Governments concerned to accept the Amendments at the earliest possible date.

ARTICLE I

The existing text of paragraph (1) is replaced by the following:

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them that is to say:

'The Bureau' has the meaning assigned to it by article X;

'Discharge' in relation to oil or to oily mixture means any discharge or escape howsoever caused;

'Heavy diesel oil' means diesel oil, other than those distillates of which more than 50 per cent by volume distills at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.86/59;

'Instantaneous rate of discharge of oil content' means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

'Mile' means a nautical mile of 6,080 feet or 1,852 metres;

'Nearest land'. The term 'from the nearest land' means 'from the base-line from which the territorial sea of the territory in question

is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958',

'Oil' means crude oil, fuel oil, heavy diesel oil and lubricating oil, and 'oily' shall be construed accordingly;

'Oily mixture' means a mixture with any oil content;

'Organization' means the Inter-Governmental Maritime Consultative Organization;

'Ship' means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and 'tanker' means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

ARTICLE III

The existing text of Article III is replaced by the following:

Subject to the provisions of Articles IV and V:

(*a*) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be prohibited except when the following conditions are all satisfied:

(*i*) the ship is proceeding en route;

(*ii*) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;

(*iii*) the oil content of the discharge is less than 100 parts per 1,000,000 parts of the mixture;

(*iv*) the discharge is made as far as practicable from land;

(*b*) the discharge from a tanker to which the present Convention applies of oil or oily mixture shall be prohibited except when the following conditions are all satisfied:

(*i*) the tanker is proceeding en route;

(*ii*) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;

(*iii*) the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity;

(*iv*) the tanker is more than 50 miles from the nearest land;

(*c*) the provisions of sub-paragraph (b) of this article shall not apply to:

(*i*) the discharge of ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water; or

(*ii*) the discharge of oil or oily mixture from machinery space bilges, which shall be governed by the provisions of sub-paragraph (a) of this Article.

ARTICLE IV

Paragraph (c) is deleted.

ARTICLE V

The existing text of Article V is replaced by the following:

Article III shall not apply to the discharge of oily mixture from the bilges of a ship during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in accordance with paragraph (1) of Article II.

ARTICLE VII

The existing text of Article VII is replaced by the following:

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, as far as reasonable and practicable, the escape of oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

ARTICLE IX

The existing texts of paragraphs (1) and (2) are replaced by the following:

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in the Annex to this Convention.

(2) The oil record book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(*a*) *for tankers:*

(*i*) loading of oil cargo;

(*ii*) transfer of oil cargo during voyage;

(*iii*) discharge of oil cargo;

(*iv*) ballasting of cargo tanks;

(*v*) cleaning of cargo tanks;

(*vi*) discharge of dirty ballast;

(*vii*) discharge of water from slop-tanks;

(*viii*) disposal of residues;

(*ix*) discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book;

(*b*) *for ships other than tankers:*

(*i*) ballasting or cleaning of bunker fuel tanks;

(*ii*) discharge of dirty ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(*iii*) disposal of residues;

(*iv*) discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book.

In the event of such discharge or escape of oil or oily mixture as is referred to in Article IV, a statement shall be made in the oil record book of the circumstances of, and the reason for, the discharge or escape.

ARTICLE X

The existing text of paragraph (2) is replaced by the following:

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible. That Government shall promptly inform the Government whose official has reported the alleged contravention, as well as the Organization, of the action taken as a consequence of the information communicated.

ANNEX A

Annex A is deleted.

ANNEX B

Annex B is deleted and replaced by the following:

ANNEX

FORM OF OIL RECORD BOOK

1. – FOR TANKERS

Name of ship.....

Total cargo carrying capacity of ship in cubic metres.....

(*a*) Loading of oil cargo:

1. Date and place of loading.....
2. Types of oil loaded.....
3. Identity of tank(s) loaded.....

(*b*) Transfer of oil cargo during voyage:

4. Date of transfer.....
5. Identity of tank(s):
   - (i) From.....
   - (ii) To.....
6. Was(were) tank(s) in 5(i) emptied?.....

(*c*) Discharge of oil cargo:

7. Date and place of discharge.....
8. Identity of tank(s) discharged.....
9. Was(were) tank(s) emptied?.....

(*d*) Ballasting of cargo tanks:

10. Identity of tank(s) ballasted.....

11. Date and position of ship at start of ballasting			
(e) Cleaning of cargo tanks:			
12. Identity of tank(s) cleaned			
13. Date and duration of cleaning			
14. Methods of cleaning [1]			
(f) Discharge of dirty ballast:			
15. Identity of tank(s)			
16. Date and position of ship at start of discharge to sea			
17. Date and position of ship at finish of discharge to sea			
18. Ship's speed(s) during discharge			
19. Quantity discharged to sea			
20. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))			
21. Date and port of discharge into shore reception facilities (if applicable)			
(g) Discharge of water from slop tanks:			
22. Identity of slop tank(s)			
23. Time of settling from last entry of residues, or			
24. Time of settling from last discharge			
25. Date, time and position of ship at start of discharge			
26. Sounding of total contents at start of discharge			
27. Sounding of interface at start of discharge			
28. Bulk quantity discharged and rate of discharge			
29. Final quantity discharged and rate of discharge			
30. Date, time and position of ship at end of discharge			
31. Ship's speed(s) during discharge			
32. Sounding of interface at end of discharge			
(h) Disposal of residues:			
33. Identity of tank(s)			
34. Quantity disposed from each tank			

[1] Hand hosing, machine washing or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

35. Method of disposal of residue:
    (*a*) Reception facilities ---------- ---------- ---------- ----------
    (*b*) Mixed with cargo ---------- ---------- ---------- ----------
    (*c*) Transferred to another (other) tank(s) (identify tank(s)) ---------- ---------- ---------- ----------
    (*d*) Other method ---------- ---------- ---------- ----------
36. Date and port of disposal of residue ---------- ---------- ---------- ----------

(*i*) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces (including pump rooms) whilst in port:[2]

37. Port ---------- ---------- ---------- ----------
38. Duration of stay ---------- ---------- ---------- ----------
39. Quantity disposed ---------- ---------- ---------- ----------
40. Date and place of disposal ---------- ---------- ---------- ----------
41. Method of disposal (state whether a separator was used) ---------- ---------- ---------- ----------

(*j*) Accidental or other exceptional discharges of oil:

42. Date and time of occurrence ---------- ---------- ---------- ----------
43. Place or position of ship at time of occurrence ---------- ---------- ---------- ----------
44. Approximate quantity and type of oil ---------- ---------- ---------- ----------
45. Circumstances of discharge or escape and general remarks ---------- ---------- ---------- ----------

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(Signature of Officer or Officers in charge of operation concerned)

(Signature of Master)

II.—FOR SHIPS OTHER THAN TANKERS

Name of ship ----------

(*a*) Ballasting or cleaning of bunker fuel tanks:

1. Identity of tank(s) ballasted ---------- ---------- ---------- ----------
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried ---------- ---------- ---------- ----------
3. Date and position of ship at start of cleaning ---------- ---------- ---------- ----------
4. Date and position of ship at start of ballasting ---------- ---------- ---------- ----------

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[2] The routine discharge at sea of bilge water containing any oil from machinery spaces including pump room bilges need not be entered in the oil record book but, if not, it must be entered in the appropriate log book, stating whether or not the discharge was made through a separator. Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through separator".

(*b*) Discharge of dirty ballast or cleaning water from tanks referred to under (*a*):

5. Identity of tank(s)			
6. Date and position of ship at start of discharge			
7. Date and position of ship at finish of discharge			
8. Ship's speed(s) during discharge			
9. Method of discharge (state whether separator used)			
10. Quantity discharged			

(*c*) Disposal of residues:

11. Quantity of residue retained on board			
12. Methods of disposal of residue:			
(*a*) reception facilities			
(*b*) mixed with next bunkering			
(*c*) transferred to another (other) tank (s)			
13. Date and port of disposal of residue			

(*d*) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port [1]:

14. Port			
15. Duration of stay			
16. Quantity disposed			
17. Date and place of disposal			
18. Method of disposal (state whether separator was used)			

(*e*) Accidental or other exceptional discharges of oil:

19. Date and time of occurrence			
20. Place or position of ship at time of occurrence			
21. Approximate quantity and type of oil			
22. Circumstances of discharge or escape and general remarks			

(Signature of Officer or Officers in charge of operations concerned)

(Signature of Master)

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[1] The routine discharge at sea of bilge water containing any oil from machinery spaces need not be entered in the oil record book but if not, it must be entered in the appropriate log book, stating whether or not the discharge was made through a separator. Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".

c. Amendments, Concerning Tank Arrangements and Limitation of Tank Size, October 15, 1971. *Not In Force**

Adopted by the Intergovernmental Maritime Consultative Organization Assembly October 15, 1971.

RESOLUTION A.246(VII), ADOPTED ON 15 OCTOBER 1971

THE ASSEMBLY,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization concerning the functions of the Assembly,

BEING CONSCIOUS of the responsibility of the Organization for taking effective measures for the prevention and control of pollution of the marine environment which may arise from maritime activities,

REALIZING that notwithstanding the adoption by the Organization of various measures for preventing collisions and strandings of ships, it is not possible to eliminate entirely accidents which may lead to release of oil, but desiring to minimize ensuing damage to the environment,

RECOGNIZING that construction of oil tankers of large size without accompanying control of size or internal arrangement of cargo tanks leads to the possibility, in the event of a single accident, of serious environmental pollution,

HAVING EXAMINED the Recommendations relating to tank arrangements and to the limitation of tank size prepared by the Maritime Safety Committee at its twenty-third session,

CONSIDERING that the universal implementation of such requirements can best be achieved by amending the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

NOTING that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures of amendment involving participation by the Organization,

ADOPTS the following amendments to the Articles and Annexes to that Convention, the texts of which are attached to this Resolution:

(a) the addition of a new Article VI bis, and

(b) the addition of a new Annex C,

REQUESTS the Secretary-General of the Organization, in conformity with sub-paragraph (2)(a) of Article XVI to communicate for consideration and acceptance, certified copies of this Resolution and its Annexes, to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization,

INVITES all governments concerned to accept the amendments at the earliest possible date, and

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**Source:* 92d Congress, 2d session. Senate. Executive K.

Ratified by: Canada, Finland, Ivory Coast, Jordan, Lebanon, Liberia, Norway, Philippines, Sweden, Tunisia, United Kingdom, as of Dec. 31, 1974.

Implementing legislation: Oil Pollution Act Amendments of 1973; Public Law 93–119 [H.R. 5451], 87 Stat. 424, approved October 4, 1973 [previously cited].

DETERMINES in accordance with paragraph (5) of Article XVI that these amendments are of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of Article XVI and which does not accept the amendments within a period of 12 months after the amendments come into force, shall, upon the expiry of this period, cease to be a Party to the present Convention.

ANNEX I

Add new Article VI bis as follows:

Article VI Bis

(1) Every tanker to which the present Convention applies and for which the building contract is placed on or after the date of coming into force of this Article shall be constructed in accordance with the provisions of Annex C. In addition, every tanker to which the present Convention applies and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar stage of construction, before the date of coming into force of this Article shall be required, within two years after that date, to comply with the provisions of Annex C, where such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January 1977; or

(b) a tanker to which both the following conditions apply:

(i) delivery is not later than 1 January 1977; and

(ii) the building contract is placed after 1 January 1972, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction, after 30 June 1972.

(2) A tanker required under paragraph (1) of this Article to be constructed in accordance with Annex C and so constructed shall carry on board a certificate issued or authorized by the responsible Contracting Government attesting such compliance. A tanker which under paragraph (1) of this Article is not required to be constructed in accordance with Annex C shall carry on board a certificate to that effect issued or authorized by the responsible Contracting Government, or if the tanker does comply with Annex C although not required to do so, it may carry on board a certificate issued or authorized by the responsible Contracting Government attesting such compliance. A Contracting Government shall not permit such tankers under its flag to trade unless the appropriate certificate has been issued.

(3) Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as certificates issued by them.

(4) If a Contracting Government has clear grounds for believing that a tanker required under paragraph (1) of this Article to be constructed in accordance with Annex C entering ports in its territory or using off-shore terminals under its control does not in fact comply with Annex C, such Contracting Government may request consulta-

tion with the Government with which the tanker is registered. If, after such consultation or otherwise, the Contracting Government is satisfied that the tanker does not comply with Annex C, such Contracting Government may for this reason deny such a tanker access to ports in its territorial waters or to off-shore terminals under its control until such time as the Contracting Government is satisfied that the tanker does comply.

ANNEX II

Add new Annex C as follows:

ANNEX C

Requirements Relating to Tank Arrangements and to the Limitation of Tank Size

1. *Assumed Extent of Damage*

In the following paragraphs three dimensions of the extent of damage of a parallelepiped due to both collision and stranding are assumed. In the case of stranding, two conditions are set forth to be applied individually to the stated portions of the ship. These values represent the maximum assumed damage in such accidents and are to be used to determine by trial at all conceivable locations the worst combination of compartments which would be breached by such an accident.

1.1 *Collision*

Longitudinal extent (l_c)	$\frac{1}{3}L^{2/3}$ or 14.5 metres whichever is less
Transverse extent (t_c) inboard from the ship's side at right angles to the centreline at the level of the load line	$B/5$ or 11.5 metres whichever is less
Vertical extent (v_c)	from the base line upwards without limit

1.2 *Stranding*

	For 0.3L from the forward perpendicular the ship	Any other part of the ship
Longitudinal extent (l_s)	$L/10$	5 metres
Transverse extent (t_s)	$B/6$ or 10.0 metres, whichever is less	5 metres
Vertical extent (v_s) from the base line	$B/15$ or 6 metres, whichever is less, for any part of the ship	

where: L, B in metres and perpendicular are as defined in Regulation 3 of the International Convention on Load Lines, 1966.

2. *Hypothetical Oil Outflow from Tanks Assumed to be Breached as a Result of the Accident*

The hypothetical oil outflow in the case of collision (O_c) and stranding (O_s) shall be calculated by the following formulae with respect to compartments breached by each assumed location of damage as defined in Section 1.

2.1 *Collision*

$$O_c = \sum W_i + \sum K_i C_i \quad (1)$$

2.2 *Stranding*

$$O_s = 1/3(\sum Z_i W_i + \sum Z_i C_i) \quad (2)$$

Where:

W_i = volume of a wing tank in cubic metres breached by the damage assumed in Section 1; W_i for a clean ballast tank may be taken equal to zero,

C_i = volume of a centre tank in cubic metres breached by the damage assumed in Section 1; C_i for a clean ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$; when b_i is equal to or greater than t_c, K_i shall be taken equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$; when h_i is equal to or greater than v_s, Z_i shall be taken equal to zero,

b_i = width of wing tank in metres under consideration,

h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted, h_i shall be taken equal to zero,

wing tank = any tank adjacent to the side shell plating,

centre tank = any tank inboard a longitudinal bulkhead.

2.3 Special requirements

2.3.1 If a void space or clean water ballast tank of a length less than l_c as defined in 1.1 is located between wing oil tanks, O_c in formula (1) may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = \frac{1 - l_c}{l_c}$$

Where: l_c = length in metres of void space or clean ballast tank under consideration.

2.3.2(a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the stranding damage shall be included in formula (2) even if the tank is not considered breached because of the installation of such a partial double bottom.

2.3.2(c) Suction wells may be neglected in the determination of the value h_i provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well

exceeds half the height of the double bottom, h_i shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connection to the tank served to prevent oil outflow in the event of damage of the piping during stranding. Such piping shall be installed as high from the bottom shell as possible.

2.3.3 In the case where stranding damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \frac{1}{4}(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad (3)$$

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2.3.4 An Administration may credit as reducing oil outflow in case of stranding, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (3). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the stranding damage v_s.

The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other governments.

3. *Limitations of Size of Cargo Oil Tanks*

3.1 *Limitation of hypothetical oil outflow*

The hypothetical oil outflow O_c or O_s calculated in accordance with the formulae in Section 2 shall not exceed 30,000 cubic metres or $400^3\sqrt{DW}$, whichever is the greater but subject to a maximum of 40,000 cubic metres, where DW=deadweight of the ship in metric tons.

3.2 *Limitation of volume of single tank*

The volume of a wing tank shall not exceed seventy-five percent of the limits of hypothetical oil outflow referred to in 3.1. The volume of a centre tank shall not exceed 50,000 cubic metres.

3.3 *Limitation of tank length*

The length of each tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) where no longitudinal bulkhead is provided: $0.1L$

(b) where a longitudinal bulkhead is provided at the centreline only: $0.15L$

(c) where two or more longitudinal bulkheads are provided:

(i) for wing tanks: $0.2L$

(ii) for centre tanks:

(1) if $\frac{b_i}{B}$ is equal to or greater than 1/5: $0.2L$

(2) if $\frac{b_i}{B}$ is less than 1/5:

—where no centreline longitudinal bulkhead is provided:

$$(0.5\frac{b_i}{B} + 0.1)L$$

—where a centreline longitudinal bulkhead is provided:

$$(0.25\frac{b_i}{B} + 0.15)L$$

d. Amendments, Concerning the Protection of the Great Barrier Reef, October 12, 1971. *Not In Force**

Adopted by the Seventh Session of the Intergovernmental Maritime Consultative Organization Assembly October 12, 1971.

RESOLUTION A.232(VII), ADOPTED ON 12 OCTOBER 1971

(ASSEMBLY—7th session, Agenda item 9)

THE ASSEMBLY,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly,

RECOGNIZING the Great Barrier Reef, which consists of a continuous chain of cays and live coral reefs extending for a distance of some 1250 miles from latitude 9° South to latitude 24° South and up to 145 nautical miles from the Australian coast, as an area of unique scientific importance and of extraordinary international significance, particularly in the field of tourism,

NOTING the deep concern expressed by the Government of Australia that the Great Barrier Reef should be maintained and preserved in its natural state free from pollution in any form particularly that caused by discharges from ships of oil or oily mixtures even in limited quantities,

RECALLING the definition of the term "from the nearest land" as set out in Annex A(1) of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and restated in the amended text of Article I of the Convention as adopted by the Assembly in Resolution A.175(VI) on 21 October 1969,

NOTING FURTHER that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures for amendment involving participation by the Organization,

HAVING CONSIDERED the particular amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1969 by Resolution A.175(VI), forming the subject of a recommendation by the Martime Safety Committee at its twenty-third session in accordance with Article XVI of that Convention with a view to protecting the area known as the Great Barrier Reef from the effects of pollution by oil,

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**Source:* 92d Congress, 2d session. Senate. Executive K.
Ratified by: Canada, Finland, Jordan, Lebanon, Liberia, Norway, Philippines (with declaration), Sweden, Tunisia. as of Dec. 31, 1974.
Implementing legislation: Oil Pollution Act Amendments of 1973; Public Law 93–119 [H.R. 5451], 87 Stat. 424, approved October 4, 1973 [previously cited].

ADOPTS the following amendments to the Articles of the Convention (as amended in 1969), the texts of which are at Annex to this Resolution:

(a) the replacement of the definition of "nearest land" in Article I by a new definition;

(b) the replacement of sub-paragraph (iv) of paragraph (a) of Article III by a new sub-paragraph,

REQUESTS the Secretary-General of the Organization, in conformity with Article XVI(2)(a), to communicate certified copies of this Resolution to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization,

INVITES all governments concerned to accept the Amendment at the earliest possible date after formal entry into force of the Amendments to the Convention adopted on 21 October 1969 by Resolution A.175(VI),

INVITES FURTHER governments which have implemented, on a national basis, the Amendments to the Convention adopted by the Assembly on 21 October 1969 to give effect also to the attached provisions for the protection of the Great Barrier Reef.

ANNEX

Article I

The existing text of the definition of "Nearest Land" in Article I is replaced by the following:

"Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958, except that, for the purposes of this Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in latitude 11° South, longitude 142°08′ East to a point in latitude 10°35′ South, longitude 141°55′ East—

thence to a point latitude 10°00′ South, longitude 142°00′ East
thence to a point latitude 9°10′ South, longitude 143°52′ East
thence to a point latitude 9°00′ South, longitude 144°30′ East
thence to a point latitude 13°00′ South, .ongitude 144°00′ East
thence to a point latitude 15°00′ South, longitude 146°00′ East
thence to a point latitude 18°00′ South, longitude 147°00′ East
thence to a point latitude 21°00′ South, longitude 153°00′ East
Thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

Article III

The existing text of sub-paragraph (iv) of paragraph (a) of Article III is replaced by the following:

(iv) the discharge is made as far as practicable from the nearest land.

2. INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES, NOVEMBER 29, 1969. *NOT IN FORCE**

Done at Brussels November 29, 1969; Ratification advised by the Senate September 20, 1971; Ratified by the President October 13, 1971; Ratification deposited February 21, 1974.

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

Have agreed as follows:

Article I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent dangers to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

Article II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "ship" means:

(*a*) any sea-going vessel of any type whatsoever, and

(*b*) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

**Source:* 91st Congress, 2d session. Senate. Executive G.
Ratified by: Belgium, Denmark, Fiji, France, Japan, Liberia, Norway, Senegal, Spain, Sweden, United Kingdom (extended to Hong Kong), United States, as of Dec. 31, 1974 (Entry into force requires ratification by 15 nations).
Implementing legislation: Intervention on the High Seas Act; Public Law 93–248 [S. 1070], 88 Stat. 8, approved February 5, 1974.

4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(*a*) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(*b*) tourist attractions of the area concerned;

(*c*) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(*a*) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(*b*) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(*c*) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(*d*) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(*e*) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(*f*) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

Article IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and

appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

Article V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

(*a*) the extent and probability of imminent damage if those measures are not taken; and

(*b*) the likelihood of those measures being effective; and

(*c*) the extent of the damage which may be caused by such measures.

Article VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

Article VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to

conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

Article IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(*a*) signature without reservation as to ratification, acceptance or approval;

(*b*) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(*c*) accession.

Article X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XII

1. The present Convention may be denounced by any Party at

any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

Article XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(*a*) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(*b*) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

In witness whereof the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

Done at Brussels this twenty-ninth day of November 1969.

ANNEX

Chapter I.—Conciliation

ARTICLE 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

ARTICLE 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice

to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose

and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

ARTICLE 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

ARTICLE 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Commission with the necessary documents and information;

(*b*) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.
2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

Chapter II.—Arbitration

ARTICLE 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.
2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

ARTICLE 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

ARTICLE 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.
2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

ARTICLE 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Tribunal with the necessary documents and information;

(*b*) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

3. PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL, NOVEMBER 2, 1973. *NOT IN FORCE**

Done at London November 2, 1973; signed on behalf of the United States March 7, 1974.

THE PARTIES TO THE PRESENT PROTOCOL,

Being parties to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, done at Brussels on 29 November 1969, [1]

Taking into account the Resolution on International Co-operation Concerning Pollutants other than Oil adopted by the International Legal Conference on Marine Pollution Damage, 1969,

Further taking into account that pursuant to the Resolution, the Inter-Governmental Maritime Consultative Organization has intensified its work, in collaboration with all interested international organizations, on all aspects of pollution by substances other than oil,

Have agreed as follows:

ARTICLE I

1. Parties to the present Protocol may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution by substances other than oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. "Substances other than oil" as referred to in paragraph 1 shall be:

(a) those substances enumerated in a list which shall be established by an appropriate body designated by the Organization and which shall be annexed to the present Protocol, and [2]

(b) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

3. Whenever an intervening Party takes action with regard to a substance referred to in paragraph 2(b) above that Party shall have the burden of establishing that the substance, under the circumstances present at the time of the intervention, could reasonably pose a grave and imminent danger analogous to that posed by any of the substances enumerated in the list referred to in paragraph 2(a) above.

**Source:* International Legal Materials, v. 13, no. 3, May 1974: 605–610.
Ratified by: No ratifications as of Dec. 31, 1974.

[1] For text, see ante p. 473.

[2] A Marine Environment Protection Committee was established for this purpose by I.M.C.O. Resolution A.296(VIII). See post, p. 613.

Article II

1. The provisions of paragraph 2 of Article I and of Articles II to VIII of the Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, and the Annex thereto as they relate to oil, shall be applicable with regard to the substances referred to in Article I of the present Protocol.

2. For the purpose of the present Protocol the list of experts referred to in Articles III(c) and IV of the Convention shall be extended to include experts qualified to give advice in relation to substances other than oil. Nominations to the list may be made by Member States of the Organization and by Parties to the present Protocol.

Article III

1. The list referred to in paragraph 2(a) of Article I shall be maintained by the appropriate body designated by the Organization.

2. Any amendment to the list proposed by a Party to the present Protocol shall be submitted to the Organization and circulated by it to all Members of the Organization and all Parties to the present Protocol at least three months prior to its consideration by the appropriate body.

3. Parties to the present Protocol whether or not Members of the Organization shall be entitled to participate in the proceedings of the appropriate body.

4. Amendments shall be adopted by a two-thirds majority of only the Parties to the present Protocol present and voting.

5. If adopted in accordance with paragraph 4 above, the amendment shall be communicated by the Organization to all Parties to the present Protocol for acceptance.

6. The amendment shall be deemed to have been accepted at the end of a period of six months after it has been communicated, unless within that period an objection to the amendment has been communicated to the Organization by not less than one-third of the Parties to the present Protocol.

7. An amendment deemed to have been accepted in accordance with paragraph 6 above shall enter into force three months after its acceptance for all Parties to the present Protocol, with the exception of those which before that date have made a declaration of non-acceptance of the said amendment.

Article IV

1. The present Protocol shall be open for signature by the States which have signed the Convention referred to in Article II or acceded thereto, and by any State invited to be represented at the International Conference on Marine Pollution 1973. The Protocol shall remain open for signature from 15 January 1974 until 31 December 1974 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4, this Protocol shall be open for accession by States which did not sign it.

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4. The present Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the Convention referred to in Article II.

Article V

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

Article VI

1. The present Protocol shall enter into force on the ninetieth day following the date on which fifteen States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, provided however that the present Protocol shall not enter into force before the Convention referred to in Article II has entered into force.

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

Article VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Convention referred to in Article II by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same day as the denunciation of the Convention takes effect in accordance with paragraph 3 of Article XII of that Convention.

Article VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article IX

1. The present Protocol shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;

(iv) any amendments to the present Protocol or its Annex and any objection or declaration of non-acceptance of the said amendment;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article X

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XI

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, all four texts being equally authentic.

In Witness Whereof the undersigned being duly authorized for that purpose have signed the present Protocol.

Done at London this second day of November one thousand nine hundred and seventy-three.

4. INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, NOVEMBER 29, 1969. *NOT IN FORCE**

Done at Brussels November 29, 1969; Signed on behalf of the United States November 29, 1969.

The States Parties to the present Convention,

Conscious of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

Desiring to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

ARTICLE I

For the purpose of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

**Source:* 91st Congress, 2d session. Senate. Executive G.
Ratified by: Algeria, Fiji, Ivory Coast, Lebanon, Liberia, Morocco, Senegal, as of Dec. 31, 1974.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization

Article II

This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

Article III

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

(*a*) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(*b*) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(*c*) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

Article IV

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article V

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this Article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial secuity has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this Article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this Article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this Article shall be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this Article shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the unit defined above on the date of the constitution of the fund.

10. For the purpose of this Article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per cent of the weight in tons (of 2240 lbs) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this Article on the same conditions and having the same effect as if it were constituted

by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article VI

1. Where the owner, after an incident, has constituted a fund in accordance with Article V, and is entitled to limit his liability,

(*a*) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(*b*) the Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

Article VII

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article V, paragraph 1 to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 of this Article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

(*a*) name of ship and port of registration;

(*b*) name and principal place of business of owner;

(*c*) type of security;

(*d*) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;

(*e*) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French, the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified

in the certificate under paragraph 2 of this Article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this Article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

6. The State of registry shall, subject to the provisions of this Article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the State of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in Article V, paragraph 1. He may further avail himself of the defenses (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defense that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defense which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available exclusively for the satisfaction of claims under this Convention.

10. A Contracting State shall not permit a ship under its flag to which this Article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this Article.

11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this Article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. Insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this Article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits pre-

scribed by Article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this Article.

Article VIII

Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article IX

1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article X

1. Any judgment given by a Court with jurisdiction in accordance with Article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:

(*a*) where the judgment was obtained by fraud; or

(*b*) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each Contracting State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

Article XI

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in Article IX and shall waive all defences based on its status as a sovereign State.

Article XII

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this Article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Article XIII

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(*a*) signature without reservation as to ratification, acceptance or approval;

(*b*) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(*c*) accession.

Article XIV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Contracting States, or after the completion of all measures required for the entry into force of the amendment with respect to those Contracting States shall be deemed to apply to the Convention as modified by the amendment.

Article XV

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XVI

1. The present Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XVII

1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Contracting State which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XVIII

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting States for revising or amending the present Convention at the request of not less than one-third of the Contracting States.

Article XIX

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(*a*) inform all States which have signed or acceded to the Convention of

(*i*) each new signature or deposit of instrument together with the date thereof;

(*ii*) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(*iii*) the extension of the present Convention to any territory under paragraph 1 of Article XVII and of the termination of any such extension under the provisions of

paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(*b*) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

ARTICLE XX

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XXI

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

Certificate of Insurance or Other Financial Security in Respect of Civil Liability for Oil Pollution Damage

(Issued in Accordance with the Provisions of Article III of the International Convention on Civil Liability for Oil Pollution Damage, 1969)

Name of ship_____
Distinctive number or letters_____
Port of registry_____
Name and address of owner_____

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article III of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

*Type of security*_____

*Duration of Security*_____

Name and Address of the Insurer(s) and/or Guarantor(s)
Name_____
Address_____

This certificate is valid until_____
Issued or certified by the Government of_____
(Full designation of the State)

At_____ (Place) On_____ (Date)

_____
(Signature and title of issuing or certifying official)

EXPLANATORY NOTES

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of the Security" must stipulate the date on which such security takes effect.

5. INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, DECEMBER 18, 1971. *NOT IN FORCE**

Done at Brussels December 18, 1971; Signed on behalf of the United States December 18, 1971.

(Supplementary to the International Convention on Civil Liability for Oil Pollution Damage, 1969)

The States Parties to the present Convention,

BEING PARTIES to the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969,

CONSCIOUS of the dangers of pollution posed by the world-wide maritime carriage of oil in bulk,

CONVINCED of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

CONSIDERING that the International Convention of 29 November 1969, on Civil Liability for Oil Pollution Damage, by providing a régime for compensation for pollution damage in Contracting States and for the costs of measures, wherever taken, to prevent or minimize such damage, represents a considerable progress towards the achievement of this aim,

CONSIDERING HOWEVER that this régime does not afford full compensation for victims of oil pollution damage in all cases while it imposes an additional financial burden on shipowners,

CONSIDERING FURTHER that the economic consequences of oil pollution damage resulting from the escape or discharge of oil carried in bulk at sea by ships should not exclusively be borne by the shipping industry but should in part be borne by the oil cargo interests,

CONVINCED of the need to elaborate a compensation and indemnification system supplementary to the International Convention on Civil Liability for Oil Pollution Damage with a view to ensuring that full compensation will be available to victims of oil pollution incidents and that the shipowners are at the same time given relief in respect of the additional financial burdens imposed on them by the said Convention,

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**Source:* 92d Congress, 2d session. Senate. Executive K.
Ratified by: Liberia, as of Dec. 31, 1974.

TAKING NOTE of the Resolution on the Establishment of an International Compensation Fund for Oil Pollution Damage which was adopted on 29 November 1969 by the International Legal Conference on Marine Pollution Damage,

HAVE AGREED as follows:

General Provisions

Article 1

For the purposes of this Convention—

1. "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969.

2. "Ship", "Person", "Owner", "Oil," "Pollution Damage", "Preventive Measures", "Incident" and "Organization", have the same meaning as in Article I of the Liability Convention, provided however that, for the purposes of these terms, "oil" shall be confined to persistent hydrocarbon mineral oils.

3. "Contributing Oil" means crude oil and fuel oil as defined in sub-paragraphs (a) and (b) below:

(a) "Crude Oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "Topped Crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).

(b) "Fuel Oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification or Number Four Fuel Oil (Designation D 396-69)", or heavier.

4. "Franc" means the unit referred to in Article V, paragraph 9 of the Liability Convention.

5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the Liability Convention.

6. "Ton", in relation to oil, means a metric ton.

7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the Liability Convention.

8. "Terminal installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

9. Where an incident consists of a series of occurrences, it shall be treated as having occurred on the date of the first such occurrence.

Article 2

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund" and hereinafter referred to as "The Fund", is hereby established with the following aims:

(a) to provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;

(b) to give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;

(c) to give effect to the related purposes set out in this Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as "The Director") as the legal representative of the Fund.

Article 3

This Convention shall apply:

1. With regard to compensation according to Article 4, exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State, and to preventive measures taken to prevent or minimize such damage;

2. With regard to indemnification of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory, including the territorial sea, of a State party to the Liability Convention by a ship registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.

Compensation and indemnification

Article 4

1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,

(a) because no liability for the damage arises under the Liability Convention;

(b) because the owner liable for the damage under the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;

(c) because the damage exceeds the owner's liability under

the Liability Convention as limited pursuant to Article V, paragraph 1, of that Convention or under the terms of any other international Convention in force or open for signature, ratification or accession at the date of this Convention.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of this Article.

2. The Fund shall incur no obligation under the preceding paragraph if:

(a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government noncommercial service; or

(b) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person provided, however, that there shall be no such exoneration with regard to such preventive measures which are compensated under paragraph 1. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the Liability Convention.

4. (a) Except as otherwise provided in subparagraph (b) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 450 million francs.

(b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 450 million francs.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 450 million frances referred to in paragraph 4, sub-paragraphs (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 900 million francs or be lower than

450 million francs. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.

7. The Fund shall, at the request of a Contracting State, use its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate pollution damage arising from an incident in respect of which the Fund may be called upon to pay compensation under this Convention.

8. The Fund may on conditions to be laid down in the Internal Regulations provide credit facilities with a view to the taking of preventive measures against pollution damage arising from a particular incident in respect of which the Fund may be called upon to pay compensation under this Convention.

Article 5

1. For the purpose of fulfilling its function under Article 2, paragraph 1(b), the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of liability under the Liability Convention which:

(a) is in excess of an amount equivalent to 1,500 francs for each ton of the ship's tonnage or of an amount of 125 million francs, whichever is the less, and

(b) is not in excess of an amount equivalent to 2,000 francs for each ton of the said tonnage or an amount of 210 million francs, whichever is the less,

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

2. The Assembly may decide that the Fund shall, on conditions to be laid down in the Internal Regulations, assume the obligations of a guarantor in respect of ships referred to in Article 3, paragraph 2, with regard to the portion of liability referred to in paragraph 1 of this Article. However, the Fund shall assume such obligations only if the owner so requests and if he maintains adequate insurance or other financial security covering the owner's liability under the Liability Convention up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less. If the Fund assumes such obligations, the owner shall in each Contracting State be considered to have complied with Article VII of the Liability Convention in respect of the portion of his liability mentioned above.

3. The Fund may be exonerated wholly or partially from its obligations under paragraph 1 towards the owner and his guarantor if the Fund proves that as a result of the actual fault or privity of the owner:

(a) the ship from which the oil causing the pollution damage escaped did not comply with the requirements laid down in:

(i) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or

(ii) the International Convention for the Safety of Life at Sea, 1960; or

(iii) the International Convention on Load Lines, 1966; or

(iv) the International Regulations for Preventing Collisions at Sea, 1960; or

(v) any amendments to the above-mentioned Conventions which have been determined as being of an important nature in accordance with Article XVI(5) of the Convention mentioned under (i), Article IX(e) of the Convention mentioned under (ii) or Article 29 (3)(d) or (4)(d) of the Convention mentioned under (iii), provided, however, that such amendments had been in force for at least twelve months at the time of the incident;

and

(b) the incident or damage was caused wholly or partially by such non-compliance.

The provisions of this paragraph shall apply irrespective of whether the Contracting State in which the ship was registered or whose flag it was flying is a Party to the relevant Instrument.

4. Upon the entry into force of a new Convention designed to replace, in whole or in part, any of the Instruments specified in paragraph 3, the Assembly may decide at least six months in advance a date on which the new Convention will replace such Instrument or part thereof for the purpose of paragraph 3. However, any State Party to this Convention may declare to the Director before that date that it does not accept such replacement; in which case the decision of the Assembly shall have no effect in respect of a ship registered in, or flying the flag of, that State at the time of the incident. Such a declaration may be withdrawn at any later date and shall in any event cease to have effect when the State in question becomes a party to such new Convention.

5. A ship complying with the requirements in an amendment to an Instrument specified in paragraph 3 or with requirements in a new Convention, where the amendment or Convention is designed to replace in whole or in part such Instrument, shall be considered as complying with the requirements in the said Instrument for the purposes of paragraph 3.

6. Where the Fund, acting as a guarantor by virtue of paragraph 2, has paid compensation for pollution damage in accordance with the Liability Convention, it shall have a right of recovery from the owner if and to the extent that the Fund would have been exonerated pursuant to paragraph 3 from its obligations under paragraph 1 to indemnify the owner.

7. Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Article.

Article 6

1. Rights to compensation under Article 4 or indemnification under Article 5 shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to Article 7, paragraph 6, within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage.

2. Notwithstanding paragraph 1, the right of the owner or his guarantor to seek indemnification from the Fund pursuant to Article 5, paragraph 1, shall in no case be extinguished before the expiry of a period of six months as from the date on which the owner or his guarantor acquired knowledge of the bringing of an action against him under the Liability Convention.

Article 7

1. Subject to the subsequent provisions of this Article, any action against the Fund for compensation under Article 4 or indemnification under Article 5 of this Convention shall be brought only before a court competent under Article IX of the Liability Convention in respect of actions against the owner who is or who would, but for the provisions of Article III, paragraph 2, of that Convention, have been liable for pollution damage caused by the relevant incident.

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions against the Fund as are referred to in paragraph 1.

3. Where an action for compensation for pollution damage has been brought before a court competent under Article IX of the Liability Convention against the owner of a ship or his guarantor, such court shall have exclusive jurisdictional competence over any action against the Fund for compensation or indemnification under the provisions of Article 4 or 5 of this Convention in respect of the same damage. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court in a State Party to the Liability Convention but not to this Convention, any action against the Fund under Article 4 or under Article 5, paragraph 1, of this Convention shall at the option of the claimant be brought either before a court of the State where the Fund has its headquarters or before any court of a State Party to this Convention competent under Article IX of the Liability Convention.

4. Each Contracting State shall ensure that the Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with Article IX of the Liability Convention before a competent court of that State against the owner of a ship or his guarantor.

5. Except as otherwise provided in paragraph 6, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

6. Without prejudice to the provisions of paragraph 4, where an action under the Liability Convention for compensation for pollution damage has been brought against an owner or his guarantor before a competent court in a Contracting State, each party to the proceedings shall be entitled under the national law of that State to notify the Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgment was given, become binding upon the Fund in the sense that

the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

Article 8

Subject to any decision concerning the distribution referred to in Article 4, paragraph 5, any judgment given against the Fund by a court having jurisdiction in accordance with Article 7, paragraphs 1 and 3, shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each Contracting State on the same conditions as are prescribed in Article X of the Liability Convention.

Article 9

1. Subject to the provisions of Article 5, the Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the Liability Convention against the owner or his guarantor.

2. Nothing in this Convention shall prejudice any right of recourse or subrogation of the Fund against persons other than those referred to in the preceding paragraph. In any event the right of the Fund to subrogation against such person shall not be less favourable than that of an insurer of the person to whom compensation or indemnification has been paid.

3. Without prejudice to any other rights of subrogation or recourse against the Fund which may exist, a Contracting State or agency thereof which has paid compensation for pollution damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

Contributions

Article 10

1. Contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 11, paragraph 1, as regards initial contributions and in Article 12, paragraphs 2 (a) or (b), as regards annual contributions, has received in total quantities exceeding 150,000 tons:

(a) in the ports or terminal installations in the territory of that State contributing oil carried by sea to such ports or terminal installations; and

(b) in any installations situated in the territory of that Contracting State contributing oil which has been carried by sea and discharged in a port or terminal installation of a non-Contracting State, provided that contributing oil shall only be taken into account by virtue of this sub-paragraph on first receipt in a Contracting State after its discharge in that non-Contracting State.

2. (a) For the purposes of paragraph 1, where the quantity of

contributing oil received in the territory of a Contracting State by any person in a calendar year when aggregated with the quantity of contributing oil received in the same Contracting State in that year by any associated person or persons exceeds 150,000 tons, such person shall pay contributions in respect of the actual quantity received by him notwithstanding that that quantity did not exceed 150,000 tons.

(b) "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

Article 11

1. In respect of each Contracting State initial contributions shall be made of an amount which shall for each person referred to in Article 10 be calculated on the basis of a fixed sum for each ton of contributing oil received by him during the calendar year preceding that in which this Convention entered into force for that State.

2. The sum referred to in paragraph 1 shall be determined by the Assembly within two months after the entry into force of this Convention. In performing this function the Assembly shall, to the extent possible, fix the sum in such a way that the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent of the quantities of contributing oil carried by sea in the world, equal 75 million francs.

3. The initial contributions shall in respect of each Contracting State be paid within three months following the date at which the Convention entered into force for that State.

Article 12

1. With a view to assessing for each person referred to in Article 10 the amount of annual contributions due, if any, and taking account of the necessity to maintain sufficient liquid funds, the Assembly shall for each calendar year make an estimate in the form of a budget of:

(i) *Expenditure*

(a) costs and expenses of the administration of the Fund in the relevant year and any deficit from operations in preceding years;

(b) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayment on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident does not exceed 15 million francs;

(c) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayments on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident is in excess of 15 million francs;

(ii) *Income*

(a) surplus funds from operations in preceding years, including any interest;

(b) initial contributions to be paid in the course of the year;

(c) annual contributions, if required to balance the budget;

(d) any other income.

2. For each person referred to in Article 10 the amount of his annual contribution shall be determined by the Assembly and shall be calculated in respect of each Contracting State:

(a) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (a) and (b) on the basis of a fixed sum for each ton of contributing oil received in the relevant State by such persons during the preceding calendar year; and

(b) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (c) of this Article on the basis of a fixed sum for each ton of contributing oil received by such person during the calendar year preceding that in which the incident in question occurred, provided that State was a party to this Convention at the date of the incident.

3. The sums referred to in paragraph 2 above shall be arrived at by dividing the relevant total amount of contributions required by the total amount of contributing oil received in all Contracting States in the relevant year.

4. The Assembly shall decide the portion of the annual contribution which shall be immediately paid in cash and decide on the date of payment. The remaining part of each annual contribution shall be paid upon notification by the Director.

5. The Director may, in cases and in accordance with conditions to be laid down in the Internal Regulations of the Fund, require a contributor to provide financial security for the sums due from him.

6. Any demand for payments made under paragraph 4 shall be called rateably from all individual contributors.

Article 13

1. The amount of any contribution due under Article 12 and which is in arrear shall bear interest at a rate which shall be determined by the Assembly for each calendar year provided that different rates may be fixed for different circumstances.

2. Each Contracting State shall ensure that any obligation to contribute to the Fund arising under this Convention in respect of oil received within the territory of that State is fulfilled and shall take any appropriate measures under its law, including the imposing of such sanctions as it may deem necessary, with a view to the effective execution of any such obligation; provided, however, that such measures shall only be directed against those persons who are under an obligation to contribute to the Fund.

3. Where a person who is liable in accordance with the provisions of Articles 10 and 11 to make contributions to the Fund does not fulfil his obligations in respect of any such contribution or any part thereof and is in arrear for a period exceeding three months, the Director shall take all appropriate action against such person on behalf of the Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of

the Director, decide that no action shall be taken or continued against the contributor.

Article 14

1. Each Contracting State may at the time when it deposits its instrument of ratification or accession or at any time thereafter declare that it assumes itself obligations that are incumbent under this Convention on any person who is liable to contribute to the Fund in accordance with Article 10, paragraph 1, in respect of oil received within the territory of that State. Such declaration shall be made in writing and shall specify which obligations are assumed.

2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with Article 40, it shall be deposited with the Secretary-General of the Organization who shall after the entry into force of the Convention communicate the declaration to the Director.

3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.

4. A declaration made in accordance with this Article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such notification shall take effect three months after the Director's receipt thereof.

5. Any State which is bound by a declaration made under this Article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

Article 15

1. Each Contracting State shall ensure that any person who receives contributing oil within its territory in such quantities that he is liable to contribute to the Fund appears on a list to be established and kept up to date by the Director in accordance with the subsequent provisions of this Article.

2. For the purposes set out in paragraph 1, each Contracting State shall communicate, at a time and in the manner to be prescribed in the Internal Regulations, to the Director the name and address of any person who in respect of that State is liable to contribute to the Fund pursuant to Article 10, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year.

3. For the purposes of ascertaining who are, at any given time, the persons liable to contribute to the Fund in accordance with Article 10, paragraph 1, and of establishing, where applicable, the quantities of oil to be taken into account for any such person when determining the amount of his contribution, the list shall be *prima facie* evidence of the facts stated therein.

Organization and Administration

Article 16

The Fund shall have an Assembly, a Secretariat headed by a Director and, in accordance with the provisions of Article 21, an Executive Committee.

Assembly

Article 17

The Assembly shall consist of all Contracting States to this Convention.

Article 18

The functions of the Assembly shall, subject to the provisions of Article 26, be:

1. to elect at each regular session its Chairman and two Vice-Chairman who shall hold office until the next regular session;
2. to determine its own rules of procedure, subject to the provisions of this Convention;
3. to adopt Internal Regulations necessary for the proper functioning of the Fund;
4. to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;
5. to adopt the annual budget and fix the annual contributions;
6. to appoint auditors and approve the accounts of the Fund;
7. to approve settlements of claims against the Fund, to make decisions in respect of the distribution among claimants of the available amount of compensation in accordance with Article 4, paragraph 5, and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of pollution damage are compensated as promptly as possible;
8. to elect the members of the Assembly to be represented on the Executive Committee, as provided in Articles 21, 22 and 23;
9. to establish any temporary or permanent subsidiary body it may consider to be necessary;
10. to determine which non-Contracting States and which intergovernmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee, and subsidiary bodies;
11. to give instructions concerning the administration of the Fund to the Director, the Executive Committee and subsidiary bodies;
12. to review and approve the reports and activities of the Executive Committee;
13. to supervise the proper execution of the Convention and of its own decisions;
14. to perform such other functions as are allocated to it under the Convention or are otherwise necessary for the proper operation of the Fund.

Article 19

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director; provided, however, that if the Assembly allocates to the Executive Committee the functions specified in Article 18, paragraph 5, regular sessions of the Assembly shall be held once every two years.
2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of the Executive Committee or of at least

one-third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the Chairman of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

Article 20

A majority of the members of the Assembly shall constitute a quorum for its meetings.

Executive Committee

Article 21

The Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen.

Article 22

1. The Executive Committee shall consist of one-third of the members of the Assembly but of not less than seven or more than fifteen members. Where the number of members of the Assembly is not divisible by three, the one-third referred to shall be calculated on the next higher number which is divisible by three.

2. When electing the members of the Executive Committee the Assembly shall:

(a) secure an equitable geographical distribution of the seats on the Committee on the basis of an adequate representation of Contracting States particularly exposed to the risks of oil pollution and of Contracting States having large tanker fleets; and

(b) elect one half of the members of the Committee, or in case the total number of members to be elected is uneven, such number of the members as is equivalent to one half of the total number less one, among those Contracting States in the territory of which the largest quantities of oil to be taken into account under Article 10 were received during the preceding calendar year, provided that the number of States eligible under this sub-paragraph shall be limited as shown in the table below:

Total number of members on the committee	Number of States eligible under subparagraph (b)	Number of States to be elected under subparagraph (b)
7	5	3
8	6	4
9	6	4
10	8	5
11	8	5
12	9	6
13	9	6
14	11	7
15	11	7

3. A member of the Assembly which was eligible but was not elected under sub-paragraph (b) shall not be eligible to be elected for any remaining seat on the Executive Committee.

Article 23

1. Members of the Executive Committee shall hold office until the end of the next regular session of the Assembly.

2. Except to the extent that may be necessary for complying with the requirements of Article 22, no State Member of the Assembly may serve on the Executive Committee for more than two consecutive terms.

Article 24

The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his own initiative or at the request of its Chairman or of at least one-third of its members. It shall meet at such places as may be convenient.

Article 25

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings.

Article 26

1. The functions of the Executive Committee shall be:

(a) to elect its Chairman and adopt its own rules of procedure, except as otherwise provided in this Convention;

(b) to assume and exercise in place of the Assembly the following functions:

(i) making provision for the appointment of such personnel, other than the Director, as may be necessary and determining the terms and conditions of service of such personnel;

(ii) approving settlements of claims against the Fund and taking all other steps envisaged in relation to such claims in Article 18, paragraph 7;

(iii) giving instructions to the Director concerning the administration of the Fund and supervising the proper execution, by him of the Convention, of the decisions of the Assembly and of the Committee's own decisions; and

(c) to perform such other functions as are allocated to it by the Assembly.

2. The Executive Committee shall each year prepare and publish a report of the activities of the Fund during the previous calendar year.

Article 27

Members of the Assembly who are not members of the Executive Committee shall have the right to attend its meetings as observers.

Secretariat

Article 28

1. The Secretariat shall comprise the Director and such staff as the administration of the Fund may require.

2. The Director shall be the legal representative of the Fund.

Article 29

1. The Director shall be the chief administrative officer of the Fund and shall, subject to the instructions given to him by the Assembly and by the Executive Committee, perform those functions which are assigned to him by this Convention, the Internal Regulations, the Assembly and the Executive Committee.

2. The Director shall in particular:

(a) appoint the personnel required for the administration of the Fund;

(b) take all appropriate measures with a view to the proper administration of the Fund's assets;

(c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;

(d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;

(e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the International Regulations, including the final settlement of claims without the prior approval of the Assembly or the Executive Committee where these Regulations so provide;

(f) prepare and submit to the Assembly or to the Executive Committee, as the case may be, the financial statements and budget estimates for each calendar year;

(g) assist the Executive Committee in the preparation of the report referred to in Article 26, paragraph 2;

(h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Executive Committee and subsidiary bodies.

Article 30

In the performance of their duties the Director and the staff and experts appointed by him shall not seek or receive instructions from any Government or from any authority external to the Fund. They shall refrain from any action which might reflect on their position as international officials. Each Contracting State on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by him, and not to seek to influence them in the discharge of their duties.

Finances

Article 31

1. Each Contracting State shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Executive Committee and on subsidiary bodies.

2. Any other expenses incurred in the operation of the Fund shall be borne by the Fund.

Voting

Article 32

The following provisions shall apply to voting in the Assembly and the Executive Committee:

(a) each member shall have one vote;

(b) except as otherwise provided in Article 33, decisions of the Assembly and the Executive Committee shall be by a majority vote of the members present and voting;

(c) decisions where a three-fourths or a two-thirds majority is required shall be by a three-fourths or two-thirds majority vote, as the case may be, of those present;

(d) for the purpose of this Article the phrase "members present" means "members present at the meeting at the time of the vote", and the phrase "members present and voting" means "members present and casting an affirmative or negative vote". Members who abstain from voting shall be considered as not voting.

Article 33

1. The following decisions of the Assembly shall require a three-fourths majority:

(a) an increase in accordance with Article 4, paragraph 6, in the maximum amount of compensation payable by the Fund;

(b) a determination, under Article 5, paragraph 4, relating to the replacement of the Instruments referred to in that paragraph;

(c) the allocation to the Executive Committee of the functions specified in Article 18, paragraph 5.

2. The following decisions of the Assembly shall require a two-thirds majority:

(a) a decision under Article 13, paragraph 3, not to take or continue action against a contributor;

(b) the appointment of the Director under Article 18, paragraph 4;

(c) the establishment of subsidiary bodies, under Article 18, paragraph 9.

Article 34

1. The Fund, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

2. When the Fund makes substantial purchases of movable or immovable property, or has important work carried out which is necessary for the exercise of its official activities and the cost of which includes indirect taxes or sales taxes, the Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes.

3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.

4. The Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the government of that country.

5. Persons contributing to the Fund and victims and owners of ships receiving compensation from the Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.

6. Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the Fund except in so far as it may be strictly necessary to enable the Fund to carry out its functions including the bringing and defending of legal proceedings.

7. Independently of existing or future regulations concerning currency or transfers, Contracting States shall authorize the transfer and payment of any contribution to the Fund and of any compensation paid by the Fund without any restriction.

Transitional Provisions

Article 35

1. The Fund shall incur no obligation whatsoever under Article 4 or 5 in respect of incidents occurring within a period of one hundred and twenty days after the entry into force of this Convention.

2. Claims for compensation under Article 4 and claims for indemnification under Article 5, arising from incidents occurring later than one hundred and twenty days but not later than two hundred and forty days after the entry into force of this Convention may not be brought against the Fund prior to the elapse of the two hundred and fortieth day after the entry into force of this Convention.

Article 36

The Secretary-General of the Organization shall convene the first session of the Assembly. This session shall take place as soon as possible after entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

Final Clauses

Article 37

1. This Convention shall be open for signature by the States which have signed or which accede to the Liability Convention, and by any State represented at the Conference on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The Convention shall remain open for signature until 31 December 1972.

2. Subject to paragraph 4, this Convention shall be ratified, accepted or approved by the States which have signed it.

3. Subject to paragraph 4, this Convention is open for accession by States which did not sign it.

4. This Convention may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the Liability Convention.

Article 38

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing Contracting States or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article 39

Before this Convention comes into force a State shall, when depositing an instrument referred to in Article 38, paragraph 1, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

Article 40

1. This Convention shall enter into force on the ninetieth day following the date on which the following requirements are fulfilled:

(a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, and

(b) the Secretary-General of the Organization has received information in accordance with Article 39 that those persons in such States who would be liable to contribute pursuant to Article 10 have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, this Convention shall not enter into force before the Liability Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, this Convention shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article 41

1. This Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Liability Convention shall be deemed to be a denunciation of this Convention. Such denunciation shall take

effect on the same date as the denunciation of the Liability Convention takes effect according to paragraph 3 of Article XVI of that Convention.

5. Notwithstanding a denunciation by a Contracting State pursuant to this Article, any provisions of this Convention relating to the obligations to make contributions under Article 10 with respect to an incident referred to in Article 12, paragraph 2(b), and occurring before the denunciation takes effect shall continue to apply.

Article 42

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunication, if he considers that such denunciation will result in a significant increase in the level of contributions for the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which that denunciation takes effect, denounce this Convention with effect from the same date.

Article 43

1. This Convention shall cease to be in force on the date when the number of Contracting States falls below three.

2. Contracting States which are bound by this Convention on the date before the day it ceases to be in force shall enable the Fund to exercise its functions as described under Article 44 and shall, for that purpose only, remain bound by this Convention.

Article 44

1. If this Convention ceases to be in force, the Fund shall nevertheless

(a) meet its obligations in respect of any incident occurring before the Convention ceased to be in force;

(b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under sub-paragraph (a), including expenses for the administration of the Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.

3. For the purposes of this Article the Fund shall remain a legal person.

Article 45

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the Contracting States for the purpose of revising or amending this Convention at the request of not less than one-third of all Contracting States.

Article 46

1. This Convention shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
(a) inform all States which have signed or acceded to this Convention of:
(i) each new signature or deposit of instrument and the date thereof;
(ii) the date of entry into force of the Convention;
(iii) any denunciation of the Convention and the date on which it takes effect;
(b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to the Convention.

Article 47

As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 48

This Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorized for that purpose have signed the present Convention.

DONE at Brussels this eighteenth day of December one thousand nine hundred and seventy-one.

Certified true copy of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, done at Brussels on 18 December 1971, the original of which is deposited with the Inter-Governmental Maritime Consultative Organization.

THOMAS S. FISHER,
(For the Secretary-General of the Inter-Governmental Maritime Consultative Organization.)

London, 14 March 1972.

35-415 O - 75 - 34

6. CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, DECEMBER 29, 1972. *NOT IN FORCE**

Opened for signature December 29, 1972; Signed on behalf of the United States December 29, 1972; Ratification advised by the Senate August 3, 1973; Ratified by the President September 25, 1973; Ratification deposited at Washington, London, Mexico City, April 29, 1974; Ratification deposited at Moscow May 6, 1974;

The Contracting Parties to this Convention,

Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

Recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

Recognizing that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

Recalling Resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

Being convinced that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

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**Source:* 93d Congress, 1st session. Senate. Executive C.
Ratified by: Denmark (not applicable to Faroe Islands), Dominican Rep., Iceland, Jordan, Norway, Philippines, Spain, Sweden, United Arab Emirates, United States, as of Dec. 31, 1974 (Entry into force requires ratification by 15 nations).
Implementing legislation: Marine Protection, Research and Sanctuaries Act of 1972; Public Law 92-532 [H.R. 9727], 86 Stat. 1052, approved October 23, 1972; as amended by Public Law 93-254 [H.R. 5450], 88 Stat. 50, approved March 22, 1974.

Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

Have agreed as follows:

ARTICLE I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

ARTICLE II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

ARTICLE III

For the purposes of this Convention:

1. (a) "Dumping" means:

(i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

(ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.

(b) "Dumping" does not include:

(i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substances of any kind, form or description.

5. "Special permit" means permission granted especially on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organisation" means the Organisation designated by the Contracting Parties in accordance with Article XIV (2).

Article IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

(*a*) the dumping of wastes or other matter listed in Annex I is prohibited;

(*b*) the dumping of wastes or other matter listed in Annex II requires a prior special permit;

(*c*) the dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site, as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

Article V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.

2. A Contracting Party may issue a special permit as an exception to Article IV(1)(a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these

recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

Article VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(*a*) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V(2);

(*b*) issue general permits which shall be required prior to, and for, the dumping of all other matter;

(*c*) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(*d*) monitor individually, or in collaboration with other Parties and competent International Organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:

(a) loaded in its territory;;

(*b*) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs (1) (a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

Article VII

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(*a*) vessels and aircraft registered in its territory or flying its flag;

(*b*) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(*c*) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

Article VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavor, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

Article IX

The Contracting Parties shall promote, through collaboration within the Organisation and other international bodies, support for those Parties which request it for:

(*a*) the training of scientific and technical personnel;

(*b*) the supply of necessary equipment and facilities for research and monitoring;

(*c*) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;

preferably within the countries concerned, so furthering the aims and purposes of this Convention.

Article X

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

Article XI

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

Article XII

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

(*a*) hydrocarbons, including oil, and their wastes;

(*b*) other noxious or hazardous matter transported by vessels for purposes other than dumping;

(*c*) wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;

(*d*) radio-active pollutants from all sources, including vessels;

(*e*) agents of chemical and biological warfare;

(*f*) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organisation, the codification of signals to be used by vessels engaged in dumping.

Article XIII

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

Article XIV

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organization shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(*a*) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of

special meetings of the Parties at any time on the request of two-thirds of the Parties;

(*b*) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in sub-paragraph (4) (e) of this Article;

(*c*) considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(*d*) conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV(3), V (1) and (2), VI(4), XV, XX and XXI.

Prior to the designation of the Organisation these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, *inter alia:*

(*a*) review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(*b*) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical aspect relevant to this Convention, including particularly the content of the Annexes;

(*c*) receive and consider reports made pursuant to Article VI(4);

(*d*) promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(*e*) develop or adopt, in consultation with appropriate International Organisations, procedures referred to in Article V(2), including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(*f*) consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

Article XV

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(b) The Organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organisation. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretarial functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

Article XVI

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

Article XVII

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XVIII

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XIX

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day

after deposit by such Party of its instrument of ratification or accession.

Article XX

The depositaries shall inform Contracting Parties:

(*a*) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and

(*b*) of the date on which this Convention will enter into force, in accordance with Article XIX.

Article XXI

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

Article XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments have signed the present Convention.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

Annexes

ANNEX I

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.
6. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

7. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

(i) make edible marine organisms unpalatable, or

(ii) endanger human health or that of domestic animals.

The consultative procedure provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1–5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI(1)(a).

A. Wastes containing significant amounts of the matter listed below:

arsenic, lead, copper, zinc } and their compounds

organosilicon compounds

cyanides

fluorides

pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

beryllium, chromium, nickel, vanadium } and their compounds

C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D. Radio-active wastes or other radio-active matters not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV(2), include:

A. Characteristics and composition of the matter

1. Total amount and average composition of matter dumped (e.g. per year).

2. Form, e.g. solid, sludge, liquid, or gaseous.

3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeases, parasites).

4. Toxicity.

5. Persistence: physical, chemical and biological.

6. Accumulation and biotransformation in biological materials or sediments.

7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.

8. Probability of production of taints or other changes reducing marketability or resources (fish, shellfish, etc.).

B. Characteristics of dumping site and method of deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).

2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).

3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release.

5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).

6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution-dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).

9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

C. General considerations and conditions

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour discolouration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

7. INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, NOVEMBER 2, 1973. *Not In Force**

Done at London, November 2, 1973; Opened for signature January 15, 1974; Signed on behalf of the United States, March 7, 1974.

The Parties to the Convention,

Being conscious of the need to preserve the human environment in general and the marine environment in particular,

Recognizing that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

Recognizing also the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

Desiring to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

Considering that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

Have agreed as follows:

Article 1

GENERAL OBLIGATIONS UNDER THE CONVENTION

(1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.

(2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

**Source:* International Legal Materials, v. 12, No. 6, November 1973: 1319–1444.
Ratified by: No ratifications, as of Dec. 31, 1974.
[Reproduced from I.M.C.O. Document MP/CONF/WP.35 of November 2, 1973.
[The Convention will be opened for signature from January 15, 1974 through December 31, 1974. The Convention includes five annexes and two protocols. Annexes III, IV, and V are so-called "optional annexes", and a state may declare that it does not accept any one or all of these. Annex I (p. 540) concerns the regulations for oil pollution prevention; Annex II (p. 574) deals with the control of pollution by noxious liquid substances; Annex III (p. 596) contains the regulations for the prevention of pollution by harmful substances carried in packaged forms; Annex IV (p. 598), the regulations for the prevention of pollution by sewage from ships; Annex V (p. 605), the regulations for the prevention of pollution by garbage from ships. Protocol I contains the provisions for reports on incidents involving harmful substances, and Protocol II concerns arbitration. These protocols appear respectively at pages 608 and 610.]

Article 2

DEFINITIONS

For the purposes of the present Convention, unless expressly provided otherwise:

(1) "Regulations" means the Regulations contained in the Annexes to the present Convention.

(2) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.

(3) (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 13 November 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

(4) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

(5) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article 3

APPLICATION

(1) The present Convention shall apply to:

(a) ships entitled to fly the flag of a Party to the Convention; and

(b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

(2) Nothing in the present Article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 4

violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Adiministration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

Article 5

certificates and special rules on inspection of ships

(1) Subject to the provisions of paragraph (2) of the present Article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the Regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

(2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject while in the ports or off-shore terminals under the jurisdiction of a Party to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship enty to the ports or off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

(4) With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 6

Detection of violations and enforcement of the convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to

furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 7

UNDUE DELAY TO SHIPS

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles 4, 5 and 6 of the present Convention.

(2) When a ship is unduly detained or delayed under Articles 4, 5 and 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Article 8

REPORTS ON INCIDENTS INVOLVING HARMFUL SUBSTANCES

(1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention. [1]

(2) Each Party to the Convention shall:

(a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and

(b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.

(3) Whenever a Party receives a report under the provisions of the present Article, that Party shall relay the report without delay to:

(a) the Administration of the ship involved; and

(b) any other State which may be affected.

(4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other party concerned.

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[1] [Protocol I appears at page 608.]

Article 9

OTHER TREATIES AND INTERPRETATION

(1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(3) The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

Article 10

SETTLEMENT OF DISPUTES

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention. [2]

Article 11

COMMUNICATION OF INFORMATION

(1) The Parties to the Convention undertake to communicate to the Organization:

(a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;

(b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;

(c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;

(d) a list of reception facilities including their location, capacity and available facilities and other characteristics;

(e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and

(f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

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[2] [Protocol II appears at page 610.]

(2) The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under sub-paragraphs (1) (b) to (f) of the present Article.

Article 12

CASUALTIES TO SHIPS

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the Regulations if such casualty has produced a major deleterious effect upon the marine environment.

(2) Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.

Article 13

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

(1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States may become Parties to the present Convention by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

(3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification. acceptance, approval or accession and the date of its deposit.

Article 14

OPTIONAL ANNEXES

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.

(2) A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in Article 13(2).

(3) A State which makes a declaration under paragraph (1) of the present Article in respect of an Optional Annex and which has not

subsequently accepted that Annex in accordance with paragraph (2) of the present Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present Article.

Article 15

ENTRY INTO FORCE

(1) The present Convention shall enter into force twelve months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with Article 13.

(2) An Optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of the present Article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present Article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

Article 16

AMENDMENTS

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

(a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secre-

tary-General to all Members of the Organization and all Parties at least six months prior to its consideration;

(b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;

(c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;

(d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;

(e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;

(f) an amendment shall be deemed to have been accepted in the following circumstances:

(i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of the world's merchant fleet;

(ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f) (iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;

(iii) an amendment to an Appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one-third of the Parties or by the Parties the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;

(iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in sub-paragraphs (f) (ii) or (f) (iii) above;

(v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an Article of the Convention, as provided for in sub-paragraph (f) (i) above;

(g) the amendment shall enter into force under the following conditions:

(i) in the case of an amendment to an Article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in sub-paragraph (f) (iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;

(ii) in the case of an amendment to Protocol I, to an Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (f) (iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under sub-paragraph (f) (ii), that their express approval is necessary.

(3) Amendment by a Conference:

(a) Upon the request of a Party, concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.

(b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2) (f) and (g) above.

(4) (a) In the case of an amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.

(b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.

(5) The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.

(6) Unless expressly provided otherwise, any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

(7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the Articles of the present Convention.

(8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present Article, together with the date on which each such amendment enters into force.

(9) Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

Article 17

PROMOTION OF TECHNICAL CO-OPERATION

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

(a) the training of scientific and technical personnel;

(b) the supply of necessary equipment and facilities for reception and monitoring;

(c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and

(d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

Article 18

DENUNCIATION

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article 19

DEPOSIT AND REGISTRATION

(1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 20

LANGUAGES

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

In witness whereof the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

Done at london this second day of November, one thousand nine hundred and seventy-three.

International Convention for the Prevention of Pollution From Ships, 1973

Text of Annex I of the Convention Adopted by the Conference [1]

Annex I

Regulations for the Prevention of Pollution by Oil

Chapter I

General

REGULATION 1

Definitions

For the purposes of this Annex:

(1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the present Convention) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.

(2) "Oily mixture" means a mixture with any oil content.

(3) "Oil fuel" means any oil used as fuel in connexion with the propulsion and auxiliary machinery of the ship in which such oil is carried.

(4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of the present Convention when it is carrying a cargo or part cargo of oil in bulk.

(5) "Combination carrier" means a ship designed to carry either oil or solid cargoes in bulk.

(6) "New ship" means a ship:

(a) for which the building contract is placed after 31 December 1975; or

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[1] [Reproduced from I.M.C.O. Document MP/CONF/WP. 21 of October 31, 1973.]

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976; or

(c) the delivery of which is after 31 December 1979; or

(d) which has undergone a major conversion:

(i) for which the contract is placed after 31 December 1975; or

(ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or

(iii) which is completed after 31 December 1979.

(7) "Existing ship" means a ship which is not a new ship.

(8) "Major conversion" means a conversion of an existing ship:

(a) which substantially alters the dimensions or carrying capacity of the ship; or

(b) which changes the type of the ship; or

(c) the intent of which in the opinion of the Administration is substantially to prolong its life; or

(d) which otherwise so alters the ship that if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.

(9) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11° South, longitude 142°08′ East to a point in latitude 10°35′ South,

longitude 141°55′ East—thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the cost of Australia in latitude 24°42′ South, longitude 153°15′ East.

(10) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas shall include those listed in Regulation 10 of this Annex.

(11) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.

(12) "Tank" means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk.

(13) "Wing tank" means any tank adjacent to the side shell plating.

(14) "Centre tank" means any tank inboard of a longitudinal bulkhead.

(15) "Slop tank" means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures.

(16) "Clean ballast" means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shore lines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.

(17) "Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of the present Convention.

(18) "Length" (L) means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres.

(19) "Forward and after perpendiculars" shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(20) "Amidships" is at the middle of the length (L).

(21) "Breadth" (B) means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (B) shall be measured in metres.

(22) "Deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a specific gravity of 1.025 at the load water line corresponding to the assigned summer freeboard and the lightweight of the ship.

(23) "Lightweight" means the displacement of a ship in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, passengers and their effects.

(24) "Permeability" of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space.

(25) "Volumes" and "areas" in a ship shall be calculated in all cases to moulded lines.

REGULATION 2

Application

(1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilized to carry out in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of Regulations 9, 10, 14, 15(1), (2) and (3), 18, 20 and 24(4) of this Annex for oil

tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres the requirements of Regulation 15(4) of this Annex may apply in lieu of Regulation 15(1), (2) and (3).

(3) Where a cargo subject to the provisions of Annex II of the present Convention is carried in a cargo space of an oil tanker, the appropriate requirements of Annex II of the present Convention shall also apply.

(4)(a) Any hydrofoil, air-cushion vehicle and other new type of vessel (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of Chapters II and III of this Annex relating to construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

(b) Particulars of any such exemption granted by the Administration shall be indicated in the Certificate referred to in Regulation 5 of this Annex.

(c) The Administration which allows any such exemption small, as soon as possible, but not more than ninety days thereafter, communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Parties to the Convention for their information and appropriate action, if any.

REGULATION 3

Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by Regulations in this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Parties to the Convention particulars thereof, for their information and appropriate action, if any.

REGULATION 4

Surveys

(1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the certificate required under Regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, fittings arrangements and material insofar as the ship is covered by this Annex.

This survey shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Oil Pollution Prevention Certificate (1973) is extended as specified in Regulation 8(3) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(c) Intermediate surveys at intervals specified by the Administration but not exceeding thirty months, which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the International Oil Pollution Prevention Certificate (1973) issued under Regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the applicable provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, fittings, arrangements or material covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

REGULATION 5

Issue of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention. In the case of existing ships this requirement shall apply twelve months after the date of entry into force of the present Convention.

(2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the certificate.

REGULATION 6

Issue of a Certificate by Another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall

issue or authorize the issue of an International Oil Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under Regulation 5 of this Annex.

(4) No International Oil Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

REGULATION 7

Form of Certificate

The International Oil Pollution Prevention Certificate (1973) shall be drawn up in the official language or languages of the issuing country in the form corresponding to the model given in Appendix II to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

REGULATION 8

Duration of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2), (3) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, fittings, arrangements, or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate surveys as specified by the Administration under Regulation 4(1)(c) of this Annex are not carried out.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months pro-

vided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Chapter II

Requirements for Control of Operational Pollution

Regulation 9

Control of Discharge of Oil

(1) Subject to the provisions of Regulations 10 and 11 of this Annex and paragraph (2) of this Regulation, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker, except as provided for in sub-paragraph (b) of this paragraph:

(i) the tanker is not within a special area;

(ii) the tanker is more than 50 nautical miles from the nearest land;

(iii) the tanker is proceeding en route;

(iv) the instantaneous rate of discharge of oil content does not exceed 60 litres per nautical mile;

(v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and

(vi) the tanker has in operation, except as provided for in Regulation 15(3) of this Annex, an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex;

(b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump room bilges of an oil tanker unless mixed with oil cargo residue:

(i) the ship is not within a special area;

(ii) the ship is more than 12 nautical miles from the nearest land;

(iii) the ship is proceeding en route;

(iv) the oil content of the effluent is less than 100 parts per million; and

(v) the ship has in operation an oil discharge monitoring and control system, oily water separating equipment, oil filtering system or other installation as required by Regulation 16 of this Annex.

(2) In the case of a ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, the Administration shall ensure that it is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and

their discharge to reception facilities or into the sea in compliance with the requirements of paragraph (1)(b) of this Regulation.

(3) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 10 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge of clean or segregated ballast. The provisions of sub-paragraph (1)(b) of this Regulation shall not apply to the discharge of oily mixture which without dilution has an oil content not exceeding 15 parts per million.

(5) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(6) The oil residues which cannot be discharged into the sea in compliance with paragraphs (1), (2), and (4) of this Regulation shall be retained on board or discharged to reception facilities.

REGULATION 10

Methods for the Prevention of Oil Pollution from Ships While Operating in Special Areas

(1) For the purpose of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras Al Fasteh (25°04′N, 61°25′E).

(2) (a) Subject to the provisions of Regulation 11 of this Annex, any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited, while in a special area.

(b) Such ships while in a special area shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and discharge them only to reception facilities.

(3) (a) Subject to the provisions of Regulation 11 of this Annex, any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

(i) the ship is proceeding en route;

(ii) the oil content of the effluent is less than 100 parts per million; and

(iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

(b) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(c) The oil residues which cannot be discharged into the sea in compliance with sub-paragraph (a) of this paragraph shall be retained on board or discharged to reception facilities.

(4) The provisions of this Regulation shall not apply to the discharge of clean or segregated ballast.

(5) Nothing in this Regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with Regulation 9 of this Annex.

(6) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 9 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(7) Reception facilities within special areas:

(a) Mediterranean Sea, Black Sea and Baltic Sea areas.

(i) The Government of each Party to the Convention, the coastline of which borders on any given special area undertakes to ensure that not later than 1 January 1977 all oil loading terminals and repair ports within the special area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other resi-

dues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

(ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast undertakes to ensure the provision of the facilities referred to in sub-paragraph (a)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.

(iii) During the period between the entry into force of the present Convention (if earlier than 1 January 1977) and 1 January 1977 ships while navigating in the special areas shall comply with the requirements of Regulation 9 of this Annex. However the Governments of Parties the coastline of which border any of the special areas under this sub-paragraph may establish a date earlier than 1 January 1977 but after the date of entry into force of the present Convention, from which the requirements of this Regulation in respect of the special areas in question shall take effect:

(1) if all the reception facilities required have been provided by the date so established; and

(2) provided that the Parties concerned notify the Organization of the date so established at least six months in advance, for circulation to other parties.

(iv) After 1 January 1977, or the date established in accordance with sub-paragraph (a)(iii) of this paragraph if earlier, each Party shall notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities are alleged to be inadequate.

(b) Red Sea area and "Gulf area".

(i) The Government of each Party the coastline of which borders on the special areas undertakes to ensure that as soon as possible all oil loading terminals and repair ports within these special areas are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

(ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast shall undertake to ensure the provision of the facilities referred to in sub-paragraph (b)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.

(iii) Each Party concerned shall notify the Organization of the measures taken pursuant to provisions of sub-paragraph (b)(i) and (ii) of this paragraph. Upon receipt of sufficient notifications the Organization shall establish a date

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from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(iv) During the period between the entry into force of the present Convention and the date so established, ships while navigating in the special area shall comply with the requirements of Regulation 9 of this Annex.

(v) After such date oil tankers loading in ports in these special areas where such facilities are not yet available shall also fully comply with the requirements of this Regulation. However, oil tankers entering these special areas for the purpose of loading shall make every effort to enter the area with only clean ballast on board.

(vi) After the date on which the requirements for the special area in question take effect, each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities are alleged to be inadequate.

(vii) At least the reception facilities as prescribed in Regulation 12 of this Annex shall be provided by 1 January 1977 or one year after the date of entry into force of the present Convention, whichever occurs later.

REGULATION 11

Exception

Regulations 9 and 10 of this Annex shall not apply to:

(a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or

(b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment;

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

REGULATION 12

Reception Facilities

(1) Subject to the provisions of Regulation 10 of this Annex, the Government of each Party undertakes to ensure the provision at oil loading terminals, repair ports, and in other ports in which ships have oily residues to discharge, of facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships

adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) Reception facilities in accordance with paragraph (1) of the Regulation shall be provided in:

(a) all ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles;

(b) all ports and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than 1,000 metric tons per day;

(c) all ports having ship repair yards or tank cleaning facilities;

(d) all ports and terminals which handle ships provided with the sludge tank(s) required by Regulation 17 of this Annex;

(e) all ports in respect of oily bilge waters and other residues, which cannot be discharged in accordance with Regulation 9 of this Annex; and

(f) all loading ports for bulk cargoes in respect of oil residues from combination carriers which cannot be discharged in accordance with Regulation 9 of this Annex.

(3) The capacity for the reception facilities shall be as follows:

(a) Crude oil loading terminals shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from oil tankers on voyages as described in paragraph (2)(a) of this Regulation.

(b) Loading ports and terminals referred to in paragraph (2)(b) of this Regulation shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from oil tankers which load oil other than crude oil in bulk.

(c) All ports having ship repair yards or tank cleaning facilities shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.

(d) All facilities provided in ports and terminals under paragraph (2)(d) of this Regulation shall be sufficient to receive all residues retained according to Regulation 17 of this Annex from all ships that may reasonably be expected to call at such ports and terminals.

(e) All facilities provided in ports and terminals under this Regulation shall be sufficient to receive oily bilge waters and other residues which cannot be discharged in accordance with Regulation 9 of this Annex.

(f) The facilities provided in loading ports for bulk cargoes shall take into account the special problems of combination carriers as appropriate.

(4) The reception facilities prescribed in paragraphs (2) and (3) of this Regulation shall be made available no later than one year from the date of entry into force of the present Convention or by 1 January 1977, whichever occurs later.

(5) Each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

REGULATION 13

Segregated Ballast Oil Tankers

(1) Every new oil tanker of 70,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of this Regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages without recourse to the use of oil tanks for water ballast except as provided for in paragraph (3) of this Regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that in any ballast condition at any part of the voyage, including the conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements:

(a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than:

$$dm = 2.0 + 0.02\ L,$$

(b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm), as specified in sub-paragraph (a) of this paragraph, in association with the trim by the stern of not greater than 0.015 L, and

(c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

(3) In no case shall ballast water be carried in oil tanks except in weather conditions so severe that, in the opinion of the Master, it is necessary to carry additional ballast water in oil tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 and in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex.

(4) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraph (1) of this Regulation may, however, be qualified as a segregated ballast tanker, provided that in the case of an oil tanker of 150 metres in length and above it fully complies with the requirements of paragraphs (2) and (3) of this Regulation and in the case of an oil tanker of less than 150 metres in length the segregated ballast conditions shall be to the satisfaction of the Administration.

REGULATION 14

Segregation of Oil and Water Ballast

(1) Except as provided in paragraph (2) of this Regulation, in new ships of 4,000 tons gross tonnage and above other than oil tankers, and in new oil tankers of 150 tons gross tonnage and above, no ballast water shall be carried in any oil fuel tank.

(2) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary to carry ballast water which is not a clean ballast in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with Regulation 9 using the equipment specified in Regulation 16(2) of this Annex, and an entry shall be made in the Oil Record Book to this effect.

(3) All other ships shall comply with the requirements of paragraph (1) of this Regulation as far as reasonable and practicable.

REGULATION 15

Retention of Oil on Board

(1) Subject to the provisions of paragraphs (5) and (6) of this Regulation, oil tankers of 150 tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of paragraphs (2) and (3) of this Regulation, provided that in the case of existing tankers the requirements for oil discharge monitoring and control systems and slop tank arrangements shall apply three years after the date of entry into force of the present Convention.

(2) (a) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residue and tank washings from the cargo tanks into a slop tank approved by the Administration. In existing oil tankers, any cargo tank may be designated as a slop tank.

(b) In this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that any effluent discharged into the sea will be such as to comply with the provisions of Regulation 9 of this Annex.

(c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by tank washing, oil residues and dirty ballast residues but the total shall be not less than 3 per cent of the oil carrying capacity of the ship, except that, where segregated ballast tanks are provided in accordance with Regulation 13 of this Annex, or where arrangements such as eductors involving the use of water additional to the washing water are not fitted, the Administration may accept 2 per cent. New oil tankers over 70,000 tons deadweight shall be provided with at least two slop tanks.

(d) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with the water.

(3) (a) An oil discharge monitoring and control system approved by the Administration shall be fitted. In considering the design of the oil content meter to be incorporated in the system, the Administration shall have regard to the specification recommended by the Organization. [1] The system shall be fitted with a recording

[1] Reference is made to Recommendations on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.233(VII).

device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge. This record shall be identifiable as to time and date and shall be kept for at least three years. The oil discharge monitor and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable before the oil tanker commences its next ballast voyage unless it is proceeding to a repair port. Existing oil tankers shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristic.

(b) Effective oil/water interface detectors approved by the Administration shall be provided for a rapid and accurate determination of the oil water interface in slop tanks and shall be available for use in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.

(c) Instructions as to the operation of the system shall be in accordance with an operational manual approved by the Administration. They shall cover manual as well as automatic operations and shall be intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Regulation 9 of this Annex. [2]

(4) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers of less than 150 tons gross tonnage, for which the control of discharge of oil under Regulation 9 of this Annex shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities. The total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with.

(5) The Administration may waive the requirements of paragraphs (1), (2) and (3) of this Regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is not required to hold and does not hold an International Oil Pollution Prevention Certificate (1973). Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determina-

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[2] Reference is made to "Clean Seas Guide for Oil Tankers," published by the International Chamber of Shipping and the Oil Companies International Marine Forum.

tion by the Administration that facilities available to receive such oily mixtures are adequate.

(6) Where in the view of the Organization equipment required by Regulation 9(1)(a)(vi) of this Annex and specified in sub-paragraph (3)(a) of this Regulation is not obtainable for the monitoring of discharge of light refined products (white oils), the Administration may waive compliance with such requirement, provided that discharge shall be permitted only in compliance with procedures established by the Organization which shall satisfy the conditions of Regulation 9(1)(a) of this Annex except the obligation to have an oil discharge monitoring and control system in operation. The Organization shall review the availability of equipment at intervals not exceeding twelve months.

(7) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers carrying asphalt, for which the control of discharge of asphalt under Regulation 9 of this Annex shall be effected by the retention of asphalt residues on board with discharge of all contaminated washings to reception facilities.

REGULATION 16

Oil Discharge Monitoring and Control System and Oily Water Separating Equipment

(1) Any ship of 400 tons gross tonnage and above shall be fitted with an oily water separating equipment or filtering system complying with the provisions of paragraph (6) of this Regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this Regulation or paragraph (1) of Regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be fitted:

(a) in addition to the requirements of paragraph (1) of this Regulation with an oil discharge monitoring and control system complying with paragraph (5) of this Regulation; or

(b) as an alternative to the requirements of paragraph (1) and sub-paragraph (2)(a) of this Regulation, with an oily water separating equipment complying with paragraph (6) of this Regulation and an effective filtering system, complying with paragraph (7) of this Regulation.

(3) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of Regulation 9(1)(b) of this Annex.

(4) For existing ships the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply three years after the date of entry into force of the present Convention.

(5) An oil discharge monitoring and control system shall be of a design approved by the Administration. In considering the design of the oily content meter to be incorporated into the system, the Administration shall have regard to the specification recommended by the Organization. [3] The system shall be fitted with a recording device to provide a continuous record of the oil content in parts per million. This record shall be identifiable as to time and date and shall be kept for at least

[3] Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A233(VII).

three years. The monitoring and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the oil content of effluent exceeds that permitted by Regulation 9(1)(b) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. The defective unit shall be made operable before the ship commences its next voyage unless it is proceeding to a repair port. Existing ships shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually.

(6) Oily water separating equipment or an oil filtering system shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the separator or filtering systems shall have an oil content of not more than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization. [4]

(7) The oil filtering system referred to in paragraph (2)(b) of this Regulation shall be of a design approved by the Administration and shall be such that it will accept the discharge from the separating system and produce an effluent the oil content of which does not exceed 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained.

REGULATION 17

Tanks for Oil Residues (Sludge)

(1) Every ship of 400 tons gross tonnage and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oily residues (sludges) which cannot be dealt with otherwise in accordance with the requirements of this Annex, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities. Existing ships shall comply with this requirement as far as is reasonable and practicable.

REGULATION 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

(1) In every oil tanker, a discharge manifold for connexion to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of effluent which may be permitted under Regulation 9 of this Annex shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition. Different piping arrangements to

[4] See footnote 3 on page 555.

permit operation in the manner permitted in sub-paragraphs (4) (a) and (b) of this Regulation may be accepted.

(3) In new oil tankers means shall be provided for stopping the discharge of effluent into the sea from a position on upper deck or above located so that the manifold in use referred to in paragraph (1) of this Regulation and the effluent from the pipelines referred to in paragraph (2) of this Regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as telephone or radio system is provided between the observation position and the discharge control position.

(4) All discharges shall take place above the waterline except as follows:

(a) Segregated ballast and clean ballast may be discharged below the waterline in ports or at offshore terminals.

(b) Existing ships which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline provided that an examination of the tank immediately before the discharge has established that no contamination with oil has taken place.

REGULATION 19

Standard Discharge Connection

To enable pipes of reception facilities to be connected with the ship's discharge pipe line for residues from machinery bilges, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

DESCRIPTION	DIMENSION
Outside diameter.	215 mm.
Inner diameter.	According to pipe outside diameter.
Bolt circle diameter.	183 mm.
Slots in flange.	6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm.
Flange thickness.	20 mm.
Bolts and nuts: quantity, diameter.	6, each of 20 mm in diameter and of suitable length.

The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm^2.

REGULATION 20

Oil Record Book

(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker shall

be provided with an Oil Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix III to this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(a) *For oil tankers*

(i) loading of oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) opening or closing before and after loading and unloading operations of valves or similar devices which interconnect cargo tanks;

(iv) opening or closing of means of communication between cargo piping and seawater ballast piping;

(v) opening or closing of ships' side valves before, during and after loading and unloading operations;

(vi) unloading of oil cargo;

(vii) ballasting of cargo tanks;

(viii) cleaning of cargo tanks;

(ix) discharge of ballast except from segregated ballast tanks;

(x) discharge of water from slop tanks;

(xi) disposal of residues;

(xii) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(b) *For ships other than oil tankers*

(i) ballasting or cleaning of fuel oil tanks or oil cargo spaces;

(ii) discharge of ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(iii) disposal of residues;

(iv) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(3) In the event of such discharge of oil or oily mixture as is referred to in Regulation 11 of this Annex or in the event of accidental or other exceptional discharge of oil not excepted by that Regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(4) Each operation described in paragraph (2) of this Regulation shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each section of the book shall be signed by the officer or officers in charge of the operations concerned and shall be countersigned by the Master of the ship. The entries in the Oil Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Oil Pollution Prevention Certificate, (1973) in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(5) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

(7) [sic—there was no paragraph (6)] The competent authority of the Government of a Party to the Convention may inspect the Oil Record Book on board any ship to which this Annex applies while the ship is in its port or offshore terminals and may make a copy of any entry in that book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Oil Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

REGULATION 21

Special Requirements for Drilling Rigs and other Platforms

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Annex applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

(a) they shall be equipped as far as practicable with the installations required in Regulations 16 and 17 of this Annex;

(b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and

(c) in any special area and subject to the provisions of Regulation 11 of this Annex, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

CHAPTER III

Requirements for Minimizing Oil Pollution From Oil Tankers Due to Side and Bottom Damages

REGULATION 22

Damage Assumptions

For the purpose of calculating hypothetical oil outflow from oil tankers, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed as follows. In the case of bottom damages two conditions are set forth to be applied individually to the stated portions of the oil tanker.

(*a*) *Side damage*

(i) Longitudinal extent (l_s) : For 0.3L from the forward perpendic- is less.

(ii) Transverse extent(t_c) : (inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard) B/5 or 11.5 metres, whichever is less.

(iii) Vertical extent (v_c): from the base line upwards without limit.

(*b*) *Bottom damage*

(i) Longitudinal extent (l_s): For 0.3L from the forward perpendicular of ship, L/10; any other part of ship, L/10 or 5 metres, whichever is less.

(ii) Transverse extent (t_s): For 0.3L from the forward perpendicular of ship, B/6 or 10 metres, whichever is less but not less than 5 metres; any other part of ship, 5 metres.

(iii) Vertical extent from the base line (v_s): B/15 or 6 metres, whichever is less.

(2) Wherever the symbols given in this Regulation appear in this Chapter, they have the meaning as defined in this Regulation.

REGULATION 23

Hypothetical Outflow of Oil

(1) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) shall be calculated by the following formulae with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in Regulation 22 of this Annex.

(a) for side damages:

$$O_c = \Sigma W_i + \Sigma K_i C_i \qquad (I)$$

(b) for bottom damages:

$$O_s = 1/3\,(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad (II)$$

Where: W_i = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; W_i for a segregated ballast tank may be taken equal to zero,

Where: C_i = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; C_i for a segregated ballast tank may be taken equal to zero,

Where: $K_i = 1 - b_i/t_c$; when b_i is equal to or greater than t_c, K_i shall be taken equal to zero,

Where: $Z_i = 1 - h_i/v_s$ when h_i is equal to or greater than v_s, Z_i shall be taken equal to zero,

Where: b_i = width of wing tank in metres under consideration measured inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard.

Where: h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted h_i shall be taken equal to zero,

Whenever symbols given in this paragraph appear in this Chapter, they have the meaning as defined in this Regulation.

(2) If a void space or segregated ballast tank of length less than l_c as defined in Regulation 22 of this Annex is located between wing oil tanks, O_c in formula (I) may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity),

adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - l_i/l_c$$

Where l_i = length in metres of void space or segregated ballast tank under consideration.

(3) (a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the bottom damage shall be included in formula (II) even if the tank is not considered breached because of the installation of such a partial double bottom.

(c) Suction wells may be neglected in the determination of the value h_i provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_i shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connexion to the tank served to prevent oil outflow in the event of damage to the piping. Such piping shall be installed as high from the bottom shell as possible. These valves shall be kept closed at sea at any time when the tank contains oil cargo, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

(4) In the case where bottom damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \tfrac{1}{4} \ (\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad \text{(III)}$$

(5) An Administration may credit as reducing oil outflow in case of bottom damage, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (III). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the bottom damage v_s. The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Parties to the Convention.

REGULATION 24

Limitation of Size and Arrangement of Cargo Tanks

(1) Every new oil tanker shall comply with the provisions of this Regulation. Every existing oil tanker shall be required, within two

years after the date of entry into force of the present Convention, to comply with the provisions of this Regulation if such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January 1977; or

(b) a tanker to which both the following conditions apply:

(i) delivery is not later than 1 January 1977 and

(ii) the building contract is placed after 1 January 1974, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow O_c or O_s calculated in accordance with the provisions of Regulation 23 of this Annex anywhere in the length of the ship does not exceed 30,000 cubic metres or $400\sqrt[3]{DW}$, whichever is the greater, but subject to a mamimum of 40,000 cubic metres.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed seventy-five per cent of the limits of the hypothetical oil outflow referred to in paragraph (2) of this Regulation. The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres. However in segregated ballast oil tankers as defined in Regulation 13 of this Annex, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each exceeding l_c in length, may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds t_c.

(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) where no longitudinal bulkhead is provided:

$0.1L$

(b) where a longitudinal bulkhead is provided at the centreline only:

$0.15L$

(c) where two or more longitudinal bulkheads are provided:

(i) for wing tanks:

$0.2L$

(ii) for centre tanks:

(1) if $\frac{b_i}{B}$ is equal to or greater than 1/5:

$0.2L$

(2) if $\frac{b_i}{B}$ is less than 1/5:

where no centreline longitudinal bulkhead is provided:

$$\left(0.5\frac{b_i}{B}+0.1\right)L$$

where a centreline longitudinal bulkhead is provided:

$$\left(0.25\frac{b_i}{B}+0.15\right)L$$

(5) In order not to exceed the volume limits established by paragraphs (2), (3) and (4) of this Regulation and irrespective of the accepted type of cargo transfer system installed, when such system interconnects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other. These valves or devices shall be closed when the tanker is at sea.

(6) Lines of piping which run through cargo tanks in a position less than t_c from the ship's side or less than v_c from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank. These valves shall be kept closed at sea at any time when the tanks contain cargo oil, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

REGULATION 25

Subdivision and Stability

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (3) of this Regulation, after the assumed side or bottom damage as specified in paragraph (2) of this Regulation, for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as specific gravities of the cargo. Such damage shall be applied to all conceivable locations along the length of the ship as follows:

(a) in tankers of more than 225 metres in length, anywhere in the ship's length;

(b) in tankers of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft. The machinery space shall be treated as a single floodable compartment;

(c) in tankers not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For tankers of 100 metres or less in length where all requirements of paragraph (3) of this Regulation cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the tanker is not carrying oil in cargo tanks excluding any oily residues, shall not be considered.

(2) The following provisions regarding the extent and the character of the assumed damage shall apply:

(a) the extent of side or bottom damage shall be as specified in Regulation 22 of this Annex, except that the longitudinal extent of bottom damage within 0.3L from the forward perpendicular shall be the same as for side damage, as specified in Regulation 22 (1) (a) (i) of this Annex. If any damage of lesser extent results in a more severe condition such damage shall be assumed.

(b) where the damage involving transverse bulkheads is envisaged as specified in sub-paragraphs (1) (a) and (b) of this Regulation, transverse watertight bulkheads shall be spaced at

least at a distance equal to the longitudinal extent of assumed damage specified in sub-paragraph (a) of this paragraph in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage shall be assumed as non-existent for the purpose of determining flooded compartments.

(c) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in sub-paragraph (1) (c) of this Regulation, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks shall be assumed damaged unless:

(i) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in sub-paragraph (a) of this paragraph; or

(ii) there is a step or a recess in a transverse bulkhead of more than 3.05 metres in length, located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top shall not be regarded as a step for the purpose of this Regulation.

(d) If pipes, ducts or tunnels are situated within the assumed extent of damage, arrangements shall be made so that progressive flooding cannot thereby extend to compartments other than those assumed to be floodable for each case of damage.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the following requirements are met:

(a) The final waterline, taking into account sinkage, heel and trim, shall be below the lower edge of any opening through which progressive flooding may take place. Such openings shall include air pipes and those which are closed by means of weathertight doors or hatch covers and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding shall not exceed 25 degrees, provided that this angle may be increased up to 30 degrees if no deck edge immersion occurs.

(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre. The Administration shall give consideration to the potential hazard presented by protected or unprotected openings which may become temporarily immersed within the range of residual stability.

(d) The Administration shall be satisfied that the stability is sufficient during intermediate stages of flooding.

(4) The requirements of paragraph (1) of this Regulation shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and con-

tents of the damaged compartments; and the distribution, specific gravities and the free surface effect of liquids. The calculations shall be based on the following:

(a) Account shall be taken of any empty or partially filled tank, the specific gravity of cargoes carried, as well as any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Spaces	*Permeability*
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 or [1] 0.95
Intended for other liquids	0 to [2] 0.95

[1] Whichever results in the more severe requirements.
[2] The permeability of partially filled compartments shall be consistent with the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage shall be disregarded. The unflooded parts of superstructures beyond the extent of damage, however, may be taken into consideration provided that they are separated from the damaged space by watertight bulkheads and the requirements of sub-paragraph (3)(a) of this Regulation in respect of these intact spaces are complied with. Hinged watertight doors may be acceptable in watertight bulkheads in the superstructure.

(d) The free surface effect shall be calculated at an angle of heel of 5 degrees for each individual compartment. The Administration may require or allow the free surface corrections to be calculated at an angle of heel greater than 5 degrees for partially filled tanks.

(e) In calculating the effect of free surfaces of consumable liquids it shall be assumed that, for each type of liquid at least one transverse pair or a single centre line tank has a free surface and the tank or combination of tanks to be taken into account shall be those where the effect of free surfaces is the greatest.

(5) The Master of every oil tanker and the person in charge of a non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:

(a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this Regulation; and

(b) data on the ability of the ship to comply with damage stability criteria as determined by this Regulation, including the effect of relaxations that may have been allowed under sub-paragraph (1)(c) of this Regulation.

Appendix I

List of oils [1]

Asphalt solutions:
- Blending Stocks
- Roofers Flux
- Straight Run Residue

Oils:
- Clarified
- Crude Oil
- Mixtures containing crude oil
- Diesel Oil
- Fuel Oil No. 4
- Fuel Oil No. 5
- Fuel Oil No. 6
- Residual Fuel Oil
- Road Oil
- Transformer Oil
- Aromatic Oil (excluding vegetable oil)
- Lubricating Oils and Blending Stocks
- Mineral Oil
- Motor Oil
- Penetrating Oil
- Spindle Oil
- Turbine Oil

Distillates:
- Straight Run
- Flashed Feed Stocks

Gas Oil:
- Cracked

Gasoline Blending Stocks:
- Alkylates—fuel
- Reformates
- Polymer—fuel

Gasolines:
- Casinghead (natural)
- Automotive
- Aviation
- Straight Run
- Fuel Oil No. 1 (Kerosene)
- Fuel Oil No. 1–D
- Fuel Oil No. 2
- Fuel Oil No. 2–D

Jet Fuels:
- JP–1 (Kerosene)
- JP–3
- JP–4
- JP–5 (Kerosene, Heavy)
- Turbo Fuel
- Kerosene
- Mineral Spirit

Naphtha:
- Solvent
- Petroleum
- Heartcut Distillate Oil

[1] The list of oils shall not necessarily be considered as comprehensive.

Appendix II

Form of Certificate

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (1973)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

---

(full designation of the country)

by

(full designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of ship:
Distinctive number or letter:
Port of registry:
Gross tonnage:
Type of ship:
Oil Tanker, including combination carrier [1]
Asphalt carrier [1]
Ship other than an oil tanker with cargo tanks coming under Regulation 2(2) [1]
Ship other than any of the above [1]
New/existing ship [1]
Date of building or major conversion contract: _____
Date on which keel was laid or ship was in a similar stage of construction or on which major conversion was commenced: _____
Date of delivery or completion of major conversion: _____

Part A—All Ships:

The ship is equipped with:

For ships of 400 tons gross tonnage and above:

(a) oily water separating equipment [1] (capable of producing the effluent with oil content not exceeding 100 parts per million) or

(b) an oil filtering system [1] (capable of producing the effluent with content not exceeding 100 parts per million)

For ships of 10,000 tons gross tonnage and above:

(c) an oil discharge monitoring and control system [1] or (additional to (a) or (b) above)

(d) oily water separating equipment and an oil filtering system [1] (capable of producing the effluent with oil content not exceeding 15 parts per million) in lieu of (a) or (b) above.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4) (a) of Annex I of the Convention:

Remarks:

Part B—Oil Tanker [2 3]

Deadweight_____metric tons. Length of ship _____ metres

It is certified that this ship is:

(a) required to be constructed according to and complies with [1]

(b) not required to be constructed according to [1]

(c) not required to be constructed according to, but complies with [1]

the requirements of Regulation 24 of Annex I of the Convention.

The Capacity of segregated ballast tanks is _____ cubic metres and complies with the requirements of Regulation 13 of Annex I of the Convention.

---

[1] Delete as appropriate.

[2] This part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable should be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above.

[3] This page need not be reproduced on a Certificate issued to any ship other than those referred to in footnote 1.

The segregated ballast is distributed as follows:
Tank:
Quantity:

This is to certify:

That the ship has been surveyed in accordance with Regulation 4 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey shows that the structure, equipment, fittings arrangement and material of the ship and the condition thereof is in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until _____
subject to intermediate survey(s) at intervals of_____
Issued at: (place of issue of Certificate) _____
Date: _____ 19_____. _____
(Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

Endorsement for existing ships [1]

This is to certify that this ship has been so equipped as to comply with the requirements of the International Convention for the Prevention of Pollution from Ships, 1973 as relating to existing ships three years from the coming into force of the Convention.

Signed _____
(Signature of duly authorized official)
Place of endorsement _____
Date of endorsement _____

(Seal or stamp of the Authority, as appropriate)

Intermediate survey

This is to certify that at an Intermediate survey required by Regulation 4(1)(c) of Annex I of the Convention, this ship and the condition thereof is found to comply with the relevant provisions of the Convention.

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 8(2) and (4) of Annex I of the Convention the validity of this Certificate is extended until

[1] This entry need not be reproduced on a Certificate other than the first Certificate issued to any ship.

Date: _____

Signed _____
(Signature of duly authorized official)

Place _____

Date _____

(Seal or stamp of the Authority, as appropriate)

Appendix III

Form of Oil Record Book

OIL RECORD BOOK

I—For Oil Tankers [1]

Name of ship_____

Total cargo carrying capacity of ship in cubic metres_____

Voyage from _____ (date) _____ to _____ (date) _____

(a) Loading of oil cargo:

1. Date and place of loading:
2. Types of oil loaded:
3. Identity of tank(s) loaded:
4. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of loading:[2]

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and interconnections, were secured on completion of loading oil cargo.

Date of entry_____ Officer in charge_____

Master _____

(b) Internal transfer of oil cargo during voyage:

5. Date of internal transfer:
6. Identity of tank(s)
   i. From:
   ii. To:
7. Was (were) tank(s) in 6(i) emptied?

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and interconnections, were secured on completion of internal transfer of oil cargo.

Date of entry_____ Officer in charge_____

Master _____

(c) Unloading of oil cargo:

8. Date and place of unloading:
9. Identity of tank(s) unloaded:

---

[1] This part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable shall be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above.

[2] Applicable valves and similar devices are those referred to in regulations 20(2)(a)(iii), 23 and 24 of Annex I of the Convention.

10. Was (were) tank(s) emptied?:
11. Opening of applicable cargo tank valves and applicable line cut-off valves on completion of loading:[2]
12. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of loading:[2]

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and interconnections, were secured on completion of unloading of oil cargo.

Date of entry_____ Officer in charge_____

Master _____

(d) Ballasting of cargo tanks:

13. Identity of tank(s) ballasted:
14. Date and position of ship at start of ballasting:
15. If valves connecting cargo lines and segregated ballast lines were used give time. date and position of ship when valves were (a) opened, and (b) closed:

The undersigned certifies that in addition to the above all sea valves, overboard discharge valves, cargo tank and pipeline connections and interconnections, were secured on completion of ballasting.

Date of entry_____ Officer in Charge_____

Master _____

(e) Cleaning of cargo tanks:

16. Identify of tank(s) cleaned:
17. Date and duration of cleaning:
18. Methods of cleaning: [3]

Date of entry_____ Officer in charge_____

Master _____

(f) Discharge of dirty ballast:

19. Identity of tank(s):
20. Date and position of ship at start of discharge to sea:
21. Date and position of ship at finish of discharge to sea:
22. Ship's speed(s) during discharge:
23. Quantity discharged to sea:
24. Quantity of polluted water transferred to slop tank(s) (identify slop (tank(s)):
25. Date and port of discharge into shore reception facilities (if applicable):
26. Was any part of the discharge conducted during darkness, if so, for how long:
27. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge:
28. Was any oil observed on the surface of the water in the locality of the discharge:

Date of entry_____ Officer in charge_____

Master _____

---

[2] Applicable valves and similar devices are those referred to in regulations 20(20)(a)(iii), 23 and 24 of Annex I of the Convention.

[3] Hand hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

(g) Discharge of water from slop tanks:
29. Identity of slop tank(s):
30. Time of settling from last entry of residues, or:
31. Time of settling from last discharge:
32. Date, time and position of ship at start of discharge:
33. Sounding of total contents at start of discharge:
34. Sounding of oil/water interface at start of discharge:
35. Bulk quantity discharged and rate of discharge:
36. Final quantity discharged and rate of discharge:
37. Date, time and position of ship at end of discharge:
38. Ship's speed(s) during discharge:
39. Sounding of oil/water interface at end of discharge:
40. Was any part of the discharge conducted during darkness, if so, for how long:
41. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge:
42. Was any oil observed on the surface of the water in the locality of the discharge:

Date of entry_____ Officer in charge_____

Master _____

(h) Disposal of residues:
43. Identity of tank(s):
44. Quantity disposed from each tank:
45. Method of disposal of residue:
(a) Reception facilities:
(b) Mixed with cargo:
(c) Transferred to another (other) tank(s) (identify tank(s)):
(d) Other method (state which):
46. Date and port of disposal of residue:

Date of entry_____ Officer in charge_____

Master _____

(i) Discharge of clean ballast contained in cargo tanks:
47. Date and position of ship at commencement of discharge of clean ballast:
48. Identity of tank(s) discharged:
49. Was (were) the tank(s) empty on completion:
50. Position of vessel on completion if different from 47:
51. Was any part of the discharge conducted during darkness, if so, for how long:
52. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge:
53. Was any oil observed on the surface of the water in the locality of the discharge:

Date of entry_____ Officer in charge_____

Master _____

(j) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port. [4]

54. Port:
55. Duration of stay:
56. Quantity disposed:
57. Date and place of disposal:
58. Method of disposal (state whether a separator was used):

Date of entry_____ Officer in charge_____

Master _____

(k) Accidental or other exceptional discharges of oil:

59. Date and time of occurrence:
60. Place or position of ship at time of occurrence:
61. Approximate quantity and type of oil:
62. Circumstances of discharge or escape, the reasons therefor and general remarks:

Date of entry_____ Officer in charge_____

Master _____

(l) Has the oil monitoring and control system been out of operation at any time when discharging overboard. If so give time and date of failure and time and date of restoration and confirm that this was due to equipment failure and state reason if known: _____

Date of entry_____ Officer in charge_____

Master _____

(m) Additional operational procedures and general remarks:

For oil tankers of less than 150 gross tons tonnage operating in accordance with Regulation 15(4) of Annex I of the Convention, an appropriate oil record book should be developed by the Administration.

For asphalt carriers, a separate oil record book may be developed by the Administration utilizing sections (a), (b), (c), (e), (h), (j), (k) and (m) of this form of oil record book.

II—For Ships Other Than Oil Tankers

Name of ship_____

Operations from_____ (date), to_____(date)

(a) Ballasting or cleaning of oil fuel tanks:

1. Identity of tank(s) ballasted:
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried:
3. Date and position of ship at start of cleaning:
4. Date and position of ship at start of ballasting:

Date of entry_____ Officer in charge_____

Master_____

[4] Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through separator."

(b) Discharge of dirty ballast or cleaning water from tanks referred to under section (a):

5. Identity of tank(s):
6. Date and position of ship at start of discharge:
7. Date and position of ship at finish of discharge:
8. Ship's speed(s) during discharge:
9. Method of discharge (state whether to reception facility or through installed equipment):
10. Quantity discharged:

Date of entry _____ Officer in charge _____

Master _____

(c) Disposal of residues:

11. Quantity of residue retained on board:
12. Methods of disposal of residue:
    (a) reception facilities;
    (b) mixed with next bunkering;
    (c) transferred to another (other) tank;
    (d) other method (state which);
13. Date and port of disposal of residue:

Date of entry _____ Officer in charge _____

Master _____

(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port:[1]

14. Port:
15. Duration of stay:
16. Quantity discharged:
17. Date and place of discharge:
18. Method of discharge:
    (a) through oily water separating equipment;
    (b) through oil filtering system;
    (c) through oily water separating equipment and an oil filtering system;
    (d) to reception facilities.

Date of entry _____ Officer in charge _____

Master _____

(e) Accidental or other exceptional discharges of oil:

19. Date and time of occurrence:
20. Place or position of ship at time of occurrence:
21. Approximate quantity and type of oil:
22. Circumstances of discharge or escape, the reasons therefor and general remarks:

Date of entry _____ Officer in charge _____

Master _____

[1] Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "automatic discharge from bilges through a separator."

(f) Has the required oil monitoring and control system been out of operation at any time when discharging overboard. If so, state time and date of failure and time and date of restoration, and confirm that this was due to equipment failure, and state reason if known.

Date of entry _____ Officer in charge _____

Master _____

(g) New ships of 4,000 tons gross tonnage and above: has dirty ballast been carried in oil fuel tanks?

Yes/No _____

If so, state which tanks were so ballasted and method of discharge of the dirty ballast_____

Date of entry_____ Officer in charge_____

Master _____

(h) Additional operational procedures and general remarks_____

Date of entry_____ Officer in charge_____

Master _____

International Convention for the Prevention of Pollution From Ships, 1973

TEXT OF ANNEX II OF THE CONVENTION ADOPTED [1] BY THE CONFERENCE

Annex II

Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

REGULATION 1

Definitions

For purposes of this Annex:

(1) "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in Annex I of the present Convention when carrying a cargo or part cargo of noxious liquid substances in bulk.

(2) "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C, or D has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Annex.

(3) "Segregated ballast" means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Annexes of the present Convention, and which is completely separated from the cargo and oil fuel system.

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[1] [Reproduced from I.M.C.O. Document MP/CONF/WP.21/Add.1 of Oct. 31, 1973.]

(4) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.

(5) "Liquid substances" are those having a vapour pressure not exceeding 2.8 kp/cm² at a temperature of 37.8°C.

(6) "Noxious liquid substance" means any substance designated in Appendix II to this Annex or provisionally assessed under the provisions of Regulation 3(4) as falling into Category A, B, C, or D.

(7) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to its peculiar transportation traffic the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances is required.

Special areas shall be:

(a) The Baltic Sea Area, and

(b) The Black Sea Area.

(8) "Baltic Sea Area" is as defined in Regulation 10 of Annex I of the present Convention.

(9) "Black Sea Area" is as defined in Regulation 10 of Annex I of the present Convention.

REGULATION 2

Application

(1) Unless expressly provided otherwise the provisions of this Annex shall apply to all ships carrying noxious liquid substances in bulk.

(2) Where a cargo subject to the provisions of Annex I of the present Convention is carried in a cargo space of a chemical tanker, the appropriate requirements of Annex I of the present Convention shall also apply.

(3) Regulation 13 of this Annex shall apply only to ships carrying substances which are categorized for discharge control purposes in Category A, B, or C.

REGULATION 3

Categorization and Listing of Noxious Liquid Substances

(1) For the purpose of the Regulations of this Annex, except Regulation 13, noxious liquid substances shall be divided into four categories as follows:

(a) Category A—Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures.

charged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health

(b) Category B—Noxious liquid substances which if dis- or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures.

(c) Category C—Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health

or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions.

(d) Category D—Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

(2) Guidelines for use in the categorization of noxious liquid substances are given in Appendix I to this Annex.

(3) The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Annex is set out in Appendix II to this Annex.

(4) Where it is proposed to carry a liquid substance in bulk which has not been categorized under paragraph (1) of this Regulation or evaluated as referred to in Regulation 4(1) of this Annex, the Governments of Parties to the Convention involved in the proposed operation shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in paragraph (2) of this Regulation. Until full agreement between the governments involved has been reached, the substance shall be carried under the most severe conditions proposed. As soon as possible, but not later than ninety days after its first carriage, the Administration concerned shall notify the Organization and provide details of the substance and the provisional assessment for prompt circulation to all Parties for their information and consideration. The Government of each Party shall have a period of ninety days in which to forward its comments to the Organization, with a view to the assessment of the substance.

REGULATION 4

Other Liquid Substances

(1) The substances listed in Appendix III to this Annex have been evaluated and found to fall outside the Categories A, B, C and D, as defined in Regulation 3(1) of this Annex because they are presently considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operations.

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances listed in Appendix III to this Annex shall not be subject to any requirement of this Annex.

(3) The discharge into the sea of clean ballast or segregated ballast shall not be subject to any requirement of this Annex.

REGULATION 5

DISCHARGE OF NOXIOUS LIQUID SUBSTANCES

Categories A, B and C Substances outside Special Areas and Category D Substances in All Areas

Subject to the provisions of Regulation 6 of this Annex,

(1) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally

assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column III of Appendix II to this Annex and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than 5 per cent of the volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(2) The discharge into the sea of substances in Category B as defined in Regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in sub-paragraph (b) of this paragraph, which shall in no case exceed the greater of 1 cubic metre of 1/3,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(3) The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in sub-paragraph (b) of this paragraph, which shall in no case exceed the greater of 3 cubic metres or 1/1,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(4) The discharge into the sea of substances in Category D as defined in Regulation 3(1)(d) of this Annex, or those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) such mixtures are of concentration not greater than one part of the substance in ten parts of water; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

(5) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with paragraph (1), (2), (3) or (4) of this Regulation, whichever is applicable.

(6) The discharge into the sea of substances which have not been categorized, provisionally assessed, or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Categories A, B and C Substances within Special Areas

Subject to the provisions of Regulation 6 of this Annex,

(7) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex, or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed the resulting residues shall be discharged to a reception facility which the States bordering the special area shall provide in accordance with Regulation 7 of this Annex, until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column IV of Appendix II to this Annex

and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than 5 per cent of the total volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(8) The discharge into the sea of substances in Category B as defined in Regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the tank has been washed after unloading with a volume of water of not less than 0.5 per cent of the total volume of the tank, and the resulting residues have been discharged to a reception facility until the tank is empty;

(b) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(c) the procedures and arrangements for discharge and washings are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(9) The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph which shall in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres.

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(10) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with paragraphs (7), (8), or (9) of this Regulation, whichever is applicable.

(11) The discharge into the sea of substances which have not been categorized, provisionally assessed or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

(12) Nothing in this Regulation shall prohibit a ship from retaining on board the residues from a category B or C cargo and discharging such residues into the sea outside a special area in accordance with paragraph (2) or (3) of this Regulation, respectively.

(13) (a) The Governments of Parties to the Convention, the coastlines of which border on any given special area, shall collectively agree and establish a date by which time the requirement of Regulation 7(1) of this Annex will be fulfilled and from which the requirements of paragraphs (7), (8), (9) and (10) of this Regulation in respect of that area shall take effect and notify the Organization of the date so established at least six months in advance of that date. The Organization shall then promptly notify all Parties of that date.

(b) If the date of entry into force of the present Convention is earlier than the date established in accordance with sub-paragraph (a) of this paragraph, the requirements of paragraph (1), (2) and (3) of this Regulation shall apply during the interim period.

REGULATION 6

Exception

Regulation 5 of this Annex shall not apply to:

(a) the discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; or

(b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

REGULATION 7

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of reception facilities according to the needs of ships using its ports, terminals or repair ports as follows:

(a) cargo loading and unloading ports and terminals shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of the application of this Annex; and

(b) ship repair ports undertaking repairs to chemical tankers shall have facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

(2) The Government of each Party shall determine the types of facilities provided for the purpose of paragraph (1) of this Regulation at each cargo loading and unloading port, terminal and ship repair port in its territories and notify the Organization thereof.

(3) Each Party shall notify to the Organization, for transmission to the Parties concerned, of any case where facilities required under paragraph (1) of this Regulation are alleged to be inadequate.

REGULATION 8

Measures of Control

(1) The Government of each Party to the Convention shall appoint or authorize surveyors for the purpose of implementing this Regulation.

Category A Substance in All Areas

(2) (a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

(3) If the tank is to be washed:

(a) The effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix II to this Annex. When the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is

empty. Appropriate entries of these operations shall be made in the Cargo Record Book and certified by the surveyor;

(b) After diluting the residue then remaining in the tank with at least 5 per cent of the tank capacity of water, this mixture may be discharged into the sea in accordance with the provisions of sub-paragraphs (1)(a), (b) and (c) or 7(a), (b) and(c), whichever is applicable, or Regulation 5 of this Annex. Appropriate entries of these operations shall be made in the Cargo Record Book.

(4) Where the Government of the receiving Party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to sub-paragraph (3)(a) provided that:

(a) a precleaning procedure for that tank and that substance, based on standards developed by the Organization, is approved by the Administration and that Party is satisfied that such procedure will fulfill the requirements of paragraph (1) or (7), whichever is applicable, of Regulation 5 of this Annex with respect to the attainment of the prescribed residual concentrations;

(b) a surveyor duly authorized by that Party shall certify in the Cargo Record Book that:

(i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure referred to in sub-paragraph (ii) of this paragraph has been based;

(ii) precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and

(iii) the tank washings resulting from such precleaning have been discharged to a reception facility and the tank is empty;

(c) the discharge into the sea of any remaining residue shall be in accordance with the provisions of paragraph (3)(b) of this Regulation and an appropriate entry is made in the Cargo Record Book.

Category B Substances Outside Special Areas and Category C Substances in All Areas

(5) Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Government of the Party, the Master of a ship shall, with respect to a Category B substance outside special areas or a Category C substance in all areas, ensure compliance with the following:

(a) If a tank is paritally unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) If the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;

(ii) the quantity of substance remaining in the tank shall not exceed the maximum quantity which may be discharged

into the sea for that substance under Regulation 5(2)(c) of this Annex outside special areas in the case of Category B substances, or under Regulations 5(3)(c) and 5(9)(c) outside and within special areas respectively in the case of Category C substances. An appropriate entry shall be made in the Cargo Record Book;

(iii) where it is intended to discharge the quantity of substance remaining into the sea the approved procedures shall be complied with, and the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book; or

(iv) where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(v) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Regulation 5 of this Annex for the appropriate area and Category of substance involved.

(c) If the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

(d) If after unloading a Category C substance within a special area, any residues or tank washings are to be retained on board until the ship is outside the special area, the Master shall so indicate by an appropriate entry in the Cargo Record Book and in this case the procedures set out in Regulation 5(3) of this Annex shall be applicable.

Category B Substances Within Special Areas

(6) Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Government of the Party, the Master of a ship shall, with respect to a Category B substance within a special area, ensure compliance with the following:

(a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

(c) If the tank is to be washed, the effluent from the tank washing operation, which shall contain a volume of water not less than 0.5 per cent of the total volume of the tank, shall be discharged from the ship to a reception facility until the tank, its pump and piping system are empty. An appropriate entry shall be made in the Cargo Record Book.

(d) If the tank is to be further cleaned and emptied at sea, the Master shall:

(i) ensure that the approved procedures referred to in Regulation 5(8)(c) of this Annex are complied with and that the appropriate entries are made in the Cargo Record Book; and

(ii) ensure that any discharge into the sea is made in accordance with the requirements of Regulation 5(8) of this Annex and an appropriate entry is made in the Cargo Record Book.

(e) If after unloading a Category B substance within a special area, any residues or tank washings are to be retained on board until the ship is outside the special area, the Master shall so indicate by an appropriate entry in the Cargo Record Book and in this case the procedures set out in Regulation 5(2) of this Annex shall be applicable.

Category D Substances in All Areas

(7) The Master of a ship shall, with respect to a Category D substance, ensure compliance with the following:

(a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) If the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Books;

(ii) where it is intended to discharge the quantity of substance remaining into the sea, the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book;

(iii) where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(iv) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Regulation 5(4) of this Annex.

(c) If the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

Discharge from a Slop Tank

(8) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A substance, or within a special area either a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1), (7) or (8) of this Annex, whichever is

applicable. An appropriate entry shall be made in the Cargo Record Book.

(9) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a quantity of a Category B substance outside a special area or a Category C substance in all areas in excess of the aggregate of the maximum quantities specified in Regulation 5(2)(c), (3)(c) or (9)(c) of this Annex, whichever is applicable, shall be discharged to a reception facility. An appropriate entry shall be made in the Cargo Record Book.

REGULATION 9

Cargo Record Book

(1) Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix IV to this Annex.

(2) The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance take place in the ship:

(i) loading of cargo;

(ii) unloading of cargo;

(iii) transfer of cargo;

(iv) transfer of cargo, cargo residues or mixtures containing cargo to a slop tank;

(v) cleaning of cargo tanks;

(vi) transfer from slop tanks;

(vii) ballasting of cargo tanks;

(viii) transfer of dirty ballast water;

(ix) discharge into the sea in accordance with Regulation 5 of this Annex.

(3) In the event of any discharge of the kind referred to in Article 7 of the present Convention and Regulation 6 of this Annex of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) When a surveyor appointed or authorized by the Government of the Party to the Convention to supervise any operations under this Annex has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(5) Each operation referred to in paragraphs (2) and (3) of this Regulation shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and, when the ship is manned, each page shall be signed by the Master of the ship. The entries in the Cargo Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) in English or French. The entries in an

official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(6) The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of two years after the last entry has been made.

(7) The competent authority of the Government of a Party may inspect the Cargo Record Book on board any ship to which this Annex applies while the ship is in its port, and may make a copy of any entry in that book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Cargo Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

REGULATION 10

Surveys

(1) Ships which are subject to the provisions of this Annex and which carry noxious liquid substances in bulk shall be surveyed as follows:

(a) An initial survey before a ship is put into service or before the certificate required by Regulation 11 of this Annex is issued for the first time, which shall include a complete inspection of its structure, equipment, fittings, arrangements and material insofar as the ship is covered by this Annex. The survey shall be such as to ensure full compliance with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration which shall not exceed five years and which shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) is extended as specified in Regulation 12(2) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(c) Intermediate surveys at intervals specified by the Administration which shall not exceed thirty months and which shall be such as to ensure that the equipment and associated pumps and piping systems, fully comply with the applicable requirements of this Annex and are in good working order. The survey shall be endorsed on the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) issued under Regulation 11 of this Annex.

(2) Surveys of a ship with respect to the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned shall fully guarantee the completeness and efficiency of the survey.

(3) After any survey of a ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, fittings, arrangements or material, covered by the survey without the sanction of the Administration, except the direct replacement of such equipment and fittings for the purpose of repair or maintenance.

REGULATION 11

Issue of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued to any ship carrying noxious liquid substances which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention after survey of such ship in accordance with the provisions of Regulation 10 of this Annex.

(2) Such Certificate shall be issued either by the Administration or by a person or organization duly authorized by it. In every case the Administration shall assume full responsibility for the certificate.

(3) (a) The Government of a Party may, at the request of the Administration, cause a ship to be surveyed and if satisfied that the provisions of this Annex are complied with shall issue or authorize the issue of a Certificate to the ship in accordance with this Annex.

(b) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(c) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and shall have the same force and receive the same recognition as a certificate issued under paragraph (1) of this Regulation.

(d) No International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued to any ship which is entitled to fly the flag of a State which is not a Party.

(4) The Certificate shall be drawn up in an official language of the issuing country in a form corresponding to the model given in Appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of those languages.

REGULATION 12

Duration of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the structure, equipment, fittings, arrangements and material required by this Annex without the sanction of the Administration, except the direct replacement of such equipment or fitting for the purpose of repair or maintenance or if intermediate surveys as specified by the Administration under Regulation 10(1)(c) of this Annex are not carried out.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

REGULATION 13

Requirements for Minimizing Accidental Pollution

(1) The design, construction, equipment and operation of ships carrying noxious liquid substances in bulk which are subject to the provisions of this Annex shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) Pursuant to the provisions of paragraph (1) of this Regulation, the Government of each Party shall issue, or cause to be issued, detailed requirements on the design, construction, equipment and operation of such ships.

(3) In respect of chemical tankers, the requirements referred to in paragraph (2) of this Regulation shall contain at least all the provisions given in the Code for the Construction and Equipment of Ships

carrying Dangerous Chemicals in Bulk adopted by the Assembly of the Organization in Resolution A.212(VII) and as may be amended by the Organization, provided that the amendments to that Code are adopted and brought into force in accordance with the provisions of Article 17 of the present Convention for amendment procedures to an Appendix to an Annex.

Appendix I

Guidelines for the categorization of noxious liquid substances

Category A.—Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLm less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B.—Substances which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of the sea food; or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C.—Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D.—Substances which are practically non-toxic to aquatic life, (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the seafloor with a high biochemical oxygen demand (BOD); or highly hazardous to human health, with an LD_{50} of less than 5 mg/kg; or produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or moderately hazardous to human health, with an LD_{50} of 5 mg/kg or more, but less than 50 mg/kg and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of Regulation 4 of this Annex).—Substances other than those categorized in Categories A, B, C and D above.

APPENDIX II

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Substance	UN number	Pollution category for operational discharge (regulation 3 of annex II)	Residual concentration (percent by weight)	
			Outside special areas (regulation 5(1) of annex II)	Within special areas (regulation 5(7) of annex II)
	(I)	(II)	(III)	(IV)
Acetaldehyde	1089	C		
Acetic acid	1842	C		
Acetic anhydride	1715	C		
Acetone	1090	D		
Acetone cyanohydrin	1541	A	0.1	0.05
Acetyl chloride	1717	C		
Acrolein	1092	A	.1	.05
Acrylic acid [1]		C		
Acrylonitrile	1093	B		
Adiponitrile		D		
Alkylbenzene sulfonate:				
Straight chain		C		
Branched chain		B		
Allyl alcohol	1098	B		
Allyl chloride	1100	C		
Alum (15 percent solution)		D		
Aminoethylethanolamine (Hydroxyethyl-ethylene-diamine) [1]		D		
Ammonia (28 percent aqueous)	1005	B		
iso-Amyl acetate	1104	C		
n-Amyl acetate	1104	C		
n-Amyl alcohol		D		
Aniline	1547	C		
Benzene	1114	C		
Benzyl alcohol		D		
Benzyl chloride	1738	B		
n-Butyl acetate	1123	D		
sec-Butyl acetate	1124	D		
n-Butyl acrylate		D		
Butyl butyrate [1]		B		
Butylene glycol(s)		D		
Butyl methacrylate		D		
n-Butyraldehyde	1129	B		
Butyric acid		B		
Calcium hydroxide (solution)		D		
Camphor oil	1130	B		
Carbon disulphide	1131	A	.01	.005
Carbon tetrachloride	1846	B		
Caustic potash (Potassium hydroxide)	1814	C		
Chloroacetic acid	1750	C		
Chloroform	1888	B		
Chlorohydrins (crude) [1]		D		
Chloroprene [1]	1991	C		
Chlorosulphonic acid	1754	C		
para-Chlorotoluene		B		
Citric acid (10 to 25 percent)		D		
Creosote	1334	A	.1	.05
Cresols	2076	A	.1	.05
Cresylic acid	2022	A	.1	.05
Crotonaldehyde	1143	B		
Cumene	1918	C		
Cyclohexane	1145	C		
Cyclohexanol		D		
Cyclohexanene	1915	D		
Cyclohexylamine [1]		D		
para-Cymene (Isopropyltoluene) [1]	2046	D		
Decahydronaphthalene	1147	D		
Decane [1]		D		
Diacetone alcohol [1]	1148	D		
Dibenzyl ether [1]		C		
Dichlorobenzenes	1591	A	.1	.05
Dichloroethyl ether	1916	B		

Footnote at end of table.

APPENDIX II—Continued

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK—Continued

Substance	UN number	Pollution category for operational discharge (regulation 3 of annex II)	Residual concentration (percent by weight)	
			Outside special areas (regulation 5(1) of annex II)	Within special areas (regulation 5(7) of annex II)
	(I)	(II)	(III)	(IV)
Dichloropropene—Dichloropropane mixture (D.D. Soil fumigant).	2047	B		
Diethylamine	1154	C		
Diethylbenzene (mixed isomers)	2049	C		
Diethyl ether	1155	D		
Diethylene triamine [1]	2079	C		
Diethylene glycol monoethyl ether		C		
Diethylketone (3-Pentanone)	1156	D		
Diisobutylene [1]	2050	D		
Diisobutyl ketone	1157	D		
Diisopropanolamine		C		
Diisopropylamine	1158	C		
Diisopropyl ether [1]	1159	D		
Dimethylamine (40 percent aqueous)	1160	C		
Dimethylformamide (Form-dimethylamide)		D		
Dimethylethanolamine (2-Dimethylaminoethanol) [1]	2051	C		
1, 4-Dioxane	1165	C		
Diphonyl/Diphenyloxide mixtures [1]		D		
Dodecylbenzene		C		
Epichlorohydrin	2023	B		
2-Ethoxyethyl acetate [1]	1172	D		
Ethyl acetate	1173	D		
Ethyl acrylate	1917	D		
Ethyl amyl ketone [1]		C		
Ethylbenzene	1175	C		
Ethyl cyclohexane		D		
Ethylene chlorohydrin (2-Chloro-ethanol)	1135	D		
Ethylene cyanohydrin [1]		D		
Ethylenediamine	1604	C		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol monethyl ether (Methyl cellosolve)	1171	D		
2-Ethylhexyl acrylate [1]		D		
2-Ethylhexyl alcohol		C		
Ethyl lactate [1]	1192	D		
2-Ethyl 3-propylacrolein [1]		B		
Formaldehyde (37 to 50 percent solution)	1198	C		
Formic acid	1779	D		
Furfuryl alcohol		C		
Heptanoic acid [1]		D		
Hexamethylenediamine [1]	1783	C		
Hydrochloric acid	1789	D		
Hydrofluoric acid (40 percent aqueous)	1790	B		
Hydrogen peroxide (greater than 60 percent)	2015	C		
Isobutyl acrylate		D		
Isobutyl alcohol	1212	D		
Isobutyl methacrylate		D		
Isobutyraldehyde	2045	C		
Isooctane [1]		D		
Isopentane		D		
Isophorone		D		
Isopropylamine	1221	C		
Isopropyl cyclohexane		D		
Isoprene	1218	D		
Lactic acid		D		
Mesityl oxide [1]	1229	C		
Methyl acetate	1231	D		
Methyl acrylate	1919	C		
Methylamyl alcohol		D		
Methylene chloride	1593	B		
2-Methyl-5-Ethyl-pyridine [1]		D		
Methyl methacrylate	1247	D		
2-Methypentene [1]		D		
alpha-Methylstyrene [1]		D		

Footnote at end of table.

APPENDIX II—Continued

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK—Continued

Substance	UN number	Pollution category for operational discharge (regulation 3 of annex II)	Residual concentration (percent by weight)	
			Outside special areas (regulation 5(1) of annex II)	Within special areas (regulation 5(7) of annex II)
	(I)	(II)	(III)	(IV)
Monochlorobenzene	1134	D		
Monoethanolamine		D		
Monoisopropanolamine		C		
Monomethyl othanolamine		C		
Mononitrobenzene		C		
Monoisoproprylamine		C		
Morpholine [1]	2054	C		
Naphthalene (molten)	1334	A	.1	.05
Naphthenic acids [1]		A	.1	.05
Nitric acid (90 percent)	2031/2032	C		
2-Nitropropane		D		
ortho-Nitrotoluene	1664	C		
Nonyl alcohol [1]		C		
Monylphenol		C		
n-Octanol		C		
Oleum	1831	C		
Oxalic acid (10 to 25 percent)		D		
Pentachloroethane	1669	B		
n-Pentane	1265	C		
Perchloroethylene (Tetrachloroethylene)	1897	B		
Phenol	1671	B		
Phosphoric acid	1805	D		
Phosphorus (elemental)	1338	A	.01	.005
Phthalic Anhydride (molten)		C		
beta-Propiolactone [1]		B		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride		D		
n-Propyl acetate [1]	1276	C		
n-Propyl alcohol	1274	D		
n-Propylamine	1277	C		
Pyridine	1282	B		
Silicon tetrachloride	1818	D		
Sodium bichromate (solution)		C		
Sodium hydroxide	1824	C		
Sodium pentachlorophenate (solution)		A	.1	.05
Styrene monomer	2055	C		
Sulphuric acid	1830/1831/1832	C		
Tallow		D		
Tetraethyllead	1649	A	.1	.05
Tetrahydrofuran		D		
Tetrahydronaphthalene	1540	C		
Tetramethylbenzene		D		
Tetramethyllead	1649	A	.1	.05
Titanium tetrachloride		D		
Toluene	1294	C		
Toluene diisocyanate [1]	2078	B		
Trichloroethane		C		
Trichloroethylene	1710	B		
Triethanolamine		D		
Triethylamine	1296	C		
Trimethylbenzene [1]		C		
Tritolyl phosphate (Tricresyl phosphate) [1]		B		
Turpentine (wood)	1299	B		
Vinyl acetate	1301	C		
Vinylidene chloride [1]	1303	B		
Xylenes (mixed isomers)	1307	C		

[1] Substance has been provisionally included in this list; further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Appendix III

List of other liquid substances carried in bulk

Acetonitrile (Methyl cyanide)
tert-Amyl alcohol
n-Butyl alcohol
Butyrolactone
Calcium chloride (solution)
Castor oil
Citric juices
Coconut oil
Cod liver oil
iso-Decyl alcohol
n-Decyl alcohol
Decyl octyl alcohol
Dibutyl ether
Diethanolamine
Diethylene glycol
Dipentene
Dipropylene glycol
Ethyl alcohol
Ethylene glycol
Fatty alcohols (C_{12}–C_{20})
Glycerine
n-Heptane
Heptene (mixed isomers)
n-Hexane
Ligroin
Methyl alcohol
Methylamyl acetate
Methyl ethyl ketone (2-butanone)
Milk
Molasses
Olive oil
Polypropylene glycol
iso-Propyl acetate
iso-Propyl alcohol
Propylene glycol
Propylene oxide
Propylene tetramer
Propylene trimer
Sorbitol
Sulphur (liquid)
Tridecanol
Triethylene glycol
Triethylenetetramine
Tripropylene glycol
Water
Wine

Appendix IV

Cargo record book for ships carrying noxious liquid substances in bulk

Name of ship_____
Cargo carrying capacity of each tank in cubic metres_____
Voyage from _____ to _____

(a) *Loading of cargo:*

1. Date and place of loading:
2. Name and category of cargo(es) loaded:
3. Identity of tank(s) loaded:

(b) *Transfer of cargo:*

4. Date of transfer:
5. Identity of tank(s)
   (i) From:
   (ii) To:
6. Was(were) tank(s) in 5(i) emptied?
7. If not, quantity remaining:

(c) *Unloading of cargo:*

8. Date and place of unloading:
9. Identity of tank(s) unloaded:

10. Was (were) tank(s) emptied?
11. If not, quantity remaining in tank(s):
12. Is (are) tank(s) to be cleaned?
13. Amount transferred to slop tank:
14. Identity of slop tank:

----------Signature of Master

(d) *Ballasting of cargo tanks:*

15. Identity of tank(s) ballasted:
16. Date and position of ship at start of ballasting:

(e) *Cleaning of cargo tanks:*

Category A substances:

17. Identity of tank(s) cleaned:
18. Date and location of cleaning:
19. Method(s) of cleaning:
20. Location of reception facility used:
21. Concentration of effluent when discharge to reception facility stopped:
22. Quantity remaining in tank:
23. Procedure and amount of water introduced into tank in final cleaning:
24. Location, date of discharge into sea:
25. Procedure and equipment used in discharge into the sea:

Category B, C and D substances:

26. Washing procedure used:
27. Quantity of water used:
28. Date, location of discharge into sea:
29. Procedure and equipment used in discharge into the sea:

(f) *Transfer of dirty ballast water:*

30. Identity of tank(s):
31. Date and position of ship at start of discharge into sea:
32. Date and position of ship at finish of discharge into sea:

----------Signature of Master

33. Ship's speed(s) during discharge:
34. Quantity discharged into sea:
35. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s)):
36. Date and port of discharge to shore reception facilities (if applicable):

(g) *Transfer from slop tank/disposal of residue:*

37. Identity of slop tank(s):
38. Quantity disposed from each tank:
39. Method of disposal of residue:
    (a) Reception facilities:
    (b) Mixed with cargo:
    (c) Transferred to another (other) tank(s) (identify tank(s)):
    (d) Other method:
40. Date and port of disposal of residue:

(h) *Accidental or other exceptional discharge:*

41. Date and time of occurrence:
42. Place or position of ship at time of occurrence:
43. Approximate quantity, name and category of substance:
44. Circumstances of discharge or escape and general remarks.

---------- Signature of Master

Appendix V

Form of Certificate

INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK (1973)

(Note.—This Certificate shall be supplemented in the case of a chemical tanker by the certificate required pursuant to the provisions of Regulation 13(3) of Annex II of the Convention.)

(Official Seal)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the authority of the Government of:

(Full official designation of State)

by ---

(Full official designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of ship:
Distinctive number or letter:
Port of registry:
Gross tonnage:

This is to certify:

1. That the ship has been surveyed in accordance with the provisions of Regulation 10 of Annex II of the Convention;

2. That the survey showed that the design, construction and equipment of the ship are such as to minimize the uncontrolled discharge into the sea of noxious liquid substances;

3. That the following arrangements and procedures have been approved by the Administration in connexion with the implementation of Regulation 5 of Annex II of the Convention:

(Continued on the annexed signed and dated sheet(s))

This certificate is valid, until the ---------- day of ---------- 19----, subject to intermediate surveys at intervals of----------

Issued at ---

(Place of issue of Certificate)

----------19---- ---

(Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

INTERMEDIATE SURVEYS

This is to certify that at an intermediate survey required by Regulation 10(1)(c) of Annex II of the Convention, this ship and the condition thereof is found to comply with the relevant provisions of the Convention.

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 12(2) and (4) of Annex II of the Convention the validity of this Certificate is extended until

_____

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Text of Annex III of the Convention adopted by the Conference[1]

ANNEX III

Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Forms, or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons

REGULATION [1]

Application

(1) Unless expressly provided otherwise, the Regulations of this Annex apply to all ships carrying harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons.

(2) Such carriage of harmful substances is prohibited except in accordance with the provisions of this Annex.

(3) To supplement the provisions of this Annex the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packaging, marking and labelling, documentation, stowage, quantity limitations, exceptions and notification, for

[1] [Reproduced from I.M.C.O. Document MP/CONF/WP.21/Add.2 of Oct. 31, 1973.]

preventing or minimizing pollution of the marine environment by harmful substances.

(4) For the purpose of this Annex, empty receptacles, freight containers, portable tanks and road and rail tank wagons which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

REGULATION 2

Packaging

Packagings, freight containers, portable tanks and road and rail tank wagons shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

REGULATION 3

Marking and Labelling

Packages, whether shipped individually or in units or in freight containers, freight containers, portable tanks or road and rail tank wagons containing a harmful substance, shall be durably marked with the correct technical name (trade names shall not be used as the correct technical name), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification shall be supplemented where possible by any other means, for example by the use of the United Nations number.

REGULATION 4

Documentation

(1) In all documents relating to the carriage of harmful substances by sea when such substances are named, the correct technical name of the substances shall be used (trade names shall not be used).

(2) The shipping documents supplied by the shipper shall include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.

(3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded.

(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Annex may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and other harmful substances.

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REGULATION 5

Stowage

Harmful substances shall be both properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of ship and persons on board.

REGULATION 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the packaging and the inherent nature of the substance.

REGULATION 7

Exceptions

(1) Discharge by jettisoning of harmful substances carried in packaged forms, freight containers, portable tanks or road and rail tank wagons shall be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

REGULATION 8

Notification

With respect to certain harmful substances, as may be designated by the Government of a party to the Convention, the master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

International Convention for the Prevention of Pollution From Ships, 1973

Text of Annex IV of the Convention adopted by the Conference [1]

Annex IV

Regulations for the Prevention of Pollution by Sewage from Ships

REGULATION 1

Definitions

For the purposes of the present Annex:

(1) "New ship" means a ship:

(a) for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is at a

[1] [Reproduced from I.M.C.O. Document MP/CONF/WP.21/Add.3 of Oct. 31, 1973.]

similar stage of construction on or after the date of entry into force of this Annex; or

(b) the delivery of which is three years or more after the date of entry into force of this Annex.

(2) "Existing ship" means a ship which is not a new ship.

(3) "Sewage" means:

(a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;

(b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other waste waters when mixed with the drainages defined above.

(4) "Holding tank" means a tank used for the collection and storage of sewage.

(5) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11° South, longitude 142°08′ East to a point in latitude 10°35′ South,

longitude 141°55′ East, thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

REGULATION 2

Application

The provisions of this annex shall apply to:

(a) (i) new ships of more than 200 tons gross tonnage;

(ii) new ships of not more than 200 tons gross tonnage which are certified to carry more than 10 persons;

(iii) new ships which do not have a measured gross tonnage and are certified to carry more than 10 persons; and

(b) (i) existing ships of more than 200 tons gross tonnage, 10 years after the date of entry into force of this Annex;

(ii) existing ships of not more than 200 tons gross tonnage which are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex; and

(iii) existing ships which do not have a measured gross tonnage and are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex.

REGULATION 3

Surveys

(1) Every ship which is required to comply with the provisions of this Annex and which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention shall be subject to the surveys specified below:

(a) an initial survey before the ship is put in service or before the certificate required under Regulation 4 of this Annex is issued for the first time, which shall include a survey of the ship which shall be such as to ensure:

(i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on standards and the test methods developed by the Organization;

(ii) when the ship is fitted with a system to comminute and disinfect the sewage, such a system shall be of a type approved by the Administration;

(iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the Administration for the retention of all sewage having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall have a means to indicate visually the amount of its contents; and

(iv) that the ship is equipped with a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility and that such a pipeline is fitted with a standard shore connection in compliance with Regulation 11 of this Annex.

This survey shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Sewage Pollution Prevention Certificate (1973) is extended as specified in Regulation 7 (2) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the Administration, except the direct replacement of such equipment or fittings.

REGULATION 4

Issue of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions off Regulation 3 of this Annex, to any ship which is engaged in voyages to ports or offshore termminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

REGULATION 5

Issue of a Certificate by Another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Sewage Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as early as possible to the Administration requesting the survey.

(3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the certificate issued under Regulation 4 of this Annex.

(4) No International Sewage Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State, which is not a Party.

REGULATION 6

Form of Certificate

The International Sewage Pollution Prevention Certificate (1973) shall be drawn up in an official language of the issuing country in the form corresponding to the model given in Appendix to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

REGULATION 7

Duration of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2), (3) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted

only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the equipment, fittings, arrangement or material required without the approval of the Administration, except the direct replacement of such equipment or fittings.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

REGULATION 8

Discharge of Sewage

(1) Subject to the provisions of Regulation 9 of this Annex, the discharge of sewage into the sea is prohibited, except when:

(a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with Regulation 3(1)(a) at a distance of more than four nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case, the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization; or

(b) the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in Regulation 3(1)(a)(i) of this Annex; and

(i) the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate (1973);

(ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of, the surrounding water; or

(c) the ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less severe requirements as may be imposed by such State.

(2) When the sewage is mixed with wastes or waste water having different discharge requirements, the more severe requirements shall apply.

REGULATION 9

Exceptions

Regulation 8 of this Annex shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

(b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

REGULATION 10

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

(2) The Government of each Party shall notify the Organization for transmission to the Contracting Governments concerned all cases where the facilities provided under this Regulation are alleged to be inadequate.

REGULATION 11

Standard Discharge Connection

To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

DESCRIPTION	DIMENSION
Outside diameter.	210 mm.
Inner diameter.	According to pipe outside diameter.
Bolt circle diameter.	170 mm.
Slots in flange.	4 holes 18 mm. in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm.
Flange thickness.	16 mm.
Bolts and nuts: quantity and diameter.	4, each of 16 mm. in diameter and of suitable length.

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm².

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

Appendix to Annex IV

Form of Certificate

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE (1973)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

by _____
(Full designation of the country)

_____
(Full designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of ship:
Distinctive number or letter:
Port of registry:
Gross tonnage:
Number of persons which the ship is certified to carry:
New/existing ship [1]

Date of building contract_____
Date on which keel was laid or ship was in a similar stage of construction _____
Date of delivery_____

This is to certify that:

(1) The ship is equipped with a sewage treatment plant/comminuter/holding tank [1] and a discharge pipeline in compliance with Regulation 3(1)(a)(i) to (iv) of Annex IV of the Convention as follows:

[1](a) Description of the sewage treatment plant:
Type of sewage treatment plant_____
Name of manufacturer_____
The sewage treatment plant is certified by the Administration to meet the following effluent standards [2]_____

[1](b) Description of comminuter:
Type of comminuter_____
Name of manufacturer_____
Standard of sewage after disinfection_____

[1](c) Description of holding tank equipment:
Total capacity of the holding tank_____
Location _____

(d) A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

---

[1] Delete as appropriate.
[2] Parameters are to be incorporated.

(2) The ship has been surveyed in accordance with Regulation 3 of Annex IV of the International Convention for the Prevention of Pollution from Ships 1973, concerning the prevention of pollution by sewage and the survey showed that the equipment of the ship and the condition thereof is in all respects satisfactory and the ship complies with the applicable requirements of Annex IV of the Convention.

This Certificate is valid until the _____ day of _____, _____, 19____.

Issued at_____
(Place of issue of certificate)

_____, 19____. _____
(Signature of official issuing the Certificate)

(Seal or stamp of the Issuing Authority, as appropriate)

Under the provisions of Regulation 7(2) and (4) of Annex IV of the Convention the validity of this Certificate is extended until

_____

Signed _____
(Signature of duly authorized official)
Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Text of Annex V adopted by the Conference [1]

ANNEX V

Regulations for the Prevention of Pollution by Garbage From Ships

REGULATION 1

Definitions

For the purposes of this Annex:

(1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.

(2) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11° South, longitude 142°08′ East to a point in latitude 10°35′ South,

[1] [Reproduced from I.M.C.O. Document MP/CONF/WP.21/Add.4 of Oct. 31, 1973.]

longitude 141°55′ East—thence to a point latitude 10°00′ South, longitude 142°00′ East, thence to a point latitude 9°10′ South, longitude 143°52′ East, thence to a point latitude 9°00′ South, longitude 144°30′ East, thence to a point latitude 13°00′ South, longitude 144°00′ East, thence to a point latitude 15°00′ South, longitude 146°00′ East, thence to a point latitude 18°00′ South, longitude 147°00′ East, thence to a point latitude 21°00′ South, longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

(3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shal include those listed in Regulation 5 of this Annex.

REGULATION 2

Application

The provisions of this Annex shall apply to all ships.

REGULATION 3

Disposal of Garbage Outside Special Areas

(1) Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (b) (ii) of this Regulation may be permitted when it is passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

(2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more severe requirements shall apply.

REGULATION 4

Disposals from Drilling Rigs

(1) Fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and all other ships when alongside such platforms or within 500 metres of such platforms, are forbidden to dispose of any mate-

rials regulated by this Annex, except as permitted by paragraph (2) of this Regulation.

(2) The disposal into the sea of food wastes when passed through a comminuter or grinder from such fixed or floating drilling rigs located more than 12 nautical miles from land and all other ships when positioned as above. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

REGULATION 5

Disposal of Garbage within Special Areas

(1) For the purpose of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras al Fasteh (25°04′N, 61°25′E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags;

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more severe requirements shall apply.

(4) Reception facilities within special areas.

(a) The Government of each party to the Convention, the coast line of which borders a special area undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all parties of the date so established no less than twelve months in advance of that date.

(c) After date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this Regulation.

REGULATION 6

Exception

Regulations 3, 4 and 5 of this Annex shall not apply to:

(a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship, the health of its personnel, or saving life at sea;

(b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape;

(c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

REGULATION 7

Reception Facilities

(1) The Government of each party to the Convention undertakes to ensure the provisions of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

(2) The Government of each party shall notify the Organization for transmission to the parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

International Convention for the Prevention of Pollution From Ships, 1973

Text of Protocols to the Convention adopted by the Conference[1]

Protocol I

Provisions Concerning Reports on Incidents Involving Harmful Substances

(*in accordance with Article 8 of the Convention*)

ARTICLE I

Duty to Report

(1) The Master of a ship involved in an incident referred to in Article III of this Protocol, or other person having charge of the ship,

[1] [Reproduced from I.M.C.O. Document MP/CONF/WP.35/Add.1 of Nov. 2, 1973.]

shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2) In the event of the ship referred to in paragraph (1) of this Article being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master under the provisions of this Protocol.

ARTICLE II

Methods of Reporting

(1) Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.

(2) Reports shall be directed to the appropriate officer or agency specified in paragraph (3) of Article 8 of the Convention.

ARTICLE III

When to Make Reports

The report shall be made whenever an incident involves:

(a) a discharge other than as permitted under the present Convention; or

(b) a discharge permitted under the present Convention by virtue of the fact that:

(i) it is for the purpose of securing the safety of a ship or saving life at sea; or

(ii) it results from damage to the ship or its equipment; or

(c) a discharge of a harmful substance for the purpose of combating a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or

(d) the probability of a discharge referred to in sub-paragraphs (a), (b) or (c) of this Article.

ARTICLE IV

Contents of Report

(1) Each report shall contain in general:

(a) identity of ship;

(b) the time and date of the occurrence of the incident;

(c) the geographic position of the ship when the incident occurred;

(d) the wind and sea conditions prevailing at the time of the incident; and

(e) relevant details respecting the condition of the ship.

(2) Each report shall contain, in particular:

(a) a clear indication or description of the harmful substances involved, including if possible the correct technical names of such substances (trade names should be not be used in place of the correct technical names);

(b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea, and where relevant;

(c) a description of the packaging and identifying marks; and if possible

(d) the name of the consignor, consignee or manufacturer.

(3) Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance or a noxious gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

(4) Each report shall be supplemented as necessary by any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

ARTICLE V

Supplementary Report

Any person who is obliged under the provisions of this Protocol to send a report shall when possible

(a) supplement the initial report, as necessary, with information concerning further development; and

(b) comply as fully as possible with requests from affected States for additional information concerning the incident.

Protocol II

ARBITRATION

(In accordance with Article 10 of the Convention)

ARTICLE I

Arbitration procedure, unless the Parties to the dispute decide otherwise, shall be in accordance with the rules set out in this Protocol.

ARTICLE II

(1) An Arbitration Tribunal shall be established upon the request of one Party to the Convention addressed to another in application of Article 10 of the present Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

(2) The requesting Party shall inform the Secretary-General of the Organization of the fact that it has applied for the establishment of a Tribunal, of the names of the Parties to the dispute, and of the Articles of the Convention or Regulations over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Parties.

ARTICLE III

The Tribunal shall consist of three members: one Arbitrator nominated by each Party to the dispute and a third Arbitrator who shall be nominated by agreement between the two first named, and shall act as its Chairman.

ARTICLE IV

(1) If, at the end of a period of sixty days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of sixty days proceed to such nomination, selecting from a list of qualified persons previously drawn up by the Council of the Organization.

(2) If, within a period of sixty days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of sixty days, selecting him from the list prescribed in paragraph (1) of the present Article.

(3) The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

(4) The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party.

(5) In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of sixty days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In case of the decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article III above, or in the absence of agreement between the members of the Tribunal within a period of sixty days of the decease of default, according to the provisions of the present Article.

ARTICLE V

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

ARTICLE VI

Each Party shall be responsible for the renumeration of its Arbitrator and connected costs and for the costs entailed by the preparation of its own case. The remuneration of the Chairman of the Tribunal and of all general expenses incurred by the Arbitration shall be borne equally by the Parties. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof.

ARTICLE VII

Any Party to the Convention which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the Parties which have originally initiated the procedure, join in the arbitration procedure with the consent of the Tribunal.

ARTICLE VIII

Any Arbitration Tribunal established under the provisions of the present Protocol shall decide its own rules of procedure.

ARTICLE IX

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any question laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the vote of the Chairman shall be decisive.

(2) The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

(3) Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE X

(1) The Tribunal shall render its award within a period of five months from the time it is established unless it decides, in the case of necessity, to extend the time limit for a further period not exceeding three months. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal and shall be communicated to the Secretary-General of the organization. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation or execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available to another Tribunal constituted for this purpose, in the same manner as the original Tribunal.

a. IMCO Assembly Resolutions on the Establishment of a Marine Environment Protection Committee, November 23, 1973*

Adopted on November 23, 1973 [Not a treaty or international agreement.]

RESOLUTION A.297(VIII)

Adopted on November 23, 1973

ESTABLISHMENT OF A MARINE ENVIRONMENT PROTECTION COMMITTEE

The Assembly

Taking note of Article 1 of the IMCO Convention regarding the purposes of the Organization,

Being aware of the increasing extent and importance of the activities of the Organization relative to the prevention of pollution of the land, sea or air by or from ships, vessels and other crafts operating in the marine environment (hereafter referred to as ships),

Taking account of the Recommendations of the United Nations Conference on the Human Environment (Stockholm, 5–16 June 1972), of the preparation for the Third Law of the Sea Conference and of relevant Resolutions adopted by the United Nations and also of the role of the United Nations Environment Programme established by Resolution 2997 (XXVII) of the General Assembly,

Recognizing that in the environmental field, activities of the Organization are becoming increasingly involved with related activities of other United Nations bodies and organizations and that the Organization is being called upon to play a more significant role in this field,

Noting with appreciation that the principal burden arising from responsibilities of the Organization for dealing with marine pollution from ships has hitherto been carried by the Maritime Safety Committee in addition to its important and extensive statutory obligations relative to the safety of life and property at sea,

Believing nevertheless that overall efficiency of the Organization will be greatly enhanced in the future if matters relating to the protection of the marine environment are undertaken by a body specifically assigned for this purpose, thus enabling the Maritime Safety Committee to concentrate more specifically on the work relating to maritime safety which is also increasing in importance and magnitude,

Having noted the outcome of the IMCO Conference on Marine Pollution (London, 8 October–2 November 1973), particularly with re-

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*Source: International Legal Materials, v. 13, No. 2, March 1974: 476–481.

35–415—75——40

spect to the conclusion of the International Convention for the Prevention of Pollution from Ships, 1973 and the adoption of associated Conference Resolutions,

Having considered the Recommendations of the Council and its Ad Hoc Working Group on Marine Environment Protection with respect to the future role and activities of the Organization in this field,

Noting Articles 12 and 16(c) of the IMCO Convention concerning the establishment of subsidiary bodies,

Recognizing that the objectives will be most effectively and efficiently achieved by the establishment of a permanent Committee to execute and co-ordinate all activities of the Organization relating to the prevention and control of pollution of the marine environment from ships,

Decides to establish a Marine Environment Protection Committee as a permanent subsidiary body of the Assembly pursuant to Article 16(c) of the IMCO Convention, with the following Terms of Reference:

"To assist IMCO in its consultations with other bodies within the United Nations system, especially the United Nations Environment Programme, and with other international organizations and expert bodies in the field of marine pollution, and to co-ordinate and administer, in consultation as appropriate with other bodies of IMCO, the activities of the Organization concerning the prevention and control of marine pollution from ships and in particular:

(a) to perform such functions as are or may be conferred upon the Organization under international conventions for the prevention and control of pollution from ships, particularly with respect to the adoption or amendment of regulations or other provisions, as provided for in such conventions;

(b) to consider appropriate measures to facilitate the enforcement of the Conventions referred to in paragraph (a) above;

(c) to provide for the acquisition and dissemination of scientific, technical and any other practical information on the prevention and control of marine pollution from ships to States, particularly developing countries, and, where appropriate, to make recommendations and to develop guidelines;

(d) to promote co-operation with regional organizations concerned with the prevention of marine pollution from ships;

(e) to consider and take appropriate action with respect to any other matters falling within the scope of the Organization which would contribute to the prevention and control of marine pollution from ships including co-operation on environmental matters with other international organizations."

Decides further that:

(a) Membership of the Committee shall be open to all States Members of the Organization and to other States Parties to Conventions in respect of which the Committee performs functions, provided that a State not a Member of the Organization may vote only when the Committee performs functions in respect of a Convention to which it is a party as provided in that Convention. However, the adoption of amendments to a Convention shall be in accordance with the procedures set forth in the Convention under consideration;

(b) the Committee shall, except as specifically provided otherwise in its terms of reference, for example paragraph (a) thereof, report to the Assembly through the Council. The Council shall transmit reports of the Committee to the Assembly, together with its own comments and recommendations. As regards budgetary and other organizational matters, the Council shall exercise the same functions and control as it does over other sectors of the Organization's work;

(c) the Committee shall follow the Rules of Procedure of Assembly except insofar as the Committee, with approval of the Assembly, adopts other rules. The Committee is empowered to adopt and apply its own rules in relation to the following subjects: sessions, credentials, publicity, agenda, election of officers, summary records and languages. The quorum for the meetings of the Committee shall be determined by the Committee itself,

Requests the Secretary-General to take all necessary steps for the inauguration of the Committee early in 1974,

Requests the Council, the Maritime Safety Committee and the Legal Committee to provide all possible assistance and co-operation with the work of the Committee.

RESOLUTION A.296(VIII)

adopted on 23 November 1973

International Conference on Marine Pollution, 1973

The Assembly,

Noting with satisfaction that on 2 November 1973 the International Conference on Marine Pollution adopted the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil,

Having considered the provisions of the Convention, its Protocols, Annexes and Appendices and the Protocol relating to intervention and, in particular, Article 19 of the Convention and Article IX of the Protocol which assign depositary functions to the Organization,

Having also considered that the Convention and the Protocol relating to intervention confer certain functions on an appropriate body designated by the Organization, particularly the adoption of amendments to the Convention and the establishment and maintenance of the list to be annexed to the Protocol,

Having further considered the Resolutions adopted by the Conference,

Noting Resolution A.297(VIII) by which the Assembly established a Marine Environment Protection Committee,

Decides to accept the functions assigned to the Organization by the Convention and the Protocol adopted on 2 November 1973 and, in particular, the depositary functions conferred on the Organization,

Designates the Marine Environment Protection Committee as the appropriate body referred to in Article 16 of the Convention and Articles I and III of the above-mentioned Protocol,

Invites Governments to give consideration to ratification, approval or acceptance of or accession to the Convention and the Protocol at as early a date as possible.

H. SEABED ARMS CONTROL

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H. SEABED ARMS CONTROL

1. TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, FEBRUARY 11, 1971*

Done at Washington, London, and Moscow February 11, 1971; Ratification advised by the Senate February 15, 1972; Ratified by the President April 26, 1972; Ratification deposited at Washington, London, and Moscow May 18, 1972; Proclaimed by the President May 18, 1972; Entered into force May 18, 1972.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof was signed at Washington, London, and Moscow on February 11, 1971, in behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics and was signed at one or more of the three capitals in behalf of a number of other States;

A certified copy of the text of the Treaty, in the English, * * * languages, is hereto annexed;

The Senate of the United States of America by its resolution of February 15, 1972, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Treaty;

The President of the United States of America on April 26, 1972 ratified the Treaty, in pursuance of the advice and consent of the Senate;

Article X of the Treaty designates the Governments of the United States of America, the United Kingdom of Great Britain and North-

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*Citation: 23 UST 701; TIAS 7337.

States which are parties: Afghanistan, Australia, Austria, Belgium, Botswana, Bulgaria, Byelorussian Soviet Socialist Rep., Canada (with declaration), China, Rep. of, Cyprus, Czechoslovakia, Denmark, Dominican Rep., Finland, German Dem. Rep., Ghana, Hungary, Iceland, India (with statement), Iran, Iraq (with statement), Ireland, Italy (with statement, Ivory Coast, Japan, Laos, Lesotho, Malaysia, Malta, Mauritius, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Norway, Panama, Poland, Romania (with statement), Saudi Arabia, South Africa, Swaziland, Sweden, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Rep., Union of Soviet Socialist Reps., United Kingdom (extended to Antigua, Brunei, British Solomon Islands Protectorate, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, and territories under the territorial sovereignty of the United Kingdom), United States, Yugoslavia, Zambia.

ern Ireland, and the Union of Soviet Socialist Republics as the Depositary Governments and provides that the Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments;

Instruments of ratification having been deposited by the required number of Governments, including the three Depositary Governments, the Treaty entered into force pursuant to the provisions of Article X thereof on May 18, 1972;

Now, THEREFORE, I Richard Nixon, President of the United States of America, proclaim and make public the treaty, to the end that it shall be observed and fulfilled with good faith on and after May 18, 1972 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 18th day of May in the year of our Lord nineteen hundred seventy-two, and of the independence of the United States of America the one hundred ninety-sixth.

[SEAL]

RICHARD NIXON.

U ALEXIS JOHNSON,
Acting Secretary of State.

TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step toward the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step toward a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, [1] in a manner consistent with the principles of international law and without infringing the freedoms of the high seas.

Have agreed as follows:

ARTICLE 1

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as

[1] TS 993; 59 Stat. 1031.

well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this article shall also apply to the seabed zone referred to in the same paragraph, except that within such seabed zone, they shall not apply either to the coastal State or to the seabed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

ARTICLE 2

For the purpose of this Treaty, the outer limit of the seabed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on April 29, 1958, [2] and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

ARTICLE 3

1. In order to promote the objectives of and insure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfillment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall cooperate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through

[2] TIAS 5639; 15 UST 1606.

these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to cooperate.

4. If consultation and cooperation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfillment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

ARTICLE 4

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the seabed and the ocean floor, including continental shelves.

ARTICLE 5

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed, the ocean floor and the subsoil thereof.

ARTICLE 6

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

ARTICLE 7

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being

realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

ARTICLE 8

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE 9

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

ARTICLE 10

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.
3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.
4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.
6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 11

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty

shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this eleventh day of February, one thousand nine hundred seventy-one.

* * * * * * *

I CERTIFY THAT the foregoing is a true copy of the United States depositary original of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, which original, done in the English, Russian, French, Spanish, and Chinese languages, was opened for signature at Washington on February 1, 1971, and is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, WILLIAM P. ROGERS, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia this twenty-sixth day of April, 1972.

WILLIAM P. ROGERS,
Secretary of State.

[SEAL]

By FRANCIS J. FILLIUS,
Acting Authentication Officer, Department of State.

II. BILATERAL

A. BRAZIL

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A. BRAZIL

1. FISHERIES

a. Agreement Concerning Shrimp, with Annexes, Agreed Minute, and Exchanges of Notes, May 9, 1972*

Signed at Brasilia May 9, 1972; Ratification advised by the Senate October 3, 1972; Ratified by the President November 29, 1972; Notes regarding entry into force exchanged between the United States of America and Brazil February 12 and 14, 1973; Proclaimed by the President of the United States April 27, 1973; Entered into force February 14, 1973.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Agreement between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning Shrimp, together with an Agreed Minute, a related exchange of notes concerning compensation, and a related exchange of notes concerning interim undertakings, hereto annexed, was signed at Brasilia on May 9, 1972;

The Senate of the United States of America by its resolution of October 3, 1972, two-thirds of the Senators present concurring therein, gave its advice and consent;

The Agreement, together with the Agreed Minute and related exchanges of notes, was ratified by the President of the United States on November 29, 1972, in pursuance of the advice and consent of the Senate;

The Agreement entered into force on February 14, 1973, notes having been exchanged by the Government of the United States of America and the Government of the Federative Republic of Brazil on February 12 and 14, 1973 for this purpose, pursuant to Article XI of the Agreement;

NOW THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public the Agreement, together with the Agreed Minute and related exchanges of notes, to the end that it shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

**Citation:* 24 UST 923; TIAS 7603.
Implementing legislation: Offshore Shrimp Fisheries Act of 1973; Public Law 93-242 [H.R. 8529], 87 Stat. 1061, approved January 2, 1974.

35-415—75——41

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of April in the year of our Lord one thousand nine hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

[SEAL]

RICHARD NIXON

By the President:

WILLIAM P. ROGERS
Secretary of State

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING SHRIMP

The Parties to this Agreement,

Note the position of the Government of the Federative Republic of Brazil,

that it considers its territorial sea to extend to a distance of 200 nautical miles from Brazil's coast,

that the exploration of crustaceans and other living resources, which are closely dependent on the seabed under the Brazilian territorial sea, is reserved to Brazilian fishing vessels, and

that exception to this provision can only be granted through international agreements,

Note also the position of the Government of the United States of America that it does not consider itself obligated under international law to recognize territorial sea claims of more than 3 nautical miles nor fisheries jurisdiction of more than 12 nautical miles, beyond which zone of jurisdiction all nations have the right to fish freely, and that it does not consider that all crustaceans are living organisms belonging to sedentary species as defined in the 1958 Geneva Convention on the Continental Shelf, [1] and further

Recognizing that the difference in the respective juridical positions of the Parties has given rise to certain problems relating to the conduct of shrimp fisheries,

Considering the tradition of both Parties for resolving international differences by having recourse to negotiation,

Believing it is desirable to arrive at an interim solution for the conduct of shrimp fisheries without prejudice to either Party's juridical position concerning the extent of territorial seas or fisheries jurisdiction under international law,

Concluding that, while general international solutions to issues of maritime jurisdiction are being sought and until more adequate information regarding the shrimp fisheries is available, it is desirable to conclude an interim agreement which takes into account their mutual interest in the conservation of the shrimp resources of the area of this Agreement,

Have Agreed as Follows:

[1] TIAS 5578; 15 UST 471.

Article I

This Agreement shall apply to the fishery for shrimp (Penaeus (M.) duorarum notialis, Penaeus braziliensis and Penaeus (M.) aztecus subtilis) in an area of the broader region in which the shrimp fisheries of the Parties are conducted, hereinafter referred to as the "area of agreement" and defined as follows: the waters off the coast of Brazil having the isobath of thirty (30) meters as the south-west limit and the latitude 1° north as the southern limit and 47°30′ west longitude as the eastern limit.

Article II

1. Taking into account their common concern with preventing the depletion of the shrimp stocks in the area of agreement and the substantial difference in the stages of development of their respective fishing fleets, which results correspondingly in different kinds of impact on the resources, the two Parties agree that, during the term of this Agreement, the Government of the Federative Republic of Brazil is to apply the measures set forth in Annex I to this Agreement and the Government of the United States of America is to apply the measures set forth in Annex II to this Agreement.

2. The measures set forth in Annexes may be changed by agreement of the Parties through consultation pursuant to Article X.

Article III

1. Information on catch and effort and biological data relating to shrimp fisheries in the area of agreement shall be collected and exchanged, as appropriate, by the Parties. Unless the Parties decide otherwise, such exchange of information shall be made in accordance with the procedure described in this Article.

2. Each vessel fishing under this Agreement shall maintain a fishing log, according to a commonly agreed model. Such fishing logs shall be delivered quarterly to the appropriate Party which shall use the data therein contained, and other information it obtains about the area of agreement, to prepare reports on the fishing conditions in that area, which shall be transmitted periodically to the other Party as appropriate.

3. Duly appointed organizations from both Parties shall meet in due time to exchange scientific data, publications and knowledge acquired on the shrimp fisheries in the area of agreement.

Article IV

1. The Party which under Article V has the responsibility for enforcing observance of the terms of the Agreement by vessels of the other Party's flag shall receive from the latter Party the information necessary for identification and other enforcement functions, including name, port of registry, port where operations are usually based, general description with photograph in profile, radio-frequencies by which communications may be established, main engine horsepower and speed, length, and fishing method and gear employed.

2. Such information shall be assembled and organized by the flag Government and communications relating to such information shall be carried out each year between the appropriate authorities of the Parties.

3. The Party which receives such information shall verify whether it is complete and in good order, and shall inform the other Party about the vessels found to comply with the requirements of paragraph 1 of this Article, as well as about those which would, for some reason, require further consultation among the Parties.

4. Each of those vessels found in order shall receive and display an identification sign, agreed between the Parties.

Article V

1. In view of the fact that Brazilian authorities can carry out an effective enforcement presence in the area of agreement, it shall be incumbent on the Government of Brazil to ensure that the conduct of shrimp fisheries conforms with the provisions of this Agreement.

2. A duly authorized official of Brazil, in exercising the responsibility described in paragraph 1 of this Article may, if he has reasonable cause to believe that any provision of this Agreement has been violated, board and search a shrimp fishing vessel. Such action shall not unduly hinder fishing operations. When, after boarding or boarding and searching a vessel, the official continues to have reasonable cause to believe that any provision of this Agreement has been violated, he may seize and detain such vessel. In the case of a boarding or seizure and detention of a United States vessel, the Government of Brazil shall promptly inform the Government of the United States of its action.

3. After satisfaction of the terms of Article VI as referred to in paragraph 4 of this Article, a United States vessel seized and detained under the terms of this Agreement shall, as soon as practicable, be delivered to an authorized official of the United States at the nearest port to the place of seizure, or any other place which is mutually acceptable to the competent authorities of both Parties. The Government of Brazil shall, after delivering such vessel to an authorized official of the United States, provide a certified copy of the full report of the violation and the circumstances of the seizure and detention.

4. If the reason for seizure and detention falls within the terms of Article II or Article IV, paragraph 4 of this Agreement, a United States vessel seized and detained shall be delivered to an authorized official of the United States, after satisfaction of the terms of Article VI relating to unusual expenses.

5. If the nature of the violation warrants it, and after carrying out the provision of Article X, vessels may also suffer forfeiture of that part of the catch determined to be taken illegally and forfeiture of the fishing gear.

6. In the case of vessels delivered to an authorized official of the United States under paragraphs 3 or 4 of this Article, the Government of Brazil will be informed of the institution and disposition of any case by the United States.

ARTICLE VI

In connection with the enforcement arrangements specified in Article V, including in particular any unusual expenses incurred in carrying out the seizure and detention of a United States vessel under the terms of paragraph 4 of Article V, and taking into account Brazil's regulation of its flag vessels in the area of agreement, the Government of Brazil will be compensated in an amount determined and confirmed in an exchange of notes between the Parties. The amount of compensation shall be related to the level of fishing by United States nationals in the area of agreement and to the total enforcement activities to be undertaken by the Government of Brazil pursuant to the terms of this Agreement.

ARTICLE VII

The implementation of this Agreement may be reviewed at the request of either Party six months after the date on which this Agreement becomes effective, in order to deal with administrative issues arising in connection with this Agreement.

ARTICLE VIII

The Parties shall examine the possibilities of cooperating in the development of their fishing industries; the expansion of the international trade of fishery products; the improvement of storage, transportation and marketing of fishery products; and the encouragement of joint ventures between the fishing industries of the two Parties.

ARTICLE IX

Nothing contained in this Agreement shall be interpreted as prejudicing the position of either Party regarding the matter of territorial seas or fisheries jurisdiction under international law.

ARTICLE X

Problems concerning the interpretation and implementation of this Agreement shall be resolved through diplomatic channels.

ARTICLE XI

This Agreement shall enter into force on a date to be mutually agreed by exchange of notes, upon completion of the internal procedures of both Parties, and shall remain in force until January 1, 1974, unless the Parties agree to extend it.

IN WITNESS WHEREOF the undersigned Representatives have signed the present Agreement and affixed thereto their seals.

DONE in duplicate, this ninth day of May, 1972, in the English and Portuguese languages, both texts being equally authoritative.

FOR THE UNITED STATES OF AMERICA:	FOR THE FEDERATIVE REPUBLIC OF BRAZIL
WILLIAM M. ROUNTREE	MARIO GIBSON BARBOZA
[SEAL]	[SEAL]

Annex I

a) Prohibition of shrimp fishing activities, for conservation purposes, in spawning and breeding areas;
b) Prohibition of the use of chemical, toxic or explosive substances in or near fishing areas;
c) Registry of all fishing vessels with the Maritime Port Authority (Capitania dos Portos) and with SUDEPE;
d) Payment of fees and taxes for periodical inspections;
e) Use of the SUDEPE fishing logs to be returned after each trip or weekly;
f) Prohibition of the use of fishing gear and of other equipment considered by SUDEPE to have destructive effects on the stocks;
g) Prohibition of discharging oil and organic waste.

Annex II

a) Not more than 325 vessels flying the United States flag shall fish for shrimp in the area of agreement and the United States Government undertakes to maintain a presence of no more than 160 of those vessels in the area at any one time. Such vessels shall be of the same type and have the same gear as those commonly employed in this fishery in the past, noting that electric equipment for fishing purposes has not been commonly employed by boats in this fishery in the past.
b) Shrimp fishing in the area of agreement shall be limited to the period from March 1 to November 30.
c) Shrimp fishing in that part of the area of agreement southeast of a bearing of 240° from Ponta do Ceu radio-beacon shall be limited to the period March 1 to July 1.
d) Transshipment of catch may be made only between vessels authorized under this Agreement to fish in the area of agreement.

Agreed Minute Relating to the Agreement Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Shrimp

The Delegations of the Government of the United States of America and the Government of the Federative Republic of Brazil consider it desirable to record the points set out below relating to the Agreement between the two Governments concerning shrimp signed on this ninth day of May, 1972:

The Brazilian Delegation informed the United States Delegation that the portion of the area of agreement between the true bearings of 240° and 225°, drawn from the Ponta do Ceu radio-beacon, has a special interest to the Brazilian shrimp vessels, in view of its vicinity to both the port and the industries existing in Belem, State of Para. Under these circumstances, the Brazilian Delegation informed the United States Delegation that it was not the intention of the Brazilian Government to re-include such region in agreements it might conclude after 1973.

The United States Delegation stated its view to the Brazilian Delegation that the area of the Agreement between the true bearings of

240° and 225°, drawn from the Ponta do Ceu radio-beacon, lies on the high seas and is thus open to fishing by all nations.

Both the United States and the Brazilian Delegations agreed that, based on the available information, the expression "of the same type", included in item a of Annex II in relation to United States vessels that have in the past fished in the area of the Agreement, means vessels having a length up to approximately eighty-five feet.

With respect to item a of Annex II, both Delegations agreed that an excess of up to 15 vessels in the area of agreement over the figure of 160 shall constitute, during the first fishing season of the Agreement, a situation requiring consultations between the Parties within the scope of Article X with a view toward arriving at as promptly as possible the agreed figure. In view of the special nature of the arrangements contained in item a of Annex II, both Delegations understand that consultations referred to in paragraph 2, Article II will be held as soon after the close of the current fishing season as possible, to examine the operation of this provision with a view toward revising, if necessary, the measures outlined in item a of Annex II or revising the procedures necessary to achieve better compliance with them.

Done in duplicate, this ninth day of May, 1972, in the English and Portuguese languages, both texts being equally authoritative.

FOR THE UNITED STATES OF AMERICA:	FOR THE FEDERATIVE REPUBLIC OF BRAZIL:
William M. Rountree	Mario Gibson Barboza

The American Ambassador to the Brazilian Minister of Foreign Affairs

Embassy of the
United States of America
Brasilia, *May 9, 1972*

No. 150

Excellency:

I have the honor to refer to the Agreement on Shrimp signed today by the Governments of the Federative Republic of Brazil and the United States of America and to confirm, on behalf of my Government the following:

a) The Government of the United States of America shall after the appropriation of funds by Congress, compensate the Government of Brazil in an annual amount of U.S. $200,000 (two hundred thousand dollars) pursuant to the terms of Article VI;

b) The Government of the United States of America shall, after the appropriation of funds by Congress, further compensate the Government of Brazil in the amount of U.S. $100.00 (one hundred dollars) for each day a United States flag shrimp fishing vessel is under the control of Brazilian enforcement authorities pursuant to the terms of paragraph 2 of Article V.

I have the honor to propose that this Note and Your Excellency's reply confirming the above points of understanding on behalf of your Government shall be regarded as constituting satisfaction of the terms of Article VI of the aforementioned Agreement between the two Governments.

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

WILLIAM M. ROUNTREE

His Excellency
MARIO GIBSON BARBOZA
Minister of Foreign Affairs
Brasilia

The American Embassy to the Brazilian Ministry of Foreign Affairs

No. 151

The Embassy of the United States of America presents its compliments to the Ministry of External Relations of the Federative Republic of Brazil, and with reference to the Agreement Concerning Shrimp signed on this date, as well as the accompanying exchange of Notes related to Article VI of that Agreement, has the honor to inform the Ministry of the following:

Pending the entering into force of the Agreement as provided for in Article Eleven, the Government of the United States of America is prepared to make every effort to encourage the voluntary compliance by its industry of the provisions of the Agreement so as to insure that events in the interim period do not prejudice the successful implementation of those provisions. It is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil intends also to abide by the spirit of the proposed interim Agreement.

Following the entering into force of the Agreement as provided for in Article Eleven, but prior to the passage of enabling legislation, the Government of the United States of America proposes to continue its efforts to encourage voluntary compliance.

In the period between the completion of internal procedures as noted in Article Eleven and the entering into force of the Agreement, the Government of the United States of America will seek, inter alia, with the voluntary cooperation of U.S. flag vessel owners,

1. To achieve the objectives of Article II
2. To institute appropriate Article III procedures
3. To achieve the intent of Articles IV and V.

In stating its willingness to encourage the voluntary compliance with appropriate provisions of the Agreement so that the intent of the accord may be achieved while awaiting its entering into force, it is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil agrees that in this same interim period both Parties should have as their objective the achievement of the intent of the Agreement.

With specific reference to Article III, paragraph 2, the Government of the United States of America shall treat the information obtained from individual fishing logs as confidential.

The Embassy takes the opportunity to renew to the Ministry the assurance of its highest consideration.

W M R

EMBASSY OF THE UNITED STATES OF AMERICA
BRASILIA, *May 9, 1972*

Translation of the Brazilian Notes

MINISTRY FOR FOREIGN AFFAIRS
DPB/DAI/DAS/67/562.8(22) MAY 9, 1972

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note dated today, the text of which, translated into Portuguese, reads as follows:

[For the English language text, see p. 635.]

In reply, I wish to confirm, in the name of the Brazilian Government, that the points of understanding mentioned above be considered as fulfilling the terms of Article VI of the Agreement on Shrimp signed today by the two Governments.

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

MARIO GIBSON BARBOZA

His Excellency
WILLIAM MANNING ROUNTREE
Ambassador Extraordinary and Plenipotentiary of the United States of America.

MINISTRY FOR FOREIGN AFFAIRS
DPB/DAI/DAS/68/562.8(22) BRASÍLIA, *May 9, 1972*

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge the receipt of the Embassy's note dated today, the text of which, translated into Portuguese, reads as follows:

[For English language text, see p. 636]

2. In reply, the Ministry of Foreign Affairs wishes to confirm that the understanding, referred to in the penultimate paragraph of the Embassy's note, is also that of the Brazilian Government.

3. Furthermore, the Ministry of Foreign Affairs wishes to declare that, while awaiting the entry into force of the Agreement, it is the intention of the Brazilian Government to apply its provisions, insofar as possible, beginning today, so as to ensure that the events in the interim period do not prejudice the successful implementation of those provisions.

4. With specific reference to Article 3, paragraph 2, the Government of the Federated Republic of Brazil will treat as confidential the information obtained from the individual fishing logs.

GIBSON

1. EXTENSION, DECEMBER 31, 1973*

Effected by exchange of notes signed at Brasilia December 31, 1973; Entered into force December 31, 1973.

The American Ambassador to the Brazilian Minister of External Relations

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 635 BRASILIA, *December 31, 9173*

EXCELLENCY:

I have the honor to refer to the Agreement between the Government of the Federative Republic of Brazil and the Government of the United States of America concerning shrimp, signed in this capital on May 9, 1972,[1] which in Article XI foresees the possibility of its extension if both parties so desire.

Under these conditions, I have the honor to propose to Your Excellency that the above-mentioned agreement be extended to June 30, 1974. Accordingly, the Government of the United States of America will compensate the Federative Republic of Brazil in the amount of one-half of the compensation referred to in the exchange of notes of May 9, 1972 for the purposes stated in those notes and in Article VI of the Agreement.

Accept, Mr. Minister, the expressions of my highest consideration.

JOHN HUGH CRIMMINS

His Excellency
Ambassador MARIO GIBSON BARBOZA
Minister of External Relations
Brasilia

The Brazilian Minister of External Relations to the American Ambassador

Translation

MINISTRY OF FOREIGN AFFAIRS
DPB/DAI/DCS/140/245(B46)(B13) DECEMBER 31, 1973

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note of today's date, the text of which, in Portuguese, reads as follows:

[For the English language text, see above]

**Citation:* TIAS 7770.
[1] TIAS 7603; 24 UST 923.

In reply, I have the honor to inform Your Excellency that the Government of the Federative Republic of Brazil agrees with the terms of the note transcribed above.

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

MARIO GIBSON BARBOZA

His Excellency
JOHN HUGH CRIMMINS,
Ambassador Extraordinary and
Plenipotentiary of the
United States of America

2. EXTENSION, JUNE 24, 1974*

Effected by exchange of notes at Brasilia June 24, 1974; Entered into force June 24, 1974.

The American Ambassador to the Brazilian Minister of Foreign Affairs

No. 216

EXCELLENCY:

I have the honor to acknowledge your Note of today's date the text of which in English reads as follows:

"MR. AMBASSADOR:

I have the honor to refer to the Agreement between the Government of the Federative Republic of Brazil and the Government of the United States of America concerning Shrimp, signed on May 9, 1972 in this city and extended by an exchange of Notes on December 31, 1973[1] until June 30, 1974.

Based on the considerations already set forth in Paragraph 2 of the Note DPB/DCS/39/245(B46)(B13) of May 13, 1974.[2] I have the honor to propose to Your Excellency that the referenced Agreement be again extended, on this occasion until December 31, 1974; accordingly, the Government of the Federative Republic of Brazil will be compensated, for the current year, in the total amount referred to in the exchange of Notes of May 9, 1972 for the purposes stated in those notes and in Article VI of the Agreement.

I take this opportunity to renew to Your Excellency assurances of my highest consideration."

I have the honor to inform Your Excellency that the Government of the United States of America agrees with the terms of the Note transcribed above and I am further pleased to reaffirm to Your Excellency with respect to Paragraph 3 of Note DPB/DCS/39/245 (B46)(B13) of May 13, 1974 my Government's readiness to initiate renegotiation of the Agreement at the convenience of the Government of Brazil.

I take this opportunity to renew to Your Excellency assurances of my highest consideration.

JOHN HUGH CRIMMINS

EMBASSY OF THE UNITED STATES OF AMERICA
BRASILIA, D. F.
June 24, 1974

**Citation*: TIAS 7862.
[1] TIAS 7603, 7770; 24 UST 923; 2541.
[2] Not printed.

3. EXTENSION, DECEMBER 30, 1974*

Effected by exchange of notes at Brasilia December 30, 1974; Entered into force December 30, 1974.

No. 525

MR. MINISTER:

I have the honor to refer to the Agreement between the Government of the Federative Republic of Brazil and the Government of the United States of America concerning Shrimp, signed on May 9, 1972 in this city and extended by exchanges of Notes on December 31, 1973 and June 24, 1974 until December 31, 1974.

I have the further honor to propose to you that the referenced Agreement again be extended, on this occasion until March 1, 1975. The Government of the United States of America understands that the Government of the Federative Republic of Brazil will not expect compensation under the conditions referred to in the exchange of Notes of May 9, 1972 for the period of this current extension.

I take this opportunity to renew to you assurances of my highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA
Brasilia, D. F.
December 30, 1974

THE FEDERAL REPUBLIC OF BRAZIL,
THE FEDERAL DISTRICT,
CITY OF BRASILIA,
EMBASSY OF THE UNITED STATES
OF AMERICA. } ss:

I, Thomas Orum, Vice Consul of the United States of America at Brasilia, D. F., Brazil, do hereby certify that the attached document is a true copy of Note No. 525 dated December 30, 1974 and signed by Minister Richard E. Johnson.

In witness whereof, I have hereunto set my hand and official seal this 2nd day of January 1975.

THOMAS ORUM,
Vice Consul of the United States of America

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* *Source*: Department of State files.
Termination Date: March 1, 1975.

DEPARTMENT OF STATE

DIVISION OF LANGUAGE SERVICES

Translation

LS NO. 46606
WD/DT
Portuguese

DPB/DCS/120/245(B46)(B13) DECEMBER 31, 1974.

SIR:

I have the honor to acknowledge receipt of note No. 525 of December 30, 1974, of which the Portuguese translation is as follows:

> [The Portuguese translation of the above-mentioned note No. 525 has been compared with the original English text and has been found to have the same meaning in all substantive respects.]

2. I have the honor to inform you that the Government of the Federative Republic of Brazil agrees with the terms of the note transcribed above.

I avail myself of this opportunity to renew to you the assurances of my very distinguished consideration.

[s] R. S. GUERREIRO
RAMIRO SARAIVA GUERREIRO,
Secretary General of Foreign Affairs.

Mr. RICHARD E. JOHNSON,
Chargé d'Affaires ad interim
of the United States of America.

Certification of Translation

I hereby certify that the above translation bearing LS No. 46606 was prepared by the Division of Language Services of the Department of State and that it is a correct translation to the best of my knowledge and belief.

Dated: January 13, 1975.

ANTHONY D. SIERRA,
Chief Translating Branch.

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B. CANADA

1. FISHERIES

a. Convention Respecting Fisheries, Boundary, and the Restoration of Slaves, October 20, 1818*

Concluded October 20, 1818; Ratification advised by the Senate January 25, 1819; Ratified by the President January 28, 1819; Ratifications exchanged January 30, 1819; Proclaimed January 30, 1819.

Great Britain—1818
[Pertaining to Canada]

ARTICLES

I. Fisheries.
II. Boundary from the Lake of the Woods to the Stony Mountains.
III. Country west of the Stony Mountains.
IV. Commercial convention extended.
V. Claims for restitution of slaves.
VI. Ratification.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States, on his part, has appointed, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esq., one of His Majesty's Under Secretarys of State:

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles.

ARTICLE I

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from

*Citation: 8 Stat. 248; TS 112; I Malloy 631.

35-415—75——42

the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fisherman shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fisherman to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits; Provided however, that the American fisherman shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarcation between the territories of the United States, and those of his Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III

It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to

affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

Article IV

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty" concluded at London on the third day of July in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner, as if all the provisions of the said convention were herein specially recited.

Article V[1]

Whereas, it was agreed by the first Article of the treaty of Ghent, that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay; and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of, or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State, to be final and conclusive on all the matters referred.

Article VI

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on

[1] Referred to Emperor of Russia, convention of 1822.

the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[SEAL.]	ALBERT GALLATIN.
[SEAL.]	RICHARD RUSH.
[SEAL.]	FREDRICK JOHN ROBINSON.
[SEAL.]	HENRY GOULBURN.

b. Agreement Adopting, with Certain Modifications, the Rules and Method of Procedure Recommended in the Award of September 7, 1910, of the North Atlantic Coast Fisheries Arbitration, July 20, 1912*

Signed at Washington July 20, 1912; Ratification advised by the Senate August 1, 1912; Ratified by the President August 7, 1912; Ratified by Great Britain August 19, 1912; Ratifications exchanged at Washington November 15, 1912; Proclaimed November 16 1912.

[Pertaining to Canada]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an Agreement between the United States of America and Great Britain, adopting with certain modifications therein, the rules and method of procedure recommended in the award of The Hague tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in Article I of the treaty of October 20, 1818, between the United States and Great Britain, was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of July, one thousand nine hundred of twelve, the original of which Agreement is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of concluding an agreement regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, have for this purpose named as their Plenipotentiaries:

The President of the United States of America:

Chandler P. Anderson, Counselor for the Department of State of the United States;

His Britannic Majesty:

Alfred Mitchell Innes, Chargé d'Affaires of his Majesty's Embassy at Washington;

**Citation:* 37 Stat. 1634; TS 572; III Redmond 2632.

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

Whereas the award of the Hague Tribunal of September 7, 1910, recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

Such laws, ordinances, or rules by Great Britain shall be promulgated by publication in the London Gazette, by Canada in the Canada Gazette, and by Newfoundland in the Newfoundland Gazette.

After the expiration of ten years from the date of this Agreement, and so on at intervals of ten years thereafter, either Party may propose to the other that the dates fixed for promulgation be revised in consequence of the varying conditions due to changes in the habits of the fish or other natural causes; and if there shall be a difference of opinion as to whether the conditions have so varied as to render a revision desirable, such difference shall be referred for decision to a commission possessing expert knowledge, such as the Permanent Mixed Fishery Commission hereinafter mentioned.

2. If the Government of the United States considers any such laws or regulations inconsistent with the Treaty of 1818, it is entitled so to notify the Government of Great Britain within forty-five days after the publication above referred to, and may require that the same be submitted to and their reasonableness, within the meaning of the award, be determined by the Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-five days, or which, having been so notified, has been declared reasonable and consistent with the Treaty of 1818 (as interpreted by the said award) by the Permanent Mixed Fishery Commission, shall be held to be reasonable within the meaning of the award; but if declared by the said Commission to be unreasonable and inconsistent

with the Treaty of 1818, it shall not be applicable to the inhabitants of the United States exercising their fishing liberties under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfoundland, respectively, shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article IV of the Special Agreement of January 27, 1909. These Commissions shall consist of an expert national, appointed by each Party for five years; the third member shall not be a national of either Party. He shall be nominated for five years by agreement of the Parties, or, failing such agreement, within two months from the date, when either of the Parties to this Agreement shall call upon the other to agree upon such third member, he shall be nominated by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of Great Britain, and shall convene within thirty days from the date of notification by the Government of the United States. These two members having failed to agree on any or all of the questions submitted within thirty days after they have convened, or having before the expiration of that period notified the Government of Great Britain that they are unable to agree, the full Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within thirty days thereafter to decide all questions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Governments do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes, of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:

"The provision hereinafter fully set forth of an act dated _____, published in the _____ Gazette, has been notified to the Government of Great Britain by the Government of the United States under date of _____, as provided by the agreement entered into on July 20, 1912, pursuant to the award of the Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for

(Canada)
(Newfoundland) composed of _____ Commissioners for the United
(Canada)
States of America, and of _____ Commissioner for (Newfoundland) who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of the Hague Tribunal of September 7, 1910, and if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows _____"

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

ARTICLE II

And whereas the Tribunal of Arbitration in its award decided that—

> "In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast."

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

> "In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.
>
> "For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully: for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point: and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.
>
> "For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:
>
> "For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

"Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays."

It is understood that the award does not cover Hudson Bay.

ARTICLE III

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

ARTICLE IV

The present Agreement shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

CHANDLER P. ANDERSON [SEAL.]
ALFRED MITCHELL INNES [SEAL.]

AND WHEREAS the said agreement has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the fifteenth day of November, one thousand nine hundred and twelve;

NOW, THEREFORE, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixteenth day of November, in the year of our Lord one thousand nine hundred and [SEAL] twelve, and of the Independence of the United States of America the one hundred and thirty-seventh.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

c. Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, May 26, 1930*

Signed at Washington May 26, 1930; Ratification advised by the Senate subject to understandings June 16, 1936; Ratified by the President, subject to the said understandings, July 23, 1937; Ratified by His Majesty in respect of Canada June 26, 1937; Ratifications exchanged at Washington July 28, 1937; Proclaimed by the President August 4, 1937.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Convention between the United States of America and Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-sixth day of May, one thousand nine hundred and thirty, the original of which Convention is word for word as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, recognizing that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the United States of America and the Dominion of Canada; that the supply of this fish in recent years has been greatly depleted and that it is of importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a Convention and to that end have named as their respective plenipotentiaries;

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

His Majesty, for the Dominion of Canada: The Honorable Vincent Massey, a member of His Majesty's Privy Council for Canada and His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

**Citation:* 50 Stat. 1355; TS 918; 6 Bevans 41; IV Trenwith 4002.
Implementing legislation: Sockeye Salmon or Pink Salmon Fishing Act of 1947, as amended; Public Law 80–255 [H.R. 3767], 61 Stat. 511, approved July 29, 1947; as amended by Public Law 85–102 [S. 1806], 71 Stat. 293, approved July 11, 1957; and Public Law 92–504 [H.R. 16870], 86 Stat. 907, approved October 18, 1972.

Article I

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the United States of America and the Dominion of Canada and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington,—which line marks the entrance to Juan de Fuca Strait,—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, and on the British Admiralty Chart Number 579, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the United States of America and the Dominion of Canada, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the United States of America and the territory of the Dominion of Canada such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, United States-Alaska and Canada, for action pursuant to the provisions of the Treaty between the United States of America and His Majesty, in respect of Canada, respecting the boundary between the United States of America and the Dominion of Canada, signed February 24, 1925.

Article II

The High Contracting Parties agree to establish and maintain a Commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the United States of America and three on the part of the Dominion of Canada.

The Commissioners on the part of the United States of America shall be appointed by the President of the United States of America. The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor General in Council.

The Commissioners appointed by each of the High Contracting Parties shall hold office during the pleasure of the High Contracting Party by which they were appointed.

The Commission shall continue in existence so long as this Convention shall continue in force, and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each High Contracting Party shall pay the salaries and expenses of its own Commissioners, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

Article III

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article I of this Convention, and to that end it shall have power to improve spawning grounds, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where

investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

Article IV

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article I of this Convention, provided that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article I, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article I, such order shall extend to all such waters of the United States of America, and when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article I, such order shall extend to all such Canadian waters, and provided further, that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the State of Washington or of the Dominion of Canada as to the procuring of a license to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article I of this Convention, and provided further that any order adopted by the Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in a paragraph numbered 1 of Article I of this Convention shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

Article V

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the waters of the United States of America and/or the Canadian waters described in Article I of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, provided, however,

that in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in waters of the United States of America or in Canadian waters is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington, and any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the United States of America or the Dominion of Canada, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

Article VI

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each High Contracting Party.

Article VII

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely nonexistent, it is agreed by the High Contracting Parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each High Contracting Party.

Article VIII

Each High Contracting Party shall be responsible for the enforcement of the orders and regulations adopted by the Commission under the authority of this Convention, in the portion of its waters covered by the Convention.

Except as hereinafter provided in Article IX of this Convention, each High Contracting Party shall be responsible, in respect of its own nationals and inhabitants and vessels and boats, for the enforcement of the orders and regulations adopted by the Commission, under the authority of this Convention, on the High Seas embraced in paragraph numbered 1 of Article I of the Convention.

Each High Contracting Party shall acquire and place at the disposition of the Commission any land within its territory required for the construction and maintenance of hatcheries, rearing ponds, and other such facilities as set forth in Article III.

ARTICLE IX

Every national or inhabitant, vessel or boat of the United States of America or of the Dominion of Canada, that engages in sockeye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, as soon as practicable, to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

ARTICLE X

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the orders and regulations adopted by the Commission under the authority thereof, with appropriate penalties for violations.

ARTICLE XI

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty in accordance with constitutional practice, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington on the twenty-sixth day of May, one thousand nine hundred and thirty.

[SEAL] HENRY L. STIMSON
[SEAL] VINCENT MASSEY

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged

in the city of Washington on the twenty-eighth day of July, one thousand nine hundred and thirty-seven;

AND WHEREAS the said Convention was ratified by the United States of America subject to three understandings, made a part of the ratification, as follows:

(1) That the International Pacific Salmon Fisheries Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the Dominion of Canada:

(2) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the convention have been made, covering two cycles of Sockeye Salmon runs, or eight years; and

(3) That the Commission shall set up an Advisory Committee composed of five persons from each country who shall be representatives of the various branches of the industry (purse seine, gill net, troll, sport fishing, and one other), which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations.

AND WHEREAS the aforesaid three understandings have been accepted by the Government of Canada, as is recorded in the Protocol of Exchange of ratifications of the said Convention;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, subject to the three understanding herein recited.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of August in the year of our Lord one thousand nine hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

PROTOCOL OF EXCHANGE

The undersigned the Secretary of State of the United States of America and the Canadian Minister at Washington met this day for the purpose of exchanging ratifications of the convention between the United States of America and Canada for the protection, preservation and extension of the sockeye salmon fisheries of the Fraser River System, signed at Washington on May 26, 1930.

The Secretary of State of the United States of America stated that the convention is ratified on the part of the United States of America subject to the three understandings contained in the resolution of the Senate of the United States of America advising and consenting to ratification, a copy of which resolution was communi-

cated to the Secretary of State for External Affairs of Canada by the Minister of the United States of America at Ottawa in his note of July 7, 1936. These three understandings are as follows:

(1) That the International Pacific Salmon Fisheries Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the Dominion of Canada;

(2) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the convention that have been made, covering two cycles of Sockeye Salmon runs, or eight years; and

(3) That the Commission shall set up an Advisory Committee composed of five persons from each country who shall be representatives of the various branches of the industry (purse seine, gill net, troll, sport fishing, and one other), which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations.

The Canadian Minister stated that he was authorized by his Government to state that it accepted the foregoing understandings.

The exchange then took place in the usual manner.

IN WITNESS WHEREOF they have signed the present protocol and have affixed their seals hereto.

Done at Washington this twenty-eight day of July, 1937.

[SEAL] CORDELL HULL,
Secretary of State of the United States of America.

[SEAL] HERBERT M. MARLER,
Canadian Minister.

1. PROTOCOL AMENDING THE CONVENTION, TO INCLUDE PINK SALMON IN THE FRASER RIVER SYSTEM, DECEMBER 28, 1956*

Signed at Ottawa December 28, 1956; Ratification advised by the Senate June 6, 1957; Ratified by the President June 18, 1957; Ratified by Canada April 19, 1957; Ratifications exchanged at Ottawa July 3, 1957; Proclaimed by the President July 24, 1957; Entered into force July 3, 1957.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol between the Government of the United States of America and the Government of Canada to the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System signed at Washington on the 26th day of May 1930 was signed at Ottawa on December 28, 1956, the original of which protocol is word for word as follows:

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA TO THE CONVENTION FOR THE PROTECTION, PRESERVATION, AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, SIGNED AT WASHINGTON ON THE 26TH DAY OF MAY, 1930

The Government of the United States of America and the Government of Canada, desiring to coordinate the programs for the conservation of the sockeye and pink salmon stocks of common concern by amendment of the Convention between the United States of America and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on the 26th day of May, 1930, hereinafter referred to as the Convention,

Have agreed as follows:

ARTICLE I

The Convention as amended by the present Protocol shall apply to pink salmon with the following exception:

The understanding stipulated in the Protocol of Exchange of Ratification signed at Washington on the 28th day of July, 1937, which provides that "the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the Convention have been made, covering two cycles of sockeye salmon runs, or eight years;" shall not apply to pink salmon.

**Citation:* 8 UST 1057; TIAS 3867.

ARTICLE II

The following words shall be deleted from the first sentence of Article IV of the Convention:

". . . that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article I, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article I, such order shall extend to all such waters of the United States of America, and when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article I, such order shall extend to all such Canadian waters, and provided further . . ."

ARTICLE III

The following paragraph shall be added to Article VI of the Convention:

"All regulations made by the Commission shall be subject to approval of the two Governments with the exception of orders for the adjustment of closing or opening of fishing periods and areas in any fishing season and of emergency orders required to carry out the provisions of the Convention."

ARTICLE IV

Article VII of the Convention shall be replaced by the following Article:

"The Commission shall regulate the fisheries for sockeye and for pink salmon with a view to allowing, as nearly as practicable, an equal portion of such sockeye salmon as may be caught each year and an equal portion of such pink salmon as may be caught each year to be taken by the fisherman of each Party."

ARTICLE V

Paragraph (3) of the understandings stipulated in the Protocol of Exchange of Ratifications signed at Washington on the 28th day of July 1937, shall be amended to read as follows:

"That the Commission shall set up an Advisory Committee composed of six persons from each country who shall be representatives of the various branches of the industry including, but not limited to, purse seine, gill net, troll, sport fishing and processing, which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations."

ARTICLE VI

1. The Parties shall conduct a coordinated investigation of pink salmon stocks which enter the waters described in Article I of the

Convention for the purpose of determining the migratory movements of such stocks. That part of the investigation to be carried out in the waters described in Article I of the Convention shall be carried out by the Commission.

2. Except with regard to that part of the investigation to be carried out by the Commission, the provisions of Article III of the Convention with respect to the sharing of cost shall not apply to the investigation referred to in this Article.

3. The Parties shall meet in the seventh year after the entry into force of this Protocol to examine the results of the investigation referred to in this Article and to determine what further arrangements for the conservation of pink salmon stocks of common concern may be desirable.

ARTICLE VII

Nothing in the Convention or this Protocol shall preclude the Commission from recording such information on stocks of salmon other than sockeye or pink salmon as it may acquire incidental to its activities with respect to sockeye and pink salmon.

ARTICLE VIII

The present Protocol shall be ratified and the exchange of the instruments of ratification shall take place in Ottawa as soon as possible. It shall come into force on the day of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Protocol and have affixed thereto their seals.

Done in duplicate at Ottawa this 28th day of December, 1956.

For the Government of the United States of America:

LIVINGSTON T. MERCHANT

[SEAL] WM. C. HERRINGTON

For the Government of Canada:

[SEAL] JAMES SINCLAIR

WHEREAS the Senate of the United States of America by their resolution of June 6, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on June 18, 1957, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said protocol were duly exchanged at Ottawa on July 3, 1957;

AND WHEREAS it is provided in Article VIII of the said protocol that the protocol shall come into force on the day of the exchange of the instruments of ratification;

NOW, THEREFORE, be it known that I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after July 3, 1957, by the United States of America and

by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-fourth day of July in the year of our Lord one thousand nine hundred fifty-seven and of the Independence of the United States of America the one hundred eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER

Acting Secretary of State

d. Agreement to Facilitate the Ascent of Salmon in Hell's Gate Canyon and Elsewhere in the Fraser River System, July 21, and August 5, 1944*

Effected by Exchange of Notes Signed at Washington July 21 and August 5, 1944.

The Canadian Chargé d'Affaires to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

WASHINGTON, D.C.,
No. 266 *July 21, 1944.*

SIR,

I have the honour to refer to the Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on May 26, 1930.

2. Under Article III of the Convention, the International Pacific Salmon Fisheries Commission is required to "make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters". The Commission may also recommend to the two Governments "removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable".

3. As a result of extensive investigation the Commission recommended to the two Governments on January 11, 1944, remedial measures for overcoming obstructions to the ascent of the salmon in Hell's Gate Canyon and further investigation and remedial measures for overcoming obstructions to the ascent of the salmon elsewhere in the Fraser River watershed. It was estimated that the costs of the works recommended would be $2,000,000, which, in accordance with Article III, paragraph 2, of the Convention, would be shared equally between the two Governments. One copy of the letter and memorandum from the Commission under date of January 11, signed by the chairman and secretary are attached hereto as appendix A. Also attached as appendix B is one copy of a list of the remedial works recommended by the Commission.

**Citation:* 59 Stat. 1614; EAS 479; 6 Bevans 364.
Implementing legislation: First Deficiency Appropriation Act, 1944; Public Law 78–279 [H.R. 4346], 58 Stat. 150, 162, approved April 1, 1944 [See infra, p. 675].

4. The Canadian Government has approved of these recommendations of the Commission as set forth in its letter and report of January 11. A vote of $1,000,000 to provide for Canada's share of the costs of these works has been recommended to Parliament. The Commission has also been authorized by Order in Council P. C. 5002 of June 30, 1944, to let contracts for the remedial works recommended. One copy of Order in Council P. C. 5002, marked appendix C, is attached hereto.

5. The regular procedure for the payment of expenses properly incurred by the Commission is that such expenses are paid by the Canadian Government, one-half being recoverable later by Canada from the United States. This procedure was agreed to by the United States by your note of December 10, 1937.[1] It is acceptable to the Canadian Government that this procedure should be followed with respect to expenditures incurred by the Commission for the proposed remedial works.

6. It would appear desirable that the recommendations of the Commission as set forth in its letter and report of January 11, 1944 and the arrangements proposed for implementing these recommendations should be formally approved by Exchange of Notes between the two Governments.

7. If these proposals are acceptable to the Government of the United States, this note and your reply thereto accepting the proposals shall be regarded as placing on record the agreement of the two governments concerning this matter.

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

L B Pearson,
Charge d'Affaires.

The Honourable Cordell Hull,
Secretary of State of the United States,
Washington, D.C.

Appendix A

COPY

January 11, 1944.

Sir,

In the Pacific Northwest a particularly valuable species of salmon, known as Sockeye, was once so abundant that in 1913 it produced a pack of almost a quarter of a billion one pound cans which, at present prices, would be worth over forty million dollars. Now, one-eighth of that amount is considered a good pack.

The blasting of rocks during railroad construction in a narrow gorge of the Fraser River known as Hell's Gate Canyon, is charged with causing this huge decline by obstructing passage of the fish to their up-river spawning grounds. It is now believed, however, that great numbers of fish were fatally retarded at this canyon even under natural conditions.

Canada and the United States created this Commission to rehabilitate this once enormous food supply of the two nations—for though the spawning all takes place in Canada, United States fishermen get

[1] [Not printed.]

first chance to catch the fish as they pass through Puget Sound to approach the Fraser River mouth.

After intensive investigation it has been conclusively shown that the terrific rush and surge of water at Hell's Gate Canyon is largely responsible for failure of the salmon run to recover its former magnitude. Furthermore, the Commission finds that construction of so-called fish-ladders at this point will largely eliminate the difficulty. Some lesser obstructions also should be eliminated.

The Treaty requires the Commission to recommend to the two Governments the removal of obstructions. Accordingly the Commission herewith submits a biological report showing the necessity for action, an engineering report showing the action required, and a request for two million dollars with which to accomplish the desired result.

Respectfully submitted,

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

By

"EDWARD W. ALLEN"
Chairman.

"A. J. WHITMORE"
Secretary.

Honourable ERNEST BERTRAND, K.C., P.C.,
Minister of Fisheries,
Ottawa.

RECOMMENDATION OF INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION FOR OVERCOMNG OBSTRUCTONS TO THE ASCENT OF SOCKEYE SALMON, PURSUANT TO TERMS OF A TREATY BETWEEN CANADA AND THE UNITED STATES

The International Pacific Salmon Fisheries Commission was created for the purpose of rehabilitating a Pacific Coast salmon run known as the sockeye salmon of the Fraser River. In its largest year this run produced almost a quarter of a billion pounds of finest quality canned salmon which at present prices would have a value of more than forty million dollars. An eighth of that amount is now considered a good pack.

Among causes suggested for this great decline were need for international regulation and damage to the runs by blasting of rocks and by rock slides during railroad construction in the narrow gorge of the Fraser River, up which the fish must ascend to reach their spawning grounds. The first function of the Commission was to determine what were the actual causes, next to suggest remedies, and after eight years to regulate the catch.

Sockeye salmon normally spawn in late summer or fall in gravel beds in streams which are near lakes, or in the lakes themselves in the upper Fraser River drainage area, some 90,000 square miles in extent. The eggs hatch in early spring, and the young usually spend a year in lakes, then go down to sea and when four years old return to the very stream in which they were born, then in turn to spawn and die. The production of each stream therefore depends upon the run to that stream four years before. In a big river system like the Fraser with its numerous feeder streams there are therefore many separate runs each year. These may occur at different times during a season, though in fact there is much overlapping of such runs.

If the salmon had to keep on their way upstream or die and a run lasted only 30 days and there was a period of 30 days right at the time of such run when the fish could not pass up the river, the conclusion would be natural that such run would not reproduce itself. The problem is not that simple. However, the Commission did find that salmon could only stand a limited delay and that if the delay exceeded such limit they dropped downstream and were lost for reproductive purposes.

The Commission further found that there were specific levels of the river during which the salmon were unable to get up through the terrific rush of water at Hell's Gate Canyon and that these impassable levels occurred during the salmon season, but varied greatly in time, length, and seriousness from year to year. In some years practically all the runs which had survived to that year got through. In other years the entire season was nearly impassable (in 1941 it is estimated that one million fish were unable to ascend the Canyon, dropped down below and died). In some years certain runs were affected; others were not.

It was also found that, although Hell's Gate Canyon was by far the most serious obstruction of this character, there were other places in the river system, each of which took its toll. Some forty such obstructions were specifically noted, of greatly varying importance, but a much more thorough survey of the seriousness of each, and of conditions at other points where difficulty may exist than the Commission has thus far been able to make, is essential. Moreover, the Commission found large areas apparently suitable to salmon spawning which never had been utilized because of some natural obstruction, and that it was probable that an adequate survey and proper remedial action would be the means of opening up such areas, thereby increasing the productivity of the system beyond what it had ever been.

A most important consideration is that a depleted run of sockeye salmon if given a reasonable opportunity recuperates rapidly. There are, however, great areas to which the runs of certain years have been completely destroyed. Such areas require distinctive treatment. Moreover, any measure of redress, in order to be effective, will require the aid of regulation of the catch.

Viewing the entire field, the Commission found that it would be uneconomical and unsound, if not wholly futile, to attempt to resort to any recuperative or regulatory measure if the same might in any year be rendered fruitless by reason of the restored runs being again depleted by being obstructed in their attempted passage up Hell's Gate Canyon or other points of difficulty.

Accordingly, it is essential that as a first step in an orderly rehabilitation of the sockeye salmon of the Fraser River system as a whole that this continuous threat of destruction at Hell's Gate Canyon be removed. After that, many runs will promptly proceed to restore themselves and this natural process can be going on while the Commission effectuates its plan to bring back lost runs as well as those so close to extinction as to require artificial stimulation, and to produce runs into new areas. Gradual removal of minor obstructions can also be carried on concurrently, as biological and engineering studies indicate the corrective action necessary.

These facts and conclusions are the result of six years of intensive investigation of every available source of information from official

and commercial records and from one of the largest fish tagging experiments ever conducted, many thousands of fish having been tagged in salt water and at different parts of the river with observable celluloid tags these then having been collected by means of rewards and otherwise, also by the use of trained observers systematically stationed throughout the area.

Submitted herewith is a biological report from the Commission's scientific-staff which presents a remarkable record of investigation and analysis. Dr. W. F. Thompson, until he came to this Commission, had been Scientific Director of the International Fisheries Commission (Halibut) and was largely responsible for the accomplishments of that Commission which have justly won world-wide recognition. He is now the Scientific Consultant for this Commission.

When the Commission became convinced that a basic difficulty in rehabilitating the Fraser sockeye salmon run lay at Hell's Gate canyon, it not only concentrated its biological work to bear upon that point but also engaged the most experienced fishery engineers available. Milo Bell, the Commission's chief engineer, is the only active engineer in either nation who has specialized in fishery conservation devices directly related to Pacific salmon. And he in turn has had the assistance of Professor Charles W. Harris, an outstanding hydraulic engineer, as consultant.

So-called fish-ladders have been in use for many years as a means of enabling fish to ascend rivers blocked by dams and natural obstructions. The greatest installation heretofore made was at the Bonneville Dam on the lower Columbia River. The fishery devices at the Bonneville are said to have cost approximately $7,000,000.00 Nevertheless, these fully justified the expenditure for they have successfully demonstrated their effectiveness in passing the well known Chinook salmon up the Columbia. The practical use of fish-ladders is therefore well recognized in the engineering field.

In the engineering report submitted herewith, the use of fish-ladders to obviate the Hell's Gate Canyon obstruction is presented. But although the Fraser salmon run substantially exceeds that of the Columbia both in quantity and value, the cost of the proposed fish-ladders at Hell's Gate Canyon, together with the estimated cost of investigating and overcoming other obstructions and incidental remedial proposals, all together is less than one-third of the cost of the work at Bonneville.

The Commission therefore requests a total appropriation of $2,000,000, one-half from Canada, one-half from the United States, for the purposes above outlined. One good year's run restored should produce a catch ten times the entire proposed investment. And under continued and adequate regulation and protection, this enormous food resource should become recurrent year after year in perpetuity.

Respectfully submitted,

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

By

"EDWARD W. ALLEN"
Chairman.

"A. J. WHITMORE"
Secretary.

January 11th, 1944.

Appendix B

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission

Stream	Name of obstruction and location	Description and importance	Remedial measures
1. Fraser River	Hell's Gate Canyon.	Impassable obstruction at certain water levels. Principal spawning grounds of the Fraser system are controlled largely by conditions at this point.	Construction of permanent fish-ways on each bank at point of obstruction.
2. Fraser River	Bridge River Rapids. 6 miles above Lillooet.	Two rapids 900 ft. apart. Both serious obstructions to salmon migration below 20 ft. level.[1] Over ¾ of available spawning area above this point. Formerly bulk of escapement spawned above this obstruction.	Construct fish-ways and improve channel for each rapids on both banks of river.
3. Lillooet River	Skookumchuck Rapids. 18 miles above Harrison Lake.	Rapids in constricted, canyon-bound channel. Records of sockeye delayed from 1 to 21 days. Blockade forms above 1 ft. level on gauge. Commonly inflicts heavy mortality on important Birkenhead run.	Install fish-way on left bank and alter channel. Include 10 ft. maximum water fluctuations.
4. Chilcotin River	Farwell Canyon, 11 miles from mouth.	Constricted, bed-rock channel with fall of 4 to 6 ft. at obstruction. Blockade above 3 ft. level on gauge. Over 15% of Chilko run normally lost at this obstacle.[2]	Construct fish-way on left bank. Blast cut in rock on right bank. Cover 6 ft. maximum water fluctuations.
5. Chilko River	Keighley Holes 7 miles above confluence of Chilcotin River.	Channel between high dirt banks. Large boulders in bed cause fall of 5 ft. at obstruction. Chilko run delayed at all common water levels.[2]	Remove boulders and rock debris from channel. Construct baffles on right bank to reduce velocity of flow.
6. Quesnel River	Rapids 4 miles below Likely.	Obstruction caused by tailings from Boullion mine. Present channel is constricted by dumped rock so that velocity of flow is too great for natural passage of salmon.	Remove rock debris from channel and restore original conditions.
7. Stellako River	Falls 4 miles above Fraser Lake.	A 3 ft. falls located in spawning area is ascended with difficulty. Elimination of obstruction would encourage extension of spawning area to desirable streams above.	Reduce flow in channel.
8. Bowron River	Gravel bars, mouth of Bowron River.	At low water stages there is not sufficient water on gravel bars to allow salmon to ascend.	Dredge one main channel for entire flow of river.
9. Morris Creek	Shallow channel. Mouth of Morris Creek.	Similar to above. At low water channel nearly dry caused by seepage near mouth. Run commonly delayed two to three weeks before able to enter.	Concentrate flow into one main channel.

Stream	Tributary to—	Description	Remedial measures
10. Boise Creek	Upper Pitt River.	Excellent sockeye stream with large amount of potential spawning area. Numerous log jams present of which some are impassable to salmon. Serious damage done by floods.	Remove log jams and improve spawning conditions.
11. Douglas Creek	Harrison Lake.	Spawning beds scoured by logs and further damaged by floods. Formerly a very important spawning stream.	Remove log jams from channel.
12. Railway Creek	Upper Lillooet River.	Beaver dam is located ½ mile above mouth. Good spawning area above dam. Sockeye now limited to lower part of stream.	Transplant beavers to non-salmon stream. Remove dam.
13. McKenzie Creek.	Upper Lillooet River.	Beaver dam located 20 yards from mouth. Sockeye formerly spawned above dam but now confined to lower part of stream.	Transplant beavers to non-salmon stream and remove dam.

[1] Hell's Gate gauge.
[2] Chilko run composes over 80% total escapement, 1940–1941.

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission—Continued

Stream	Tributary to—	Description	Remedial measures
14. Pemberton Creek.	One-mile Lake	Numerous log jams which not only block salmon but encourage shifting of channel during high water. Formerly supported run of sockeye.	Remove log jams and reestablish channel in former location.
15. Silver Creek	Fraser River	Place of difficult passage 1–5 miles below lake. Caused by log jams and rapids. Excellent spawning area above.	Remove log jams and improve channel.
16. Nahatlatch River.	Fraser River	Large log jam at outlet of lake and numerous log jams on spawning areas that limit areas used by salmon. Extensive spawning area available and formerly produced large run of sockeye.	Remove log jams and general stream improvement.
17. Momich River	Adams Lake	Series of rapids ¾ mile from mouth. Sockeye spawn in lower part of creek.	Install fishpass in channel so that sockeye can ascend to upper regions.
18. Scotch Creek	Shuswap Lake	Large log jams near mouth of creek. Channel changes frequently during high water. Only remnant of former large run remains.	Remove log jams and establish channel.
19. Mann Creek	North Thompson River.	Beaver dams near mouth which limits present spawning area. Log jams and dense brush in stream ½ mile from mouth. Present depleted run spawn at mouth.	Transplant beaver to nonsalmon stream. Remove dam and log jams. Improve spawning area generally.
20. Finn Creek	North Thompson River.	Large impassable log jams throughout entire spawning area. Channel frequently changes. Few salmon spawn in creek at present.	Remove log jams and establish channel. Make general stream improvements.
21. Gates Creek	Anderson Lake	Numerous log jams in creek form definite obstruction to migration of salmon. Fomerly important spawning area but now runs only spawn near mouth.	Remove log jams and improve spawning area.
22. McKinley Creek.	Horsefly River	Log jams in creek prevent salmon ascending lakes above which were used for spawning before 1913.	Remove log jams and improve channel for salmon migration.
23. Nadina River	Francois Lake	One serious log jam and numerous minor ones. Small run of sockeye and spawn in river. Large areas suitable for spawning in upper portion of stream.	Remove log jams and improve spawning area.
24. Forfar Creek	Middle River	Impassable log jams 3 miles above mouth. Good spawning stream and would increase the spawning area available.	Remove log jams.
25. Kynoch Creek	Middle River	Impassable log jams 3 to 4 miles above mouth. Important spawning stream of this district.	Remove log jams.
26. Rossette Creek	Middle River	Log jams and brush block stream ½ mile from mouth. Formerly good spawning creek but only remnant of former run remains.	Remove log jams and improve stream conditions.
27. Narrows Creek	Takla Lake	Numerous log jams cause constant shifting of channel. Formerly excellent spawning stream but now nearly void of fish.	Remove log jams and restore stream to former condition.
28. Pomeroy Creek.	Bowron River	Beaver dam at mouth entirely blocks creek to salmon. This stream formerly supported over ⅔ of the Bowron run.	Transplant beaver to nonsalmon stream. Remove dam.
29. Indianpoint Creek.	Bowron River	Four beaver dams on creek and spawning tributaries. Formerly important spawning and nursery area. No sockeye can enter creek at present.	Transplant beaver to nonsalmon stream. Remove all dams and improve stream conditions.

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission—Continued

Stream	Location of obstruction	Description	Remedial measures
30. Nicola River	Dam at outlet of Nicola Lake.	The irrigation dam has a poorly designed fishway and an unscreened diversion channel just above the dam. This was formerly good salmon spawning area.	Install satisfactory fishway and revolving screen on diversion channel.
31. Adams River	Dam at outlet of Adams Lake.	The old sluice dam, not in use at present, has an inadequate fishway. The dam is in poor repair and structure is rotten.	Remove dam or install efficient fishways.
32. Louis Creek	Dam on creek for C.N.R. water supply and irrigation.	Fishway in dam closed during salmon run. Salmon drop back into irrigation ditches and die unspawned. Many fry are lost in ditches.	Install revolving screens on diversions and have sufficient water guaranteed during salmon runs for proper operation of fishways.
33. Barriere River	Hydroelectric project located ten miles above mouth.	Dam is 12 to 15 feet high. Fishway is very poor and usually dry during salmon run. This was formerly a good sockeye spawning area. Flume to turbines is unscreened.	Construct new fishpass over dam and screen turbine intake.
34. Lemieux Creek	Low irrigation dam on creek 2 miles above mouth.	Dam is 32 in. high with no fishway installed and during low water is a complete barrier to salmon migration. Unscreened diversion above dam.	Construct fishway in dam and install revolving screen in diversion.
35. Scotch Creek	Irrigation dam 2¼ miles from mouth.	The 3-foot dam has no fishway and cuts off the former main spawning area. Also has unscreened diversion.	Install fishway and construct revolving screen in diversion.
36. Seton Creek	Hydroelectric and water supply.	Fishway now installed is not satisfactory for passage of salmon. Formerly important spawning area; now nearly depleted.	Construct proper fishway.
37. Conni Lake	Dry channel	Divert Klokkon Creek into original channel emptying into Conni Lake. Sockeye formerly spawned in this area.	Divert creek into old channel.

Appendix C

P.C. 5002

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 30th day of June, 1944

PRESENT:

His Excellency
The Governor General in Council:

Whereas the Minister of Fisheries reports that the following item appears in the Estimates tabled in Parliament for the fiscal year 1944–45:

Vote 83 To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission to overcome obstructions to the ascent of sockeye salmon at Hell's Gate Canyon, and for investigating and overcoming obstructions to such salmon at other points on the Fraser River Watershed ---------- $1,000,000

That a similar sum has been provided for the same purpose by the Government of the United States, thus enabling the work to proceed at joint expense;

That persons who, in the opinion of the Minister, may be interested in the work contemplated at Hell's Gate, including the Government of the Province of British Columbia, the Canadian Pacific Railway Company and the Canadian National Railways, have been consulted with reference thereto and that such persons have no objection thereto provided their interests are adequately safeguarded;

That by arrangements between Canada and the United States all expenditures properly incurred by the Commission are paid by the Canadian Government, one-half of such payments to be recovered later by Canada from the United States Government; and

That it is, by reason of the war, necessary for the security, defence, peace, order and welfare of Canada that the Order hereinafter set forth be made.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, and under the authority of the War Measures Act, is pleased, hereby, to authorize the International Pacific Salmon Fisheries Commission constituted pursuant to the Fraser River Sockeye Convention, confirmed by chapter ten of the Statutes of Canada, one thousand, nine hundred and thirty, to enter into contracts in the name of His Majesty in right of Canada for the execution of the work at Hell's Gate Canyon and other points on the Fraser River, British Columbia, for which money is, or is to be, provided by the said Vote 83 hereinbefore set out; and is further pleased to authorize and doth hereby authorize the chairman and secretary of the said Commission to execute any such contract on behalf of the Commission.

A. J. P. HEENEY.
Clerk of the Privy Council

The Secretary of State to the Canadian Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
August 5, 1944

SIR:

I have your Embassy's note No. 266 of July 21, 1944, with enclosures, in regard to the recommendation of remedial measures for overcoming obstructions to the ascent of the salmon in Hell's Gate Canyon and further investigation and remedial measures for overcoming obstructions to the ascent of the salmon elsewhere in the Fraser River system, which, pursuant to Article III of the Convention between the United States and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River system, signed at Washington on May 26, 1930, was made to the American and Canadian Governments on January 11, 1944 by the International Pacific Salmon Fisheries Commission.

As you point out the estimated cost of the works recommended, which was two million dollars, would in accordance with Article III, paragraph 2 of the Convention, be shared equally between the two governments.

The Government of the United States has approved the recommendation of the Commission as set forth in its letter and report of January 11, 1944, and the accompanying documents including the "General Engineering Report Covering Fraser River Fisheries Projects" and the first deficiency Appropriation Act, 1944, approved April 1, 1944 (Public Law 279, 78th Congress), contained the following appropriation:

"INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

Restoration of salmon runs Fraser River system: For the share of the United States of expenses incident to the work of improving facilities for sockeye salmon migration in the Fraser River by the International Pacific Salmon Fisheries Commission, under the convention betwen the United States and Canada, concluded May 26, 1930 including personal services; traveling expenses; rent; purchase, maintenance, repair, and operation of not to exceed four motor-propelled, passenger-carrying vehicles; purchase of furniture, instruments, and equipment; construction of fishways; removal of obstructions and steam improvement; construction of warehouse for storage of equipment; and such other expenses as the Secretary of State may deem proper, to be expended under his direction, $1,000,000, to remain available until expended."

The Department observes from paragraph 5 of your note that it is acceptable to the Canadian Government that the regular procedure whereunder expenses properly incurred by the Commission are paid by the Canadian Government, one-half being recoverable later by Canada from the United States, should be followed with respect to expenditures incurred by the Commission for the proposed remedial works. The Government of the United States agrees to this procedure and, subject to the limits of the above-quoted appropriation, will reimburse the Canadian Government for one-half of the joint expenses properly incurred by the Commission in connection with the remedial works in question, the full amount of such expenses having been paid by the Government of Canada, is being understood that in the settlement of such amounts the procedure now observed by the two governments in settling the joint expenses of the Commission will be followed.

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

For the Secretary of State:

G. HOWLAND SHAW

MR. MERCHANT MAHONEY
Chargé d'Affaires ad interim of Canada

e. Convention for the Extension to Halibut Fishing Vessels of Port Privileges on the Pacific Coasts of the United States and Canada, March 24, 1950*

Signed at Ottawa March 24, 1950; Ratification advised by the Senate June 27, 1950; Ratified by the President July 3, 1950; Ratified by Canada June 21, 1950; Ratifications exchanged at Ottawa July 13, 1950; Proclaimed by the President August 2, 1950; Entered into force July 13, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Canada for the extension of port privileges to halibut fishing vessels on the Pacific Coasts of the United States of America and Canada was signed by their respective plenipotentiaries at Ottawa on March 24, 1950, the original of which convention is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE EXTENSION OF PORT PRIVILEGES TO HALIBUT FISHING VESSELS ON THE PACIFIC COASTS OF THE UNITED STATES OF AMERICA AND CANADA

PREAMBLE

The Government of the United States of America and the Government of Canada, desiring to further the well-being of their fishermen engaged in the halibut fishery of the North Pacific Ocean by extending to the halibut fishing vessels of each other certain privileges in ports of the Pacific Coasts of the United States of America and Canada, respectively, have resolved for that purpose to conclude a Convention, and to that end have appointed as their Plenipotentiaries:

The Honourable LAURENCE A. STEINHARDT for the United States of America, and

The Honourable ROBERT WELLINGTON MAYHEW for Canada.

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

ARTICLE I

Fishing vessels of the United States of America engaged in the North Pacific halibut fishery only shall, subject to compliance with applicable customs, navigation, and fisheries laws of Canada, have the privileges in the ports to entry of Canada

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**Citation:* 1 UST 536; TIAS 2096.

(1) to land their catches of halibut and sablefish without the payment of duties and

(a) sell them locally on payment of the applicable customs duty;

(b) trans-ship them in bond under customs supervision to any port of the United States of America; or

(c) sell them in bond for export, and

(2) to obtain supplies, repairs, and equipment.

ARTICLE II

Fishing vessel of Canada engaged in the North Pacific halibut fishery only shall, subject to compliance with applicable customs and navigation laws of the United States of America, have the privileges in the ports of entry of the United States of America

(1) to land their catches of halibut and sablefish without the payment of duties and

(a) sell them locally on payment of the applicable customs duty;

(b) trans-ship them in bond under customs supervision to any port of Canada; or

(c) sell them in bond for export; and

(2) to obtain supplies, repairs, and equipment.

ARTICLE III

This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

ARTICLE IV

This Convention shall come into effect immediately upon the exchange of ratifications. It shall continue in effect for a period of one year from that date and indefinitely after that period, but may be terminated by either of the Contracting Governments at the end of the one year period or at any time thereafter provided that at least twelve months prior notice of termination has been given.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

Done at Ottawa, in duplicate, in the English language, both texts being equally authentic, this 24th day of March, 1950.

For the United States of America: LAURENCE A. STEINHARDT
For Canada: R. W. MAYHEW

WHEREAS the Senate of the United States of America by their Resolution of June 27, 1950, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of American on July 3, 1950, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada;

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WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on July 13, 1950;

AND WHEREAS it is provided in Article IV of the said convention that the convention shall come into effect immediately upon the exchange of ratifications;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this second day of August in the year of our Lord one thousand nine hundred fifty and of
[SEAL] the Independence of the United States of America the one hundred seventy-fifth.

HARRY S TRUMAN

By the President:

DEAN ACHESON
Secretary of State

f. Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, March 2, 1953*

Signed at Ottawa March 2, 1953; Ratification advised by the Senate July 27, 1953; Ratification by the President August 18, 1953; Ratified by Canada October 14, 1953; Ratifications exchanged at Washington October 28, 1953; Proclaimed by the President January 7, 1954; Entered into force October 28, 1953.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea was signed at Ottawa on March 2, 1953, the original of which convention, in the English language, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERY OF THE NORTHERN PACIFIC OCEAN AND BERING SEA

The Government of the United States of America and the Government of Canada, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa, January 29, 1937 and have named as their plenipotentiaries:

The Government of the United States of America:
The HONOURABLE DON C. BLISS,
Chargé d'Affaires ad interim.
THE HONOURABLE WILLIAM C. HERRINGTON,
Special Assistant for Fisheries and Wildlife to the Under-Secretary of State.
The Government of Canada:
THE HONOURABLE JAMES SINCLAIR,
Minister of Fisheries.
THE HONOURABLE HUGUES LAPOINTE,
Minister of Veterans Affairs.

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

**Citation:* 5 UST 5; TIAS 2900.
Implementing legislation: Northern Pacific Halibut Act of 1937, as amended; Public Law 75–169 [S. 1984], 50 Stat. 325, approved June 28, 1937; as amended by Public Law 83–228 [S. 2434], 67 Stat. 494, approved August 8, 1953; and Public Law 89–233 [S. 1975], 79 Stat. 902, approved October 1, 1965.

Article I

1. The nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of the United States of America and of Canada, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of Canada from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

Article II

1. Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

Article III

1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930, and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known

as the International Pacific Halibut Commission. This Commission shall make such investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stock of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the President of the United States of America and of the Governor General in Council of Canada, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, and in respect of halibut:

(a) divide the Convention waters into areas;

(b) establish one or more open or closed seasons, as to each area;

(c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;

(d) during both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;

(e) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;

(f) fix the size and character of halibut fishing appliances to be used in any area;

(g) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;

(h) close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

Article IV

The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

ARTICLE V

1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

IN WITNESS WHEREOF the respective plenipotentiaries have signed and sealed this Convention.

DONE at Ottawa in duplicate, in the English language, this Second day of March 1953.

For the Government of the United States of America:

[SEAL] DON C. BLISS
WILLIAM C. HERRINGTON

For the Government of Canada:

[SEAL] JAMES SINCLAIR
HUGUES LAPOINTE

WHEREAS the Senate of the United States of America by their resolution of July 27, 1953, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on August 18, 1953, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on October 28, 1953;

AND WHEREAS it is provided in paragraph 2 of Article V of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith on and after October 28, 1953 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of January in the year of our Lord one thousand nine hundred fifty-four and
[SEAL] of the Independence of the United States of America the one hundred seventy-eighth.

DWIGHT D. EISENHOWER

By the President:
JOHN FOSTER DULLES
Secretary of State

g. Convention on Great Lakes Fisheries, September 10, 1954*

Signed at Washington September 10, 1954; Ratification advised by the Senate June 1, 1955; Ratified by the President June 6, 1955; Ratified by Canada October 6, 1955; Ratifications exchanged at Ottawa October 11, 1955; Proclaimed by the President October 20, 1955; Entered into force October 11, 1955.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention on Great Lakes fisheries between the United States of America and Canada was signed by their respective plenipotentiaries at Washington on September 10, 1954, the original of which convention is word for word as follows:

CONVENTION ON GREAT LAKES FISHERIES BETWEEN THE UNITED STATES OF AMERICA AND CANADA

The Government of the United States of America and the Government of Canada,

Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,

Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by the United States of America and Canada are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern.

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the United States of America, and

William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference; and

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and

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**Citation:* 6 UST 2836; TIAS 3326.
Implementing legislation: Great Lakes Fisheries Act of 1956; Public Law 84-557 [S. 3524], 70 Stat. 242, approved June 4, 1956.

Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference,

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

Article I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area". This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (*Petromyzon marinus*) in the Convention Area.

Article II

1. The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold *in camera*.

Article III

1. At the first meeting of the Commission and at every second subsequent annual meeting thereafter the members shall select from among themselves a Chairman and a Vice Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennally between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

ARTICLE IV

The Commission shall have the following duties:

(a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose;

(b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;

(c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;

(d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and

(e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

ARTICLE V

In order to carry out the duties set forth in Article IV, the Commission may:

(a) conduct investigations;

(b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and

(c) hold public hearings in the United States of America and Canada.

ARTICLE VI

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.

2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

Article VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

Article VIII

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

Article IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

Article X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

Article XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

Article XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

Article XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of September, 1954.

For the Government of the United States of America:

WALTER BEDELL SMITH

WM. C. HERRINGTON.

For the Government of Canada:

A. D. P. HEENEY.

STEWART BATES.

WHEREAS the Senate of the United States of America by their Resolution of June 1, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on June 6, 1955, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on October 11, 1955;

AND WHEREAS it is provided in Article XIII of the said convention that the convention shall enter into force on the date of the exchange of the instruments of ratification;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after October 11, 1955, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisidiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of October in the year of our Lord one thousand nine hundred fifty-five and of the Independence of the United States of America the one hundred eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State

1. AMENDMENT, APRIL 5, 1966 AND MAY 19, 1967*

Effected by exchange of notes Signed at Ottawa April 5, 1966 and May 19, 1967; Ratification advised by the Senate March 1, 1967; Ratified by the President April 24, 1967; Proclaimed by the President July 19, 1967; Entered into force May 19, 1967.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an amendment of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington September 10, 1954, was proposed by the Government of Canada in a note of April 5, 1966 to the Government of the United States of America;

WHEREAS the Senate of the United States of America by its resolution of March 1, 1967, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the note of April 5, 1966 from the Government of Canada and a proposed note from the Government of the United States of America accepting the proposal to amend the Convention;

WHEREAS the notes were duly ratified by the President of the United States of America on April 24, 1967, in pursuance of the advice and consent of the Senate;

WHEREAS the Government of the United States of America, in reply to the note of April 5, 1966 from the Government of Canada, did transmit to the Government of Canada on May 19, 1967 a note accepting the proposal to amend the Convention;

WHEREAS the texts of the aforesaid notes are word for word as follows:

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF EXTERNAL AFFAIRS — MINISTÈRE DES AFFAIRES EXTÉRIEURES

CANADA

No. X–92 — OTTAWA, *April 5, 1966.*

EXCELLENCY,

I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention

*Citation: 18 UST 1402; TIAS 6297.

on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954 [1] to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

In accordance with those conversations, it is the understanding of the Government of Canada that the above-mentioned Convention shall be amended by substituting the word "four" for the word "three" in the second sentence of paragraph 1 of Article II.

I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

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

PAUL MARTIN
Secretary of State
for External Affairs

His Excellency W. WALTON BUTTERWORTH,
Ambassador of the United States of America,
100 Wellington Street,
Ottawa.

The American Ambassador to the Canadian Secretary of State for External Affairs

[SEAL]
EMBASSY OF THE
UNITED STATES OF AMERICA

No. 298

OTTAWA, *May 19, 1967.*

SIR:

I have the honor to refer to your note of April 5, 1966, which reads as follows:

"I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954 to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

"In accordance with those conversations, it is the understanding of the Government of the Canada that the above-mentioned Convention shall be amended by substituting the word 'four' for the word 'three' in the second sentence of paragraph 1 of Article II.

"I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply."

[1] TIAS 3326; 6 UST 2836.

I have the honor to confirm the foregoing understanding on behalf of my Government. Accordingly, your note and this reply shall constitute an agreement between our two Governments, which shall enter into force this day.

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

W. W. BUTTERWORTH

The Honorable
PAUL MARTIN,
Secretary of State for External Affairs,
Ottawa.

AND WHEREAS the said notes provide that they shall constitute an agreement between the two Governments which shall enter into force on the date of the reply of the Government of the United States of America;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said notes to the end that the same shall be observed and fulfilled with good faith on and after May 19, 1967, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of July in the year of our Lord one thousand nine hundred sixty-seven [SEAL] and of the Independence of the United States of America the one hundred ninety-second.

LYNDON B. JOHNSON

By the President:
DEAN RUSK
Secretary of State

h. Agreement on Reciprocal Fishing Privileges in Certain Areas Off the Coasts of the United States and Canada, June 15, 1973*

Signed at Ottawa June 15, 1973; Entered into force June 16, 1973.

The Government of the United States of America and the Government of Canada,

CONSIDERING that both Governments have established exclusive fishery zones;

RECOGNIZING that fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones;

DEEMING it desirable to establish the terms and conditions under which nationals and vessels of each of the two countries may conduct, on a reciprocal basis, commercial fishing operations within certain areas off their coasts; and

HAVING in mind the mutuality of interest on the part of the two countries in the conservation and rational exploitation of certain living marine resources off their coasts;

Have agreed as follows:

(1) For the purposes of this Agreement,

(a) the reciprocal fishing area of the United States of America shall be the fishing zone established in 1966 south of 63° north latitude;

(b) the reciprocal fishing area of Canada shall be as follows:

(i) in those "Areas" listed in Order-in-Council P.C. 1967–2025 and Order-in-Council P.C. 1969–1109, issued by the Government of Canada on November 8, 1967, and June 11, 1969, respectively, those waters extending 9 miles seaward of the territorial sea of Canada as it existed in 1966;

(ii) in those areas not listed in the Orders-in-Council cited above, those waters south of 63° north latitude which are contiguous to and extend from three to twelve miles from the coast of Canada, with the exception of bays where they cease to exceed 24 miles in breadth.

Nothing in this Agreement shall affect waters other than those referred to in this paragraph.

(2) Nationals and vessels of each country may continue to fish within the reciprocal fishing area of the other country, except that there shall be no such fishing for the following:

(a) any species of clam, scallop, crab, shrimp, lobster or herring;

(b) any salmon other than salmon taken by trolling off the Pacific coasts of the United States and Canada west of a line

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**Citation:* TIAS 7676.
Termination Date: April 24, 1975.

joining Bonilla Point and Tatoosh Island; north of a line projected due west from Carroll Island (latitude 48° 00.3′ North, longitude 124° 43.3′ West) and south of a line projected from Bonilla Point to the intersection of the outer limits of the reciprocal fishing areas of the United States and Canada (latitude 48° 29.7′ North, longitude 125° 00.7′ West);

(c) any black cod other than:

(i) a catch not to exceed 30,000 pounds annually taken by longline or pot gear off the west coast of Alaska between lines projected southwest (225° true) from Cape Ommaney and Cape Bingham respectively during the open seasons specified for fishing for black cod in the adjacent territorial sea; and

(ii) a catch not to exceed 15,000 pounds off the west coast of Vancouver Island between lines projected southwest (225° true) from Estevan Point and Cape Scott respectively;

(d) any tuna other than a catch not to exceed 500 tons annually taken south and west of a line projected due east from Chatham Light on Cape Cod. Not more than two Canadian vessels exceeding 150 feet in overall length may take tuna within the area described, and only at such times and in the same general area as that in which United States tuna vessels exceeding 150 feet in overall length are fishing.

Subject to its domestic legislation, each Government will continue to permit transfers of herring between nationals and vessels of the two countries within the reciprocal fishing areas. The Governments agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction.

(3) Nationals and vessels of either country will not initiate fisheries within the reciprocal fishing area of the other country for species which are fully utilized by fishermen of the latter country. If fishermen of either country wish to initiate a fishery within any part of the reciprocal fishing area of the other country for species not fully utilized, their Government will first consult with the other Government and reach an understanding concerning conditions for such a fishery.

(4) Regulations established by one country pertaining to the taking or possession of fish within its reciprocal fishing area shall apply equally to the nationals and vessels of both countries operating within such area; in areas of the reciprocal fishing area of Canada in which Canadian domestic regulation at present prohibits trawl fishing by vessels exceeding 65 feet in length, such fishing by United States vessels exceeding 65 feet is also prohibited. These regulations shall be enforced by the Government which issued them. Should either Government consider it necessary to alter such fishery regulations, that Government shall notify the other Government of such proposed changes 60 days in advance of their application. Should such changes in fishery regulations require major changes in fishing gear, an adequate period of time, up to one year, will be afforded the nationals and vessels of the other country to adapt to such changes prior to their application.

(5) The two Governments recognize the desirability of coordinating their regulations for certain salmon fisheries and agree as follows:

(a) the appropriate fishery management authorities of the two countries shall consult frequently with a view to co-ordinating the regulatory measures to be applied by them to the fisheries for coho and chum salmon in British Columbia Statistical Area 20 and Statistical Areas 1 and 2 of the Washington State Department of Fisheries;

(b) with respect to the chinook salmon fishery in the portion of Washington State Statistical Area 1 bounded on the north by the international boundary, on the east by the low-water line bordering the western and southern shores of Point Roberts peninsula, on the south by a line projected from Lily Point to Georgina Point on Mayne Island between Lily Point and its point of intersection with the boundary line, and on the west by the international boundary and, with respect to the chinook salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of co-ordinating regulations regarding the open fishing days for the two specified areas. The Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials. The United States officials shall, to the extent consistent with the needs of the United States fishery, designate the same open fishing days for the specified United States area as are designated for the specified Canadian area and shall, in any case, designate the same number of open, fishing days as designated for the specified Canadian area;

(c) with respect to the chum salmon fishery in the section of Washington State Statistical Area 1 westward of Point Roberts peninsula, bounded on the north by the international boundary, on the east by the low-water line of Point Roberts peninsula, and by a line projected from Iverson Dock (Point Roberts) to Turning Point No. 1 of the boundary line in latitude 49°00′08.87″ North and longitude 123°19′17.18″ West, and with respect to the chum salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of coordinating regulations regarding the open fishing days for the two specified areas. The following provisions shall be applicable from a date agreed by the appropriate fisheries officials of the two countries, which date shall be no earlier than the fifth and no later than the fifteenth of October:

(i) the Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials;

(ii) the United States officials shall designate the same open fishing days for the specific United States area as are set for the specified Canadian area.

(6) The two Governments recognize the importance of maintaining the fishery resources in their reciprocal fishing areas at appropriate levels. Both Governments agree to continue and expand co-operation in both national and joint research programs on species of common interest off their coasts. The appropriate agencies of the two

Governments will arrange for exchanges and periodic joint reviews of scientific information.

(7) Nothing in this Agreement shall prejudice the claims or views of either of the parties concerning internal waters, territorial waters, or jurisdiction over fisheries or the resources of the continental shelf; further, nothing in this Agreement shall affect either bilateral or multilateral agreements to which either Government is a party.

(8) This Agreement shall enter into force on June 16, 1973, and shall remain in force until April 24, 1974. Representatives of the two Governments shall consult prior to expiration of the period of validity of this Agreement with a view to possible amendment and/or extension. However, if the Government of Canada gives notice to the Government of the United States of America of intent to extend its surflines off the west coast of Vancouver Island, and/or extends the troll season for salmon off the west coast of Vancouver Island, the Government of the United States of America may give notice of termination of the Agreement, which termination shall take effect 60 days after the giving of such notice.

In witness whereof the respective representatives have signed this Agreement.

Done in two copies at Ottawa this 15th day of June 1973, in the English and French languages, each language version being equally authentic.

* * * * * * *

For the Government of the United States of America:

Adolph W. Schmidt [signature].

For the Government of Canada:

K. C. Lucas [signature].

1. EXTENSION, APRIL 24, 1974, AND MAY 8, 1974*

Effected by exchange of notes Signed at Ottawa April 24, 1974; Entered into force April 24, 1974. And exchange of notes Signed at Ottawa May 8, 1974; Entered into force May 8, 1974.

The Canadian Secretary of State for External Affairs to the American Ambassador

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS

SECRÉTAIRE D'ETAT AUX AFFAIRES EXTÉRIEURES

CANADA

No. 475

OTTAWA, *April 24, 1974.*

EXCELLENCY,

I have the honour to refer to the agreement between the Government of Canada and the Government of the United States of America on reciprocal fishing privileges in certain areas off their coasts, done at Ottawa on June 15, 1973.[1]

Paragraph eight (8) of that agreement provides that it shall remain in force until April 24, 1974, and that representatives of the two governments shall consult prior to the expiration of the period of its validity with a view to possible amendment and/or extension.

Such consultation has taken place, and the Government of Canada considers it desirable to extend the agreement for a further period of time. I, therefore, have the honour to propose, on behalf of the Government of Canada, that this agreement be extended for 14 days from April 24, 1974.

I have the honour further to propose that, if acceptable, this note, which is authentic in English and in French, and your Excellency's reply to that effect shall constitute an agreement between our two governments, which shall enter into force on the date of your reply.

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

MITCHELL SHARP,
Secretary of State for External Affairs.

His Excellency the Honourable WILLIAM J. PORTER,
Ambassador of the United States of America,
Ottawa.

**Citation:* TIAS 7818.
Termination Date: April 24, 1974.
[1] TIAS 7676; 24 UST 1729.

The American Ambassador to the Canadian Secretary of State for External Affairs

No. 68 OTTAWA, *April 24, 1974*

SIR:

I have the honor to refer to your note of April 24, 1974 proposing the extension for a period of fourteen days from April 24, 1974, of the agreement between the Government of the United States of America and the Government of Canada on reciprocal fishing privileges in certain areas off their coast, signed at Ottawa on June 15, 1973.

In reply, I have the honor to inform you that the proposal set forth in your note is acceptable to the Government of the United States of America, which agrees that your note, which is authentic in English and French, and this reply, shall constitute an agreement between our two governments, which shall enter into force on the date of this reply.

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

WILLIAM J. PORTER

The Honourable
Mitchell Sharp, P.C.,
Secretary of State for External Affairs,
Ottawa.

The Canadian Secretary of State for External Affairs to the American Ambassador

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS — SECRÉTAIRE D'ETAT AUX AFFAIRES EXTÉRIEURES

CANADA

No. 550 OTTAWA, K1A 0G2, *May 8, 1974*

EXCELLENCY,

I have the honour to refer to the agreement between the Government of Canada and the Government of the United States of America on reciprocal fishing privileges in certain areas off their coasts, done at Otttawa on June 15, 1973, and now due to expire on May 8, 1974.

Paragraph eight (8) of that agreement provides that representatives of the two governments shall consult prior to the expiration of the period of its validity with a view to possible amendment and/or extension.

Such consultation has taken place, and the Government of Canada considers it desirable to extend the agreement for a further period of time. I, therefore, have the honour to propose, on behalf of the Government of Canada, that this agreement be extended to April 24, 1975.

I have the honour further to propose that, if acceptable, this note, which is authentic in English and in French, and your Excellency's reply to that effect shall constitute an agreement between our two governments, which shall enter into force on the date of your reply.

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

MITCHELL SHARP
Secretary of State
for External Affairs

His Excellency the Honourable WILLIAM J. PORTER,
Ambassador of the United States of America,
Ottawa.

The American Ambassador to the Canadian Secretary of State for External Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
OTTAWA, *May 8, 1974*

No. 85

SIR:

I have the honor to refer to your note of May 8, 1974 proposing the extension to April 24, 1975, of the agreement between the Government of the United States of America and the Government of Canada on reciprocal fishing privileges in certain areas off their coasts, signed at Ottawa on June 15, 1973.

In reply, I have the honor to inform you that the proposal set forth in your note is acceptable to the Government of the United States of America, which agrees that your note, which is authentic in English and French, and this reply, shall constitute an agreement between our two governments, which shall enter into force on the date of this reply.

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

WILLIAM J. PORTER

The Honorable
MITCHELL SHARP, P.C.,
Secretary of State for
External Affairs,
Ottawa.

2. MIGRATORY BIRDS

a. Convention for the Protection of Migratory Birds, August 16, 1916*

Signed at Washington August 16, 1916; Ratification advised by the Senate August 29, 1916; Ratified by the President September 1, 1916; Ratified by Great Britain October 20, 1916; Ratifications exchanged at Washington December 7, 1916; Proclaimed December 8, 1916.

[Pertaining to Canada]

I. Migratory birds included in terms of convention.
II. Close seasons.
III. Close season on specified migratory game birds for 10 years.
IV. Special protection for wood and eider ducks.
V. Taking of nests or eggs prohibited.
VI. Shipment or export of migratory birds or their eggs.
VII. Permits to kill migratory birds in particular communities.
VIII. Measures for executing convention.
IX. Ratification; duration.

Whereas, Many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas, Many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

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*Citation: 39 Stat. 1702; TS 628; III Redmond 2645.
Implementing legislation: Migratory Bird Treaty Act of 1918, as amended; Public Law 65–186 [S. 1553], 40 Stat. 755, approved July 3, 1918; as amended by Public Law 74–728 [S. 4584], 49 Stat. 1555, approved June 20, 1936; Reorganization Plan No. II, 1939, 53 Stat. 1433, effective July 1, 1939; Public Law 86–732 [H.R. 12533], 74 Stat. 866, approved September 8, 1960; Public Law 91–135 [H.R. 11363], 83 Stat. 282, approved December 5, 1969; Public Law 93–300 [H.R. 10942], 88 Stat. 190, approved June 1, 1974.

His Britannic Majesty, The Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds:

(*a*) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(*b*) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(*c*) Rallidae or rails, including coots, gallinules and sora and other rails.

(*d*) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.

(*e*) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds:

Bobolinks, catbirds, chicadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds:

Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Article II

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets guillemots, murres and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

ARTICLE III

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons in cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

ARTICLE IV

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

ARTICLE VI

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE VII

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold or offered for sale.

ARTICLE VIII

The High Contracting Powers agree themselves to take, or propose to their respecting appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

ARTICLE IX

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Brittanic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.] ROBERT LANSING.
[SEAL.] CECIL SPRING RICE.

3. POLLUTION

a. Agreement on Great Lakes Water Quality with Annexes, April 15, 1972*

Signed at Ottawa April 15, 1972; Entered into force April 15, 1972.

The Government of the United States of America and the Government of Canada,

Determined to restore and enhance water quality in the Great Lakes System;

Seriously concerned about the grave deterioration of water quality on each side of the boundary to an extent that is causing injury to health and property on the other side, as described in the 1970 report of the International Joint Commission on Pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River;

Intent upon preventing further pollution of the Great Lakes System owing to continuing population growth, resource development and increasing use of water;

Reaffirming in a spirit of friendship and cooperation the rights and obligations of both countries under the Boundary Waters Treaty signed on January 11, 1909, [1] and in particular their obligation not to pollute boundary waters;

Recognizing the rights of each country in the use of its Great Lakes waters;

Satisfied that the 1970 report of the International Joint Commission provides a sound basis for new and more effective cooperative actions to restore and enhance water quality in the Great Lakes System;

Convinced that the best means to achieve improved water quality in the Great Lakes System is through the adoption of common objectives, the development and implementation of cooperative programs and other measures, and the assignment of special responsibilities and functions to the International Joint Commission;

Have agreed as follows:

Article I

DEFINITIONS

As used in this Agreement:

(a) "Boundary waters of the Great Lakes System" or "boundary waters" means boundary waters, as defined in the Boundary Waters Treaty, that are within the Great Lakes System;

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*Citation: 23 UST 301; TIAS 7312.

[1] TS 548; 36 Stat. 2448.

(b) "Boundary Waters Treaty" means the Treaty between the United States and Great Britain Relating to Boundary Waters, and Questions Arising Between the United States and Canada, signed at Washington on January 11, 1909;

(c) "Compatible regulations" means regulations no less restrictive than agreed principles;

(d) "Great Lakes System" means all of the streams, rivers, lakes and other bodies of water that are within the drainage basin of the St. Lawrence River at or upstream from the point at which this river becomes the international boundary between Canada and the United States;

(e) "Harmful quantity" means any quantity of a substance that if discharged into receiving waters would be inconsistent with the achievement of the water quality objectives;

(f) "Hazardous polluting substance" means any element or compound identified by the Parties which, when discharged in any quantity into or upon receiving waters or adjoining shorelines, presents an imminent and substantial danger to public health or welfare; for this purpose, "public health or welfare" encompasses all factors affecting the health and welfare of man including but not limited to human health, and the conservation and protection of fish, shellfish, wildlife, public and private property, shorelines and beaches;

(g) "International Joint Commission" or "Commission" means the International Joint Commission established by the Boundary Waters Treaty;

(h) "Phosphorus" means the element phosphorus present as a constituent of various organic and inorganic complexes and compounds;

(i) "Specific water quality objective" means the level of a substance or physical effect that the Parties agree, after investigation, to recognize as a maximum or minimum desired limit for a defined body of water or portion thereof, taking into account the beneficial uses of the water that the Parties desire to secure and protect;

(j) "State and Provincial Governments" means the Governments of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Government of the Province of Ontario;

(k) "Tributary waters of the Great Lakes System" or "tributary waters" means all the waters of the Great Lakes System that are not boundary waters;

(l) "Water quality objectives" means the general water quality objectives adopted pursuant to Article II of this Agreement and the specific water quality objectives adopted pursuant to Article III of this Agreement.

Article II

General Water Quality Objectives

The following general water quality objectives for the boundary waters of the Great Lakes System are adopted. These waters should be:

(a) Free from substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise

objectionable sludge deposits, or that will adversely affect aquatic life or waterfowl;

(b) Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or deleterious;

(c) Free from materials entering the waters as a result of human activity producing colour, odour or other conditions in such a degree as to create a nuisance;

(d) Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life;

(e) Free from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae.

Article III

SPECIFIC WATER QUALITY OBJECTIVES

1. The specific water quality objectives for the boundary waters of the Great Lakes System set forth in Annex 1 are adopted.

2. The specific water quality objectives may be modified and additional specific water quality objectives for the boundary waters of the Great Lakes System or for particular sections thereof may be adopted by the Parties in accordance with the provisions of Articles IX and XII of this Agreement.

3. The specific water quality objectives adopted pursuant to this Article represent the minimun desired levels of water quality in the boundary waters of the Great Lakes System and are not intended to preclude the establishment of more stringent requirements.

4. Notwithstanding the adoption of specific water quality objectives, all reasonable and practicable measures shall be taken to maintain the levels of water quality existing at the date of entry into force of this Agreement in those areas of the boundary waters of the Great Lakes System where such levels exceed the specific water quality objectives.

Article IV

STANDARDS AND OTHER REGULATORY REQUIREMENTS

Water quality standards and other regulatory requirements of the Parties shall be consistent with the achievement of the water quality objectives. The Parties shall use their best efforts to ensure that water quality standards and other regulatory requirements of the State and Provincial Governments shall similarly be consistent with the achievement of the water quality objectives.

Article V

PROGRAMS AND OTHER MEASURES

1. Programs and other measures directed toward the achievement of the water quality objectives shall be developed and implemented as soon as practicable in accordance with legislation in the two countries. Unless otherwise agreed, such programs and other measures shall be

either completed or in process of implementation by December 31, 1975. They shall include the following:

(a) *Pollution from Municipal Sources.* Programs for the abatement and control of discharges of municipal sewage into the Great Lakes System including:

(i) construction and operation in all municipalities having sewer systems of waste treatment facilities providing levels of treatment consistent with the achievement of the water quality objectives, taking into account the effects of waste from other sources;

(ii) provision of financial resources to assist prompt construction of needed facilities;

(iii) establishment of requirements for construction and operating standards for facilities;

(iv) measures to find practical solutions for reducing pollution from overflows of combined storm and sanitary sewers;

(v) monitoring, surveillance and enforcement activities necessary to ensure compliance with the foregoing programs and measures.

(b) *Pollution from Industrial Sources.* Programs for the abatement and control of pollution from industrial sources, including:

(i) establishment of waste treatment or control requirements for all industrial plants discharging waste into the Great Lakes System, to provide levels of treatment or reduction of inputs of substances and effects consistent with the achievement of the water quality objectives, taking into account the effects of waste from other sources;

(ii) requirements for the substantial elimination of discharges into the Great Lakes System of mercury and other toxic heavy metals;

(iii) requirements for the substantial elimination of discharges into the Great Lakes System of toxic persistent organic contaminants;

(iv) requirements for the control of thermal discharges;

(v) measures to control the discharge of radioactive materials into the Great Lakes System;

(vi) monitoring, surveillance and enforcement activities necessary to ensure compliance with the foregoing requirements and measures.

(c) *Eutrophication.* Measures for the control of inputs of phosphorous and other nutrients including programs to reduce phosphorous inputs, in accordance with the provisions of Annex 2.

(d) *Pollution from Agricultural, Forestry and Other Land Use Activities.* Measures for the abatement and control of pollution from agricultural, forestry and other land use activities, including:

(i) measures for the control of pest control products with a view to limiting inputs into the Great Lakes System, including regulations to ensure that pest control products judged to have long term deleterious effects on the quality of water or its biotic components shall be used only as authorized by the responsible regulatory agencies, and that pest control products shall not be applied directly to water except in accord-

ance with the requirements of the responsible regulatory agencies;

(ii) measures for the abatement and control of pollution from animal husbandry operations, including encouragement to apropriate regulatory agencies to adopt regulations governing site selection and disposal of liquid and solid wastes in order to minimize the loss of pollutants to receiving waters;

(iii) measures governing the disposal of solid wastes and contributing to the achievement of the water quality objectives, including encouragement to appropriate regulatory agencies to ensure proper location of land fill and land dumping sites and regulations governing the disposal of land of hazardous polluting substances;

(iv) advisory programs and measures that serve to abate and control inputs of nutrients and sediments into receiving waters from agricultural, forestry and other land use activities.

(e) *Pollution from Shipping Activities.* Measures for the abatement and control of pollution from shipping sources, including:

(i) programs and compatible regulations for vessel design, construction and operation, to prevent discharges of harmful quantities of oil and hazardous polluting substances, in accordance with the principles set forth in Annex 3;

(ii) compatible regulations for the control of vessel waste discharges in accordance with the principles set forth in Annex 4;

(iii) such compatible regulations to abate and control pollution from shipping sources as may be deemed desirable in the light of studies to be undertaken in accordance with the terms of references set forth in Annex 5;

(iv) programs for the safe and efficient handling of shipboard generated wastes, including oil, hazardous polluting substances, garbage, waste water and sewage, and their subsequent disposal, including any necessary compatible regulations relating to the type, quantity and capacity of shore reception facilities;

(v) establishment of a coordinated system for the surveillance and enforcement of regulations dealing with the abatement and control of pollution from shipping activities.

(f) *Pollution from Dredging Activities.* Measures for the abatement and control of pollution from dredging activities, including the development of criteria for the identification of polluted dredged spoil and compatible programs for disposal of polluted dredged spoil, which shall be considered in the light of the review provided for in Annex 6; pending the development of compatible criteria and programs, dredging operations shall be conducted in a manner that will minimize adverse effects on the environment.

(g) *Pollution from Onshore and Offshore Facilities.* Measures for the abatement and control of pollution from onshore and offshore facilities, including programs and compatible regulations for the prevention of discharges of harmful quantities of oil and hazardous polluting substances, in accordance with the principles set forth in Annex 7.

(h) *Contingency Plan.* Maintenance of a joint contingency plan for use in the event of a discharge or the imminent threat of a discharge of oil or hazardous polluting substances, in accordance with the provisions of Annex 8.

(i) *Hazardous Polluting Substances.* Consultation within one year from the date of entry into force of this Agreement for the purpose of developing an Annex identifying hazardous polluting substances; the Parties shall further consult from time to time for the purpose of identifying harmful quantities of these substances and of reviewing the definition of "harmful quantity of oil" set forth in Annexes 3 and 7.

2. The Parties shall develop and implement such additional programs as they jointly decide are necessary and desirable for the achievement of the water quality objectives.

3. The programs and other measures provided for in this Article shall be designed to abate and control pollution of tributary waters where necessary or desirable for the achievement of the water quality objectives for the boundary waters of the Great Lakes System.

Article VI

Powers, responsibilities and functions of the International Joint Commission

1. The International Joint Commission shall assist in the implementation of this Agreement. Accordingly, the Commission is hereby given, pursuant to Article IX of the Boundary Waters Treaty, the following responsibilities:

(a) Collation, analysis and dissemination of data and information supplied by the Parties and State and Provincial Governments relating to the quality of the boundary waters of the Great Lakes System and to pollution that enters the boundary waters from tributary waters;

(b) Collection, analysis and dissemination of data and information concerning the water quality objectives and the operation and effectiveness of the programs and other measures established pursuant to this Agreement;

(c) Tendering of advice and recommendations to the Parties and to the State and Provincial Governments on problems of the quality of the boundary waters of the Great Lakes System, including specific recommendations concerning the water quality objectives, legislation, standards and other regulatory requirements, programs and other measures, and intergovernmental agreements relating to the quality of these waters;

(d) Provision of assistance in the coordination of the joint activities envisaged by this Agreement, including such matters as contingency planning and consultation on special situations;

(e) Provision of assistance in the coordination of Great Lakes water quality research, including identification of objectives for research activities, tendering of advice and recommendations concerning research to the Parties and to the State and Provincial Governments and dissemination of information concerning research to interested persons and agencies;

(f) Investigations of such subjects related to Great Lakes water quality as the Parties may from time to time refer to it. At the time of signature of this Agreement, the Parties are requesting the Commission to enquire into and report to them upon:

(i) pollution of the boundary waters of the Great Lakes System from agricultural, forestry and other land use activities, in accordance with the terms of reference attached to this Agreement;

(ii) actions needed to preserve and enhance the quality of the waters of Lake Huron and Lake Superior in accordance with the terms of reference attached to this Agreement.

2. In the discharge of its responsibilities under this Agreement, the Commission may exercise all of the powers conferred upon it by the Boundary Waters Treaty and by any legislation passed pursuant thereto, including the power to conduct public hearings and to compel the testimony of witnesses and the production of documents.

3. The Commission shall make a report to the Parties and to the State and Provincial Governments no less frequently than annually concerning progress toward the achievement of the water quality objectives. This report shall include an assessment of the effectiveness of the programs and other measures undertaken pursuant to this Agreement, and advice and recommendations. The Commission may at any time make special reports to the Parties, to the State and Provincial Governments and to the public concerning any problem of water quality in the Great Lakes System.

4. The Commission may in its discretion publish any report, statement or other document prepared by it in the discharge of its functions under this Agreement.

5. The Commission shall have authority to verify independently the data and other information submitted by the Parties and by the State and Provincial Governments through such tests or other means as appear appropriate to it, consistent with the Boundary Waters Treaty and with applicable legislation.

Article VII

JOINT INSTITUTIONS

1. The International Joint Commission shall establish a Great Lakes Water Quality Board to assist it in the exercise of the powers and responsibilities assigned to it under this Agreement. Such Board shall be composed of an equal number of members from Canada and the United States, including representation from the Parties and from each of the State and Provincial Governments. The Commission shall also establish a Research Advisory Board in accordance with the terms of reference attached to this Agreement. The members of the Great Lakes Water Quality Board and the Research Advisory Board shall be appointed by the Commission after consultation with the appropriate government or governments concerned. In addition, the Commission shall have the authority to establish as it may deem appropriate such subordinate bodies as may be required to undertake specific tasks, as well as a regional office, which may be located in the basin of the Great Lakes System, to assist it in the discharge of its functions under this Agreement. The Commission shall also consult

the Parties about the site and staffing of any regioanl office that might be established.

2. The Commission shall submit an annual budget of anticipated expenses to be incurred in carrying out its responsibilities under this Agreement to the Parties for approval. Each Party shall seek funds to pay one-half of the annual budget so approved, but neither Party shall be under an obligation to pay a larger amount than the other toward this budget.

Article VIII

SUBMISSION AND EXCHANGE OF INFORMATION

1. The International Joint Commission shall be given at its request any data or other information relating to the quality of the boundary waters of the Great Lakes System in accordance with procedures to be established, within three months of the entry into force of this Agreement or as soon thereafter as possible, by the Commission in consultation with the Parties and with the State and Provincial Governments.

2. The Commission shall make available to the Parties and to the State and Provincial Governments upon request all data or other information furnished to it in accordance with this Article.

3. Each Party shall make available to the other at its request any data or other information in its control relating to the quality of the waters of the Great Lakes System.

4. Notwithstanding any other provision of this Agreement, the Commission shall not release without the consent of the owner any information identified as proprietary information under the law of the place where such information has been acquired.

Article IX

CONSULTATION AND REVIEW

1. Following the receipt of each report submitted to the Parties by the International Joint Commission in accordance with paragraph 3 of Article VI of this Agreement, the Parties shall consult on the recommendations contained in such report and shall consider such action as may be appropriate, including:

(a) The modification of existing water quality objectives and the adoption of new objectives;

(b) The modification or improvement of programs and joint measures;

(c) The amendment of this Agreement or any annex thereto.

Additional consultations may be held at the request of either Party on any matter arising out of the implementation of this Agreement.

2. When a Party becomes aware of a special pollution problem that is of joint concern and requires an immediate response, it shall notify and consult the other Party forthwith about appropriate remedial action.

3. The Parties shall conduct a comprehensive review of the operation and effectiveness of this Agreement during the fifth year after its coming into force. Thereafter, further comprehensive reviews shall be conducted upon the request of either Party.

Article X

IMPLEMENTATION

1. The obligations undertaken in this Agreement shall be subject to the appropriation of funds in accordance with the constitutional procedures of the Parties.

2. The Parties commit themselves to seek:

(a) The appropriation of the funds required to implement this Agreement, including the funds needed to develop and implement the programs and other measures provided for in Article V, and the funds required by the International Joint Commission to carry out its responsibilities effectively;

(b) The enactment of any additional legislation that may be necessary in order to implement the programs and other measures provided for in Article V;

(c) The cooperation of the State and Provincial Governments in all matters relating to this Agreement.

Article XI

EXISTING RIGHTS AND OBLIGATIONS

Nothing in this Agreement shall be deemed to diminish the rights and obligations of the Parties as set forth in the Boundary Waters Treaty.

Article XII

AMENDMENT

This Agreement and the Annexes thereto may be amended by agreement of the Parties. The Annexes may also be amended as provided therein, subject to the requirement that such amendments shall be within the scope of this Agreement.

Article XIII

ENTRY INTO FORCE AND TERMINATION

This Agreement shall enter into force upon signature by the duly authorized representatives of the Parties, and shall remain in force for a period of five years and thereafter until terminated upon twelve months' notice given in writing by one of the Parties to the other.

IN WITNESS WHEREOF the Representatives of the two Governments have signed this Agreement.

DONE in two copies at Ottawa this fifteenth day of April 1972 in English and French, each version being equally authentic.

RICHARD NIXON,
WILLIAM P. ROGERS,
For the Government of the United States of America.

P. E. TRUDEAU,
MITCHELL SHARP,
For the Government of Canada.

Annex 1

SPECIFIC WATER QUALITY OBJECTIVES

1. *Specific Objectives.* The specific water quality objectives for the boundary waters of the Great Lakes System are as follows:

(a) *Microbiology.* The geometric mean of not less than five samples taken over not more than a thirty-day period should not exceed 1,000/100 millilitres total coliforms, nor 200/100 millilitres fecal coliforms. Waters used for body contact recreation activities should be substantially free from bacteria, fungi, or viruses that may produce enteric disorders or eye, ear, nose, throat and skin infections or other human diseases and infections.

(b) *Dissolved Oxygen.* In the Connecting Channels and in the upper waters of the Lakes, the dissolved oxygen level should be not less than 6.0 milligrams per litre at any time; in hypolimnetic waters, it should be not less than necessary for the support of fish-life, particularly cold water species.

(c) *Total Dissolved Solids.* In Lake Erie, Lake Ontario and the International Section of the St. Lawrence River, the level of total dissolved solids should not exceed 200 milligrams per litre. In the St. Clair River, Lake St. Clair, the Detroit River and the Niagara River, the level should be consistent with maintaining the levels of total dissolved solids in Lake Erie and Lake Ontario at not to exceed 200 milligrams per litre. In the remaining boundary waters, pending further study, the level of total dissolved solids should not exceed present levels.

(d) *Taste and Odour.* Phenols and other objectionable taste and odour producing substances should be substantially absent.

(e) *pH.* Values should not be outside the range of 6.7 to 8.5.

(f) *Iron (Fe).* Levels should not exceed 0.3 milligrams per litre.

(g) *Phosphorus (P).* Concentrations should be limited to the extent necessary to prevent nuisance growths of algae, weeds and slimes that are or may become injurious to any beneficial water use.

(h) *Radioactivity.* Radioactivity should be kept at the lowest practicable levels and in any event should be controlled to the extent necessary to prevent harmful effects on health.

2. *Interim Objectives.* Until objectives for particular substances and effects in the classes described in this paragraph are further refined, the objectives for them are as follows:

(a) *Temperature.* There should be no change that would adversely affect any local or general use of these waters.

(b) *Mercury and Other Toxic Heavy Metals.* The aquatic environment should be free from substances attributable to municipal, industrial or other discharges in concentrations that are toxic or harmful to human, animal or aquatic life.

(c) *Persistent Organic Contaminants.* Persistent pest control products and other persistent organic contaminants that are toxic or harmful to human, animal or acquatic life should be substantially absent in the waters.

(d) *Settleable and Suspended Materials.* Waters should be free from substances attributable to municipal, industrial or other discharges that will settle to form putrescent or otherwise objection-

able sludge deposits, or that will adversely affect aquatic life or waterfowl.

(e) *Oil, Petrochemicals and Immiscible Substances.* Waters should be free from floating debris, oil, scum and other floating materials attributable to municipal, industrial or other discharges in amounts sufficient to be unsightly or deleterious.

3. *Non-degradation.* Notwithstanding the adoption of specific water quality objectives, all reasonable and practicable measures shall be taken in accordance with paragraph 4 of Article III of the Agreement to maintain the levels of water quality existing at the date of entry into force of the Agreement in those areas of the boundary waters of the Great Lakes System where such levels exceed the specific water quality objectives.

4. *Sampling Data.* The Parties agree that the determination of compliance with specific objectives shall be based on statistically valid sampling data.

5. *Mixing Zones.* The responsible regulatory agencies may designate restricted mixing zones in the vicinity of outfalls within which the specific water quality objectives shall not apply. Mixing zones shall not be considered a substitute for adequate treatment or control of discharges at their source.

6. *Localized Areas.* There will be other restricted, localized areas, such as harbours, where existing conditions such as land drainage and land use will prevent the objectives from being met at least over the short term; such areas, however, should be identified specifically and as early as possible by the responsible regulatory agencies and should be kept to a minimum. Pollution from such areas shall not contribute to the violation of the water quality objectives in the waters of the other Party. The International Joint Commission shall be notified of the identification of such localized areas, in accordance with Article VIII.

7. *Consultation.* The Parties agree to consult within one year from the date of entry into force of the Agreement, for the purpose of considering:

(a) Specific water quality objectives for the following substances:

Ammonia	Lead
Arsenic	Mercury
Barium	Nickel
Cadmium	Oil
Chloride	Organic chemicals
Chromium	Phenols
Copper	Selenium
Cyanide	Sulphate
Fluoride	Zinc

(b) Refined objectives for radioactivity and temperature; for radioactivity the objective shall be considered in the light of the recommendations of the International Commission on Radiation Protection.

8. *Amendment.*

(a) The objectives adopted herein shall be kept under review and may be amended by mutual agreement of the Parties.

(b) Whenever the International Joint Commission, acting pursuant to Article VI of the Agreement, shall recommend the estab-

lishment of new or modified specific water quality objectives, this Annex shall be amended in accordance with such recommendation on the receipt by the Commission of a letter from each Party indicating its agreement with the recommendation.

Annex 2

CONTROL OF PHOSPHORUS

1. *Programs.* Programs shall be developed and implemented to reduce inputs of phosphorus to the Great Lakes System. These programs shall include:

(a) Construction and operation of waste treatment facilities to remove phosphorus from municipal sewage;

(b) Regulatory measures to require industrial dischargers to remove phosphorus from wastes to be discharged into the Great Lakes System;

(c) Regulatory and advisory measures to control inputs of phosphorus through reduction of waste discharges attributable to animal husbandry operations.

In addition, programs may include regulations limiting or eliminating phosphorus from detergents sold for use within the basin of the Great Lakes System.

2. *Effluent Requirements.* The phosphorus concentrations in effluent from municipal waste treatment plants discharging in excess of one million gallons per day, and from smaller plants as required by regulatory agencies, shall not exceed a daily average of one milligram per litre into Lake Erie, Lake Ontario and the International Section of the St. Lawrence River.

3. *Industrial Discharges.* Waste treatment or control requirements for all industrial plants discharging wastes into the Great Lakes System shall be designed to achieve maximum practicable reduction of phosphorus discharges to Lake Erie, Lake Ontario and the International Section of the St. Lawrence River.

4. *Reductions for Lower Lakes.* These programs are designed to attain reductions in gross inputs of phosphorus to Lake Erie and Lake Ontario of the quantities indicated in the following tables for the years indicated.

TABLE 1.—ANNUAL PHOSPHORUS LOADINGS AND REDUCTIONS IN LOADINGS TO LAKE ERIE (INCLUDING LAKE ST. CLAIR AND THE ST. CLAIR AND DETROIT RIVERS)

[Short tons per year]

	1971	1972	1973	1974	1975	1976
United States:						
Baseload	25,800	26,400	27,000	27,600	28,300	28,800
Reduction	100	5,200	9,800	15,100	16,000	17,300
Residual load	25,700	21,200	17,200	12,500	12,300	11,500
Canada:						
Baseload	3,300	3,300	3,400	3,500	3,500	3,600
Reduction	100	100	600	1,400	1,400	1,400
Residual load	3,200	3,200	2,800	2,100	2,100	2,200
Input from Lake Huron	2,300	2,300	2,300	2,400	2,400	2,400
Totals:						
Baseload	31,400	32,000	32,700	33,500	34,200	34,800
Reduction	200	5,300	10,400	16,500	17,400	18,700
Residual load	31,200	26,700	22,300	17,000	16,800	16,100

TABLE 2.—ANNUAL PHOSPHOROUS LOADINGS AND REDUCTIONS IN LOADINGS TO LAKE ONTARIO (INCLUDING THE NIAGARA RIVER)

[Short tons per year]

	1971	1972	1973	1974	1975	1976
United States:						
Baseload	6,900	7,000	7,200	7,400	7,600	7,700
Reduction		500	500	2,100	3,800	5,100
Residual load	6,900	6,500	6,700	5,300	3,800	2,600
Canada:						
Baseload	6,700	6,900	7,000	7,000	7,100	7,200
Reduction	400	400	1,800	1,800	1,800	4,600
Residual load	6,300	6,500	5,200	5,200	5,300	2,600
Input from Lake Erie	4,800	4,800	4,800	4,800	4,800	4,800
Totals:						
Baseload	18,400	18,700	19,000	19,200	19,500	19,700
Reduction	400	900	2,300	3,900	5,600	9,700
Residual load	18,000	17,800	16,700	15,300	13,900	10,000

5. *Reservation.* The amounts shown as "residual loads" in Tables 1 and 2 above do not constitute allocations to the two countries, but represent anticipated results of municipal and industrial waste reduction and detergent phosphorus control programs.

6. *Refinement of Data.* The residual loads are based upon best available data. The Parties, in cooperation with the State and Provincial Governments and with the International Joint Commission, shall continue to refine these estimates to ensure a comparable data base. These estimates are subject to revision upon agreement by the Parties to reflect future refinement of the data.

7. *Objective of Programs.* The objective of the foregoing programs is to minimize eutrophication problems in the Great Lakes System. It is anticipated that successful implementation of these programs will accomplish the following results, which are of critical importance to the success of the joint undertaking to preserve and enhance the quality of the waters of the Great Lakes System:

(a) Restoration of year-round aerobic conditions in the bottom waters of the central basin of Lake Erie;

(b) Reduction in present levels of algal growth in Lake Erie;

(c) Reduction in present levels of algal growth in Lake Ontario, including the International Section of the St. Lawrence River;

(d) Stabilization of Lake Superior and Lake Huron in their present oligotrophic state.

It is nevertheless recognized that additional measures and programs may be required to minimize eutrophication problems in the future. Available evidence suggests that reductions in phosphorus loadings to achieve a net discharge to Lake Erie in the range of 8,000 to 11,000 tons per year may be required to bring about mesotrophic conditions in this lake.

8. *Reductions for Upper Lakes.* The Parties, in consultation with the State and Provincial Governments and with the International Joint Commission, shall within one year from the entry into force of the Agreement determine the gross reduction in inputs of phos-

phorus that they agree to seek for Lake Superior and Lake Huron (including the St. Marys River). Pending such agreement, such limitations on municipal and industrial phosphorus discharges as may be required by regulatory agencies to meet loading objectives or to prevent and control eutrophication problems in Lake Superior and Lake Huron shall apply. Any more comprehensive findings resulting from the study by the International Joint Commission of water quality in these lakes shall be taken into account as soon as possible.

9. *Commission Recommendations.* The Parties shall take into account, as soon as available, the recommendations of the International Joint Commission made pursuant to its study of pollution from agricultural, forestry and other land use activities, in order to develop and implement appropriate programs for control of inputs of phosphorus from these sources.

10. *Monitoring.* The Parties, in cooperation with the State and Provincial Governments and with the International Joint Commission, shall continue to monitor the extent of eutrophication in the Great Lakes System and the progress being made in reducing or preventing it. They shall consult periodically to exchange the results of research and to pursue proposals for additional programs to control eutrophication.

11. *Submission of Information.* The International Joint Commission shall be given information at least annually, in accordance with procedures established by the Commission in consultation with the Parties and with the State and Provincial Governments, concerning:

(a) Total reductions in gross inputs of phosphorus achieved as a result of the programs implemented pursuant to this Annex;

(b) Anticipated reductions in gross inputs of phosphorus for the succeeding twelve months.

12. *Review and Modification.* In connection with the first comprehensive joint review of the operation and effectiveness of the Agreement conducted in accordance with paragraph 3 of Article IX thereof, the effects of phosphorus control programs on the Great Lakes System shall be reviewed and further modifications in the programs undertaken pursuant to this Annex shall be considered.

Annex 3

VESSEL DESIGN, CONSTRUCTION AND OPERATION

1. *Definitions.* As used in this Annex:

(a) "Discharge" means the introduction of oil and hazardous polluting substances, including oily bilge-water, into receiving waters and includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting or dumping; it does not include unavoidable direct discharges of oil from a properly functioning vessel engine;

(b) "Harmful quantity of oil" means any quantity of oil that, if discharged into receiving waters, would produce a film or sheen upon, or discoloration of, the surface of the water or adjoining shoreline, or that would cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shoreline;

(c) "Oily wastes" means oil and mixtures containing oil such as oily ballast, tank washing and bilge slops;

(d) "Tanker" means any vessel designed for the carriage of oil or liquid chemicals in bulk;

(e) "Vessel" means any ship, barge or other floating craft, whether or not self-propelled.

2. *Oil.* As used in this Annex, "oil" refers to oil of any kind or in any form, including, but not limited to petroleum, fuel oil, oil sludge, oil refuse, and oil mixed with wastes, but does not include constituents of dredged spoil.

3. *General Principles.* Compatible regulations shall be adopted for the prevention of discharges into the Great Lakes System of harmful quantities of oil and hazardous polluting substances from vessels in accordance with the following principles:

(a) Discharges of harmful quantities of oil or hazardous polluting substances shall be prohibited and made subject to appropriate penalties;

(b) As soon as any person in charge has knowledge of any discharge of harmful quantities of oil or hazardous polluting substances, immediate notice of such discharge shall be given to the appropriate agency in the jurisdiction where the discharge occurs; failure to give this notice shall be made subject to appropriate penalties.

4. *Programs.* The programs and measures to be adopted for the prevention of discharges of harmful quantities of oil shall include the following:

(a) Compatible regulations for design and construction of vessels based on the following principles:

(i) each tanker shall have a suitable means of containing on board cargo oil spills caused by loading or transfer operations;

(ii) each vessel shall have a suitable means of containing on board fuel oil spills caused by loading or transfer operations, including those from tank vents and overflow pipes;

(iii) each vessel shall have a capability of retaining on board oily wastes accumulated during vessel operation;

(iv) each vessel shall be capable of off-loading contained oily wastes to a shore facility.

(b) Compatible regulations for vessel operating procedures based on the following principles:

(i) tankers shall be provided with a means for rapidly and safely stopping the flow of cargo oil during transfer operations in the event of an emergency;

(ii) suitable deck lighting shall be provided to illuminate all cargo and fuel handling areas if the transfer occurs at night;

(iii) hose assemblies used aboard vessels for oil transfer shall be suitably designed, marked and inspected to minimize the possibility of failure;

(iv) oil transfer, loading and off-loading systems shall be designed to minimize the possibility of failure.

(c) Programs to train merchant vessel personnel in all functions involved in the use, handling and stowage of oil and in procedures for abatement of oil pollution.

5. *Additional Measures.* The programs and measures to be adopted for the prevention of discharges of hazardous polluting substances shall use as a guide the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk of the Intergovernmental Maritime Consultative Organization (IMCO). Such programs and measures shall include design and construction features, operating procedures, and merchant vessel personnel qualification standards with respect to handling hazardous polluting substances and pollution abatement. In addition, the programs shall establish compatible regulations for:

(a) Identification and placarding of vessels carrying hazardous polluting substances as well as containers and packages containing hazardous polluting substances when carried by vessels;

(b) Identification in vessel manifests of all hazardous polluting substances carried;

(c) Procedures for notification to responsible authorities of all hazardous polluting substances carried.

Annex 4

VESSEL WASTES

1. *Definitions.* As used in this Annex:

(a) "Garbage" means solid galley waste, paper, rags, plastics, glass, metal, bottles, crockery, junk and similar refuse;

(b) "Sewage" means human or animal waste generated on board ship and includes wastes from water closets, urinals or hospital facilities handling fecal material;

(c) "Vessel" means any ship, barge or other floating craft, whether or not self-propelled;

(d) "Waste water" means water in combination with other substances, including ballast water and water used for washing cargo holds, but excluding water in combination with oil, hazardous polluting substances or sewage.

2. *Compatible Regulations.* The Parties shall adopt within one year from the entry into force of the Agreement regulations governing the disposal of vessel waste in the waters of the Great Lakes System in accordance with principles at least as stringent as the following:

(a) Garbage shall not be discharged by a vessel into these waters;

(b) Waste water shall not be discharged by a vessel into these waters in amounts or in concentrations that will be deleterious;

(c) Every vessel operating in these waters with an installed toilet facility shall be equipped with a device or devices to contain the vessel's sewage, or to incinerate it, or to treat it to an adequate degree.

3. *Critical Use Areas.* Critical use areas of the Great Lakes System may be designated where the discharge of waste water or sewage shall be limited or prohibited.

4. *Containment Devices.* Regulations may be established requiring a device or devices to contain the sewage of pleasure craft or other

classes of vessels operating in the Great Lakes System or designated areas thereof.

Annex 5

STUDIES OF POLLUTION FROM SHIPPING SOURCES

1. *Studies.* The Parties agree that studies of pollution problems in the Great Lakes System that arise in relation to shipping activities shall be undertaken for the purposes of strengthening their programs and other measures for the abatement and control of pollution from shipping sources. Responsibility for the coordination of these studies is assigned to the United States Coast Guard and the Canadian Ministry of Transport. Initially, these studies shall include the following subjects:

(a) *Navigational Equipment.* Determination of minimum safe standards respecting the fitting, maintenance, testing, and use of navigational equipment for both normal and ice operations.

(b) *Traffic Routes for Navigational Purposes.* Review of the existing informal system of traffic routes and determination of their adequacy and effectiveness; determination of the need for additional traffic routes; review of track widths, shifting of tracks, limited tracks, rules of passing, speeds, and similar matters for normal and ice operations; and identification of priorities for needed remedial measures.

(c) *Traffic Control.* Review of existing traffic control systems and determination of their adequacy and effectiveness; determination of the need for additional traffic control systems; review of operations with respect to open waters, harbours, and channels under normal and ice conditions; and identification of priorities for needed remedial measures.

(d) *Manning of Vessels.* Review of existing United States and Canadian competency standards to determine acceptable minimum standards; review of existing foreign competency standards to determine whether they are adequate and effective and equivalent to the United States and Canadian minimum standards; determination of the need for certificated pilots and other officers and for improvement of existing pilot certifications, for special manning regulations for towing vessels, for separate manning standards for ice operations, and for separate manning standards for vessels carrying oil and hazardous polluting substances in periods of adverse weather or in areas of high traffic density.

(e) *Aids to Navigation Systems.* Review of the adequacy and effectiveness of existing aids to navigation systems; determination of the need for additional aids to navigation; and identification of priorities for needed remedial measures.

(f) *Waste Water.* Review of problems arising from the discharge of waste waters, and recommendations for reducing the deleterious effects of such discharges.

(g) *Sewage Treatment Systems for Vessels.* Review of current research and development of systems for the treatment of vessel sewage.

(h) *Loading and Unloading of Grain and Ore.* Review of pollution problems arising from these operations.

2. *Consultation.* Representatives of the United States Coast Guard and Canadian Ministry of Transport together with representatives of other concerned agencies shall meet periodically in order to:

(a) Identify problems requiring further study;

(b) Apportion, as between Canada and the United States, responsibility for various aspects of the studies;

(c) Provide continuing interchange of information with respect to ongoing and proposed projects;

(d) Exchange results of completed projects.

3. *Additional Studies and Results.* The United States Coast Guard and the Canadian Ministry of Transport shall inform the International Joint Commission of any additional subjects that are being studied and of the results of all studies undertaken pursuant to this Annex as they become available.

Annex 6

Identification and Disposal of Polluted Dredged Spoil

1. *Definitions.* As used in this Annex:

(a) "Dredged spoil" means the solid materials removed from the bottom of water bodies generally for the purpose of improving waterways for navigation; these materials may include mud, silt, clay, sand, rock and other solid materials that have been deposited from municipal and industrial discharges and from natural sources;

(b) "Confined area" means an area developed for the deposit of dredge spoil that precludes the return of the dredge spoil to open portions of the waterway; the area may be located in the waterway or on other upland sites and may consist of dikes, levees, bulkheads, cells or any other type structure that will retain the material;

(c) "Open water" means any part of the boundary waters of the Great Lakes System other than a confined area;

(d) "Polluted dredged spoil" means dredged spoil containing harmful quantities of oil, hazardous polluting substances or other deleterious substances as designated by the responsible regulatory agencies.

2. *Review.* Pursuant to arrangements to be made by the International Joint Commission in consultation with the Parties, a working group shall be established to undertake a review of existing dredging practices, programs, laws and regulations with the objective of developing compatible criteria for the characterization of polluted dredged spoil and recommendations for compatible programs governing the disposal of polluted dredged spoil in open water. This review shall be completed within two years from the date of entry into force of the Agreement. The working group shall conduct its study and formulate its recommendations on the basis of the following principles:

(a) Dredging activities should be conducted in a manner that will minimize harmful environmental effects;

(b) All reasonable and practicable measures shall be taken to ensure that dredging activities do not cause a degradation of water quality and bottom sediments;

(c) As soon as practicable, the disposal of polluted dredged spoil in open water should be carried out in a manner consistent with the achievement of the water quality objectives, and should be phased out.

3. *Consultations.* Upon completion of the review provided for in paragraph 2 above, the Parties shall consult pursuant to Article IX of the Agreement to consider and act upon the recommendations of the working group.

4. *Interim Actions.* Pending the development of compatible criteria and programs:

(a) Dredged spoil found by the appropriate regulatory agencies to be polluted shall be disposed of in confined areas when they are available;

(b) The responsible agencies shall continue efforts to develop sites for confined areas.

Annex 7

Discharges from Onshore and Offshore Facilities

1. *Definitions.* As used in this Annex:

(a) "Discharge" means the introduction of oil or hazardous polluting substances into receiving waters and includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting or dumping; it does not include continuous effluent discharges from municipal or industrial treatment facilities;

(b) "Harmful quantity of oil" means any quantity of oil that, if discharged into receiving waters, would produce a film or sheen upon, or discoloration of the surface of the water or adjoining shoreline, or that would cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shoreline;

(c) "Offshore facility" means any facility of any kind located in, on or under any water;

(d) "Onshore facility" means any facility of any kind located in, on or under, any land other than submerged land.

2. *Facilities.* The term "facility" includes motor vehicles, rolling stock, pipelines, and any other facility that is used or capable of being used for the purpose of processing, producing, storing, transferring or transporting oil or hazardous polluting substances, but excludes vessels.

3. *Oil.* As used in this Annex, "oil" refers to oil of any kind or in any form, including, but not limited to petroleum, fuel oil, oil sludge, oil refuse, and oil mixed with wastes, but does not include constituents of dredged spoil.

4. *Principles.* Regulations shall be adopted for the prevention of discharges into the Great Lakes System of harmful quantities of oil and hazardous polluting substances from onshore and offshore facilities in accordance with the following principles:

(a) Discharges of harmful quantities of oil or hazardous polluting substances shall be prohibited and made subject to appropriate penalties;

(b) As soon as any person in charge has knowledge of any discharge of harmful quantities of oil or hazardous polluting sub-

stances, immediate notice of such discharge shall be given to the appropriate agency in the jurisdiction where the discharge occurs; failure to give this notice shall be made subject to appropriate penalties.

5. *Programs and Measures.* The programs and measures to be adopted shall include the following:

(a) Programs to review the design, construction, and location of both existing and new facilities for their adequacy to prevent the discharge of oil or hazardous polluting substances;

(b) Programs to review the operation, maintenance and inspection procedures of facilities for their adequacy to prevent the discharge of oil or hazardous polluting substances;

(c) Programs to train personnel to perform all functions involving the use and handling of oil and hazardous polluting substances;

(d) Programs to ensure that at each facility plans and provisions are made for appropriate equipment for the containment and clean up of spills of oil or hazardous polluting substances;

(e) Programs including compatible regulations for the identification and placarding of containers and vehicles carrying oil or hazardous polluting substances.

Annex 8

Joint Contingency Plan

1. *The Plan.* The Parties agree that the "Joint U.S.-Canadian Oil and Hazardous Materials Pollution Contingency Plan for the Great Lakes Region" adopted on June 10, 1971, shall be maintained in force, as amended from time to time. It shall be the responsibility of the United States Coast Guard and the Canadian Ministry of Transport to coordinate and to maintain the plan, as so amended, in written form.

2. *Purpose.* The purpose of the Plan is to provide for coordinated and integrated response to pollution incidents in the Great Lakes System by responsible federal, state, provincial and local agencies. The Plan supplements the national, provincial and regional plans of the Parties.

3. *Pollution Incidents.*

(a) A pollution incident is a discharge, or an imminent threat of a discharge, of oil or any other substance, of such magnitude or significance as to require immediate response to contain, clean up or dispose of the material.

(b) The objectives of the plan in pollution incidents are:

(i) to develop appropriate preparedness measures and effective systems for discovery and reporting the existence of a pollution incident within the area covered by the plan;

(ii) to institute prompt measures to restrict the further spread of the pollutant;

(iii) to provide adequate equipment to respond to pollution incidents.

4. *Funding.* Unless otherwise agreed, the costs of operations of both Parties under the Plan shall be borne by the Party in whose waters the pollution incident occurred.

5. *Amendment.* The United States Coast Guard and the Canadian Ministry of Transport are empowered to amend the Plan subject to the requirement that such amendments shall be consistent with the purpose and objectives of this Annex.

TEXT OF REFERENCE TO THE INTERNATIONAL JOINT COMMISSION TO STUDY POLLUTION IN THE GREAT LAKES SYSTEM FROM AGRICULTURAL, FORESTRY AND OTHER LAND USE ACTIVITIES

I have the honour to inform you that the Governments of the United States of America and Canada, pursuant to Article IX of the Boundary Waters Treaty of 1909, have agreed to request the International Joint Commission to conduct a study of pollution of the boundary waters of the Great Lakes System from agricultural, forestry and other land use activities, in the light of the provision of Article IV of the Treaty which provides that the boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health and property on the other side, and in the light also of the Great Lakes Water Quality Agreement signed on this date.

The Commission is requested to enquire into and report to the two Governments upon the following questions:

(1) Are the boundary waters of the Great Lakes System being polluted by land drainage (including ground and surface runoff and sediments) from agriculture, forestry, urban and industrial land development, recreational and park land development, utility and transportation systems and natural sources?

(2) If the answer to the foregoing question is in the affirmative, to what extent, by what causes, and in what localities is the pollution taking place?

(3) If the Commission should find that pollution of the character just referred to is taking place, what remedial measures would, in its judgement, be most practicable and what would be the probable cost thereof?

The Commission is requested to consider the adequacy of existing programs and control measures, and the need for improvements thereto, relating to:

(a) inputs of nutrients, pest control products, sediment, and other pollutants from the sources referred to above;

(b) land use;

(c) land fills, land dumping, and deep well disposal practices;

(d) confined livestock feeding operations and other animal husbandry operations; and

(e) pollution from other agricultural, forestry and land use sources.

In carrying out its study the Commission should identify deficiencies in technology and recommend actions for their correction.

The Commission should submit its report and recommendations to the two Governments as soon as possible and should submit reports from time to time on the progress of its investigation.

In the conduct of its investigation and otherwise in the performance of its duties under this reference, the Commission may utilize the services of qualified persons and other resources made available by the concerned agencies in Canada and the United States and should as far as possible make use of information and technical data hereto-

fore acquired or which may become available during the course of the investigation, including information and data acquired by the Commission in the course of its investigations and surveillance activities conducted on the lower Great Lakes and in the connecting channels.

In conducting its investigation, the Commission should utilize the services of the international board structure provided for in Article VII of the Great Lakes Water Quality Agreement.

Text of Reference to the International Joint Commission to Study Pollution Problems of Lake Huron and Lake Superior

I have the honour to inform you that the Governments of the United States of America and Canada, pursuant to Article IX of the Boundary Waters Treaty of 1909, have agreed to request the International Joint Commission to conduct a study of water quality in Lake Huron and Lake Superior, in the light of the provision of Article IV of the Treaty which provides that the boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health and property on the other side, and in the light also of the Great Lakes Water Quality Agreement signed on this date. This reference represents the response of the two Governments to recommendation No. 20 of the Commission in its final report dated December 9, 1970, on pollution of Lake Erie, Lake Ontario, and the International Section of the St. Lawrence River.

The Commission is requested to enquire into and to report to the two Governments upon the following questions:

(1) Are the waters of Lake Superior and Lake Huron being polluted on either side of the boundary to an extent (a) which is causing or is likely to cause injury to health or property on the other side of the boundary; or (b) which is causing, or likely to cause, a degradation of existing levels of water quality in these two lakes or in downstream portions of the Great Lakes System?

(2) If the foregoing questions are answered in the affirmative, to what extent, by what causes, and in what localities is such pollution taking place?

(3) If the Commission should find that pollution of the character just referred to is taking place, what remedial measures would, in its judgement, be most practicable to restore and protect the quality of the waters, and what would be the probable cost?

(4) In the event that the Commission should find that little or no pollution of the character referred to is taking place at the present time, what preventive measures would, in its judgement, be most practicable to ensure that such pollution does not occur in the future and what would be the probable cost?

The Governments would welcome the recommendations of the Commission with respect to the general and specific water quality objectives that should be established for these lakes, and the programs and measures that are required in the two countries in order to achieve and maintain these water quality objectives.

The Commission should submit its report and recommendations to the two Governments as soon as possible and should submit reports from time to time on the progress of its investigation.

In the conduct of its investigation, the Commission is requested to include consideration of pollution entering Lake Huron and Lake Superior from tributary waters, including Lake Michigan, which affects water quality in the two lakes, and to enquire into and report on the upstream sources of such pollution. The Commission may utilize the services of qualified persons and other resources made available by water management agencies in Canada and the United States and should as far as possible make use of information and technical data heretofore acquired or which may become available during the course of the investigation, including information and data acquired by the Commission in the course of its investigations and surveillance activities conducted on the lower Great Lakes and in the connecting channels.

In conducting its investigation, the Commission should utilize the services of the international board structure provided for in Article VII of the Great Lakes Water Quality Agreement.

Terms of Reference for the Establishment of a Research Advisory Board

1. As used herein, "research" includes development, demonstration and research activities, but does not include regular monitoring and surveillance of water quality.

2. The functions and responsibilities of the Research Advisory Board relating to research activities in Canada and the United States concerning the quality of the waters of the Great Lakes System shall be as follows:

(a) To review at regular intervals these research activities in order to:

(i) examine the adequacy and reliability of research results, their dissemination, and the effectiveness of their application;

(ii) identify deficiencies in their scope, and inadequacies in their funding and in completion schedules;

(iii) identify additional research projects that should be undertaken;

(iv) identify specific research programs for which international cooperation will be productive;

(b) To provide advice and consolidations of scientific opinion to the Commission and its boards on particular problems referred to the Advisory Board by the Commission or its boards;

(c) To facilitate both formal and informal international cooperation and coordination of research;

(d) To make recommendations to the Commission.

3. The Research Advisory Board on its own authority may seek analyses, assessments and recommendations from other professional, academic, governmental or intergovernmental groups about the problems of the Great Lakes water quality research and related research activities.

4. The International Joint Commission shall determine the size and composition of the Research Advisory Board. The Commission should appoint members to the Advisory Board from appropriate Federal, State and Provincial Government agencies and from other agencies,

organizations and institutions involved in Great Lakes research activities. In making these appointments the Commission should consider individuals from the academic, scientific and industrial communities and the general public. Membership should be based primarily upon an individual's qualifications and potential contribution to the work of the Advisory Board.

5. The Research Advisory Board should work at all times in close cooperation with the Great Lakes Water Quality Board.

1. AGREEMENT CONSTITUTING APPENDIX I, RELATING TO GROSS REDUCTIONS IN INPUTS OF PHOSPHORUS TO LAKES SUPERIOR AND HURON TO THE GREAT LAKES WATER QUALITY AGREEMENT OF APRIL 15, 1972, NOVEMBER 21, 1973*

Effected by exchange of notes Dated at Washington November 21, 1973; Entered into force November 21, 1973.

The Department of State to the Canadian Embassy

DEPARTMENT OF STATE
WASHINGTON

The Department of State refers the Embassy of Canada to Section 8 of Annex 2 of the Great Lakes Water Quality Agreement [1] between the United States and Canada. In that Section, the United States and Canada undertook jointly to determine gross reductions in inputs of phosphorus to be sought in Lake Superior and Lake Huron.

This matter has been considered by the International Great Lakes Water Quality Board, which has recommended, pending further studies, the adoption of the following tables of gross reductions in phosphorus loadings (in short tons per year):

	1973	1974	1975	1976	1977
Lake Superior:					
United States:					
Baseload	1,505	1,530	1,555	1,580	1,605
Reduction		80	145	480	495
Residual load	1,505	1,450	1,410	1,100	1,110
Canada:					
Baseload	920	935	950	965	980
Reduction	95	100	100	105	110
Residual load	825	835	850	860	870
Lake Huron:					
United States:					
Baseload	1,565	1,600	1,635	1,670	1,705
Reduction	115	200	210	215	555
Residual load	1,450	1,400	1,425	1,455	1,150
Canada:					
Baseload	1,380	1,400	1,465	1,480	1,500
Reduction	130	205	240	245	245
Residual load	1,250	1,195	1,225	1,235	1,255

The amounts shown as "residual loads" in the above tables do not constitute allocations to the two countries but represent anticipated

*Citation: TIAS 7747.
[1] TIAS 7312; 23 UST 330.

results of municipal and industrial waste reduction and detergent phosphorus control programs.

The United States, in consultation with affected States, has reviewed the reductions in phosphorus loadings to Lakes Superior and Huron recommended by the International Great Lakes Water Quality Board, and believes that these recommendations provide a desirable basis for an agreement on reductions in phosphorus loadings to be sought in Lakes Superior and Huron.

Accordingly, the Department of State proposes that the Governments of the United States and Canada agree to seek to obtain the gross reductions in inputs of phosphorus to Lakes Superior and Huron as listed in the above tables, in implementation of Section 8 of Annex 2 of the Great Lakes Water Quality Agreement.

If the foregoing proposal is acceptable to the Government of Canada, the Department of State proposes that this Note and the Embassy of Canada's reply shall constitute an agreement between the Government of the United States and the Government of Canada. The agreement shall enter into force on the day of the Embassy's reply and shall constitute Appendix I of the Great Lakes Water Quality Agreement.

DEPARTMENT OF STATE,
WASHINGTON, *November 21, 1973*

The Canadian Embassy to the Department of State

CANADIAN EMBASSY — AMBASSADE DU CANADA

No. 470

The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the latter's Note of November 21, 1973 concerning Section 8 of Annex 2 of the Great Lakes Water Quality Agreement, in which Canada and the United States undertook jointly to determine gross reductions in inputs of phosphorus loadings to Lake Superior and Lake Huron.

The Government of Canada recognizes that this matter has been considered by the International Great Lakes Water Quality Board, and the International Joint Commission, which have recommended, pending further studies, the adoption of the tables of gross reductions in phosphorus loadings which are contained in the Department of State's Note.

The Government of Canada agrees that the amounts shown as "residual loads" in the tables do not constitute allocations to the two countries but represent anticipated results of municipal and industrial waste reduction and detergent phosphorus control programs.

The Government of Canada in consultation with the Provincial Governments has reviewed the reductions in phosphorus loadings to Lakes Superior and Huron recommended by the International Great Lakes Water Quality Board, and the International Joint Commission, and proposed by the Department of State, and agrees that these recommendations provide a desirable basis for an agreement to seek

reductions in phosphorus loadings to Lakes Superior and Huron in accordance with the terms of the Great Lakes Water Quality Agreement.

It is the understanding of the Government of Canada, therefore, that the Department of State Note of November 21, 1973 and this reply constitute an agreement between the Government of Canada and the Government of the United States, to seek to obtain gross reductions in the inputs of phosphorus to Lakes Superior and Huron, as listed in the Department of State Note, in implementation of Section 8 Annex 2 of the Great Lakes Water Quality Agreement. This agreement enters into force on the date of this reply and constitutes Appendix 1 of the Great Lakes Water Quality Agreement.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

WASHINGTON, D.C.
November 21, 1973

b. Agreement Relating to the Establishment of a Canada-United States Committee on Water Quality in the St. John River and its Tributary Rivers and Streams Which Cross the Canada-United States Boundary, with Annex, September 21, 1972*

Effected by exchange of notes Signed at Ottawa September 21, 1972; Entered into force September 21, 1972.

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF EXTERNAL AFFAIRS — MINISTÈRE DES AFFAIRES EXTÉRIEURES

CANADA

No. GWU-310 — OTTAWA, *September 21, 1972*

EXCELLENCY,

I have the honour to refer to the discussions which have taken place between representatives of our Governments regarding the preservation of the quality of water in the international section of the St. John River and to propose that our Governments establish a Canada-United States Committee on water quality in the St. John River and its tributary rivers and streams which cross the Canada-United States boundary. The composition, purposes and objectives of the Committee, which shall conduct its work in a manner which is consistent with the provisions and objectives of the Boundary Waters Treaty of 1909, [1] are set out in the Annex to this Note.

If the foregoing proposal is acceptable to the Government of the United States of America, I have the honour to propose that this Note, together with its Annex, which are equally authentic in English and French, and Your Excellency's reply to that effect, shall constitute an agreement between our Governments which shall enter into force on the date of your reply.

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

MITCHELL SHARP
Secretary of State for External Affairs.

His Excellency
The Honourable ADOLPH W. SCHMIDT,
Ambassador of the United States of America,
Ottawa.

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*Citation: 23 UST 2813; TIAS 7470.

[1] TS 548; 36 Stat. 2448.

Annex

Whereas the Governments of Canada and the United States in the light of their rights and obligations under Article IV of the Boundary Waters Treaty of 1909 with respect to the avoidance of transboundary pollution, are concerned about the quality of water in the international section of the St. John River and in its tributary rivers and streams which cross the Canada-United States boundary;

Whereas water quality planning has been under way in the St. John River Basin in both countries for more than a year, and proper co-ordination of this planning is urgently required to assure achievement of a unified approach to the problem;

It is hereby agreed that a Canada-United States Committee on Water Quality in the St. John River and its Tributaries crossing the International Boundary (hereinafter referred to as the "Committee") be established to assist the appropriate authorities in Canada and the United States to co-operate in such water quality planning as may be necessary to devise programs which will enhance the quality of water in the St. John River. The Committee will conduct its work in a manner which is consistent with the objectives and provisions of the Boundary Waters Treaty of 1909.

I The purposes of the Committee shall be:

(A) To review periodically progress in the conduct of such water quality planning on both sides of the Canada-United States boundary in the St. John River Basin, with a view to facilitating progress toward enhancement of water quality;

(B) To exchange appropriate information about plans, programs and actions which could affect water quality in the Basin;

(C) To assist in co-ordination and consultation among appropriate authorities on matters and actions affecting water quality;

(D) To make appropriate recommendations to relevant authorities on both sides of the boundary and to the International Joint Commission (hereinafter referred to as the "Commission") regarding the improvement of water quality in the Basin.

In the conduct of its work the Committee should consider in particular the following aspects of water quality:

(A) The condition of water quality, and the nature, extent and sources of pollution;

(B) The need for and means of defining and achieving agreed international water quality objectives;

(C) The identification of programs and other measures needed to obtain a significant reduction in level of pollution with timetables for accomplishment, including measures related to water quality and rate of flow, taking account of social and economic impacts.

It is understood that discussions within the Committee will serve to enhance and not to replace existing formal and informal discussions or other contacts among federal, state, provincial and local authorities.

II The Committee shall consist of an equal number of members from each country and will include appropriate officials from the Governments of Canada and the United States; the Governments of New Brunswick, Quebec and Maine, and also representatives of the St. John River Planning Board, and the Northern Maine Regional Planning Commission. The members will represent the respective authorities

(who will pay such expenses as may be incurred in this respect) and provide the special skills, experience and information required to carry out the above terms of reference. The Committee should have the smallest number of members effectively to perform its functions. Advisors or observers to the Committee may be paid by Governments or serve without salary or expense allowance. The United States and Canadian sections of the Committee shall each designate a Chairman of its section. The Chairmen of the two sections shall be Joint Chairmen of the Committee and shall be responsible for providing proper liaison between the Committee and their respective authorities. The Chairmen will keep their respective section members informed of plans, activities and progress. Each Chairman after consulting the members of his own section of the Committee may appoint a Secretary of that section.

III Upon the completion of its efforts with regard to the co-ordination of water quality planning in the St. John River Basin, the Committee shall provide a report on its progress and activities for the Commission. If the Committee has not completed its work within one year of the date of this Exchange of Notes, it shall in that event provide an interim progress report for the Commission by September 30, 1973, and to the extent necessary, annually thereafter. The Committee shall also provide the Commission with copies of the proceedings of its regular meetings.

The Committee shall also provide a report on its progress and activities for the Governments of Canada and the United States as pilot and co-pilot of the Inland Water Pollution Project of the North Atlantic Treaty Organization's Committee on the Challenges of Modern Society, prior to September 30, 1973, and to the extent necessary, annually thereafter.

The American Ambassador to the Canadian Secretary of State for External Affairs

EMBASSY OF THE UNITED STATES OF AMERICA
OTTAWA, CANADA

No. 176 SEPTEMBER 21, 1972

SIR:

I have the honor to refer to your Note No. GWU 310, of September 21, 1972, with attached Annex, proposing the establishment of a Canada-United States Committee on water quality in the St. John River and its tributary rivers and streams which cross the Canada-United States boundary. The proposal meets with the approval of my Government, and I have the honor to confirm that your Note, together with its Annex, and this reply, shall constitute an agreement between our Governments which shall enter into force on the day of this reply.

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

ADOLPH W. SCHMIDT

The Honorable
MITCHELL SHARP, P.C.,
Secretary of State for External Affairs,
Ottawa.

c. Agreement Relating to the Establishment of Joint Pollution Contingency Plans for Spills of Oils and Other Noxious Substances, June 19, 1974*

Effected by exchange of notes at Ottawa June 19, 1974; Entered into force June 19, 1974.

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF EXTERNAL AFFAIRS

MINISTÈRE DES AFFAIRES EXTÉRIEURES

CANADA

No. FLA–362

OTTAWA, *June 19, 1974*

EXCELLENCY,

I have the honour to refer to the discussions between representatives of our Governments in Washington, D.C. and in Ottawa concerning the establishment of joint pollution contingency plans for waters of mutual interest, leading to the development of a joint Canada-United States Marine Contingency Plan for spills of oil and other noxious substances.

I have the honour to propose that the joint Canada-United States Marine Contingency Plan for spills of oil and other noxious substances, shall be promulgated by the Canadian Ministry of Transport and the United States Coast Guard and shall be maintained in force, as amended from time to time, to coordinate responses to significant pollution threats to the waters covered by the provisions of the Plan.

It would be the responsibility of the Canadian Ministry of Transport and the United States Coast Guard to administer and maintain the Plan as promulgated or as amended from time to time.

Maintenance of the Plan and actions thereunder would be without prejudice to the positions of the Governments of the United States and of Canada, with respect to coastal state jurisdiction over pollution, and without prejudice to any other positions of the two Governments regarding the extent of territorial or maritime jurisdiction.

If the foregoing proposals are acceptable to the Government of the United States, I have the honour to propose that this Note, which is equally authentic in English and French, and Your Excellency's reply

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* *Citation*: TIAS 7861.

shall constitute an Agreement between Canada and the United States which shall enter into force on the date of your reply.

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

MITCHELL SHARP
Secretary of State
for External Affairs

His Excellency
The Honourable WILLIAM J. PORTER,
Ambassador of the United States of America,
Ottawa.

The American Ambassador to the Canadian Secretary of State for External Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 106 OTTAWA, *June 19, 1974*

SIR:

I have the honor to acknowledge receipt of your note No. FLA–362 of June 19, 1974 which reads as follows:

"EXCELLENCY,

I have the honour to refer to the discussions between representatives of our Governments in Washington, D.C. and in Ottawa concerning the establishment of joint pollution contingency plans for waters of mutual interest, leading to the development of a joint Canada-United States Marine Contingency Plan for spills of oil and other noxious substances.

I have the honour to propose that the joint Canada-United States Marine Contingency Plan for spills of oil and other noxious substances, shall be promulgated by the Canadian Ministry of Transport and the United States Coast Guard and shall be maintained in force, as amended from time to time, to coordinate responses to significant pollution threats to the waters covered by the provisions of the Plan.

It would be the responsibility of the Canadian Ministry of Transport and the United States Coast Guard to administer and maintain the Plan as promulgated, or as amended from time to time.

Maintenance of the Plan and actions thereunder would be without prejudice to the positions of the Government of the United States and of Canada, with respect to coastal state jurisdiction over pollution, and without prejudice to any other positions of the two Governments regarding the extent of territorial or maritime jurisdiction.

If the foregoing proposals are acceptable to the Government of the United States, I have the honour to propose that this Note, which is equally authentic in English and French, and Your Excellency's reply shall constitute an Agreement between Canada and the United States which shall enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to inform you that the foregoing proposals are acceptable to the Government of the United States of America and to confirm that your Note, which is equally authentic in English and French, and this reply shall constitute an Agreement between our two Governments which shall enter into force on the date of this reply.

Accept, sir; the renewed assurances of my highest consideration.

William J. Porter

The Honourable
Mitchell Sharp, P.C.,
Secretary of State
for External Affairs,
Ottawa.

4. SHELLFISH

a. Agreement Providing for Cooperative Efforts To Be Directed Toward Sanitary Control of the Shellfish Industry, March 4, and April 30, 1948*

Effected by Exchange of Notes Signed at Washington March 4 and April 30, 1948; Entered into force April 30, 1948.

The Canadian Ambassador to the Secretary of State

No. 106

The Canadian Ambassador presents his compliments to the Secretary of State and, on the instructions of his Government, has the honour to inform him that in order to improve sanitary practices in the shellfish industries of Canada and the United States and to facilitate the exchange of information with reference to endorsement of shellfish certifications, the Canadian Department of National Health and Welfare and the United States Public Health Service have agreed on the desirability of an Agreement being concluded on the points and in the terms set forth in the annexed memorandum.

If such an agreement is acceptable to the United States Government, it is the proposal of the Canadian Government that this Note and its Annex together with a reply agreeing thereto, constitute an Agreement between the two Governments effective from the date of the reply from the United States authorities.

H W

CANADIAN EMBASSY,
Washington, D.C.
4th March 1948.

[No. 1747]

4TH MARCH 1948.

ANNEX

MEMORANDUM OF AGREEMENT

In order to improve the sanitary practices prevailing in the shellfish industries of Canada and the United States, it is agreed as follows:

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare, will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.

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* *Citation:* 62 Stat. 1898; TIAS 1747; 6 Bevans 472.

2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.
3. Whenever inspection of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavour to facilitate such inspections.
4. This Agreement may be terminated by either party giving thirty days' notice.

The Secretary of State to the Canadian Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of Canada and has the honor to refer to his note No. 106 of March 4, 1948 proposing that an agreement be entered into between the Governments of the United States of America and Canada in the following terms:

MEMORANDUM OF AGREEMENT

In order to improve the sanitary practices prevailing in the shellfish industries of the United States and Canada, it is agreed as follows:

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.

2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.

3. Whenever inspections of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavor to facilitate such inspections.

4. This Agreement may be terminated by either party giving thirty days' notice.

The Memorandum of Agreement as set forth above is acceptable to the Government of the United States of America. As proposed in His Excellency's note, therefore, that note and the present reply are regarded as constituting an agreement between the two Governments, effective on the date of the present note.

BB

DEPARTMENT OF STATE
Washington, April 30, 1948.

C. COLOMBIA

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C. COLOMBIA

1. FISHING RIGHTS

a. Arrangement Respecting the Status of Serrana and Quita Sueño Banks and Roncador Cay, April 10, 1928 *

Effected by exchange of notes at Washington April 10, 1928; Entered into force April 10, 1928.

EXCHANGE OF NOTES

[*The Minister of Colombia to the Secretary of State*]

[Translation]

COLOMBIAN LEGATION,
No. 352 *Washington, D.C., April 10, 1928.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, duly authorized by his Government, proposes to His Excellency the Secretary of State of the United States the conclusion, by exchange of notes of the following agreement respecting the status of Serrana and Quita Sueño Banks and Roncador Cay, situated in the western part of the Caribbean Sea, that is to say, that whereas both Governments have claimed the right of sovereignty over these Islands; and whereas the interest of the United States lies primarily in the maintenance of aids to navigation; and whereas Colombia shares the desire that such aids shall be maintained without interruption and furthermore is especially interested that her nationals shall uninterruptedly possess the opportunity of fishing in the waters adjacent to those Islands, the status quo in respect to the matter shall be maintained and the Government of Colombia will refrain from objecting to the maintenance by the United States of the services which it has established or may establish for aids to navigation, and the Government of the United States will refrain from objecting to the utilization, by Colombian nationals, of the waters appurtenant to the Islands for the purpose of fishing.

(Signed) Enrique Olaya.

His Excellency Frank B. Kellogg, *Secretary of State, Washington.*

[*The Secretary of State to the Minister of Colombia*]

DEPARTMENT OF STATE,
Washington, April 10, 1928.

SIR: The undersigned, the Secretary of State, has the honor to acknowledge and take cognizance of a note of this date from the

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*Citation: TS 760 ½; IV Trenwith 4023; 6 Bevans 904.

35-415—75——48

Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, stating that having been duly authorized to take such action on behalf of the Colombian Government, by His Excellency the Minister of Foreign Affairs for Colombia, he proposes the conclusion by exchange of notes of the following agreement respecting the status of Serrana and Quita Sueño Banks and Roncador Cay, situated in the western part of the Caribbean Sea, that is to say, that whereas both Governments have claimed the right of sovereignty over these Islands; and whereas the interest of the United States lies primarily in the maintenance of aids to navigation; and whereas Colombia shares the desire that such aids shall be maintained without interruption and furthermore is especially interested that her nationals shall uninterruptedly possess the opportunity of fishing in the waters adjacent to those Islands, the *status quo* in respect to the matter shall be maintained and the Government of Colombia will refrain from objecting to the maintenance by the United States of the services which it has established or may establish for aids to navigation, and the Government of the United States will refrain from objecting to the utilization, by Colombian nationals, of the waters appurtenant to the Islands for the purpose of fishing.

The arrangement set forth in the Minister's note is satisfactory to the Secretary of State who understands such arrangement to be concluded by this exchange of notes.

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

(Signed) FRANK B. KELLOGG.

Doctor Enrique Olaya, *Minister of Colombia.*

b. Treaty Concerning the Status of Quita Sueño, Roncador, and Serrana, September 8, 1972. *Not In Force**

Signed at Bogota September 8, 1972;

The President of the United States of America and the President of the Republic of Colombia,

Desirous of settling the long-standing questions concerning the status of Quita Sueño, Roncado and Serrana, with respect to which the Governments of the two countries agreed to maintain the status quo through an Exchange of Notes signed at Washington on April 10, 1928,

Have designated their Plenipotentiaries, to wit:

The President of the United States of America: The Ambassador Extraordinary and Plenipotentiary to Colombia, Mr. Leonard J. Saccio;

The President of the Republic of Colombia: The Minister of Foreign Affairs, Doctor Alfredo Vazquez Carrizosa;

Who, after exchanging Full Powers and finding them to be in good and due form,

Have Agreed as Follows:

Article 1

In accordance with the terms of this Treaty, the Government of the United States of America hereby renounces any and all claims to sovereignty over Quito Sueño, Roncado and Serrana.

Article 2

In recognition of the fact that nationals and vessels of Colombia and the United States are at the present time engaged in fishing in the waters adjacent to Quita Sueño, both governments agree that in the future there shall be no interference by either government or by its nationals or vessels with the fishing activities of nationals and vessels of the other in this area.

Article 3

The Government of the Republic of Colombia further agrees that with respect to Roncador and Serrana it will guarantee to nationals and vessels of the United States a continuation of fishing in the waters adjacent to these cays with no limitation except as provided in the accompanying letter on fishing rights.

**Source:* 93d Congress, 1st session. Senate. Executive A.

ARTICLE 4

The provisions of Articles 2 and 3 above relating to fishing shall be subject to any obligations accepted by both Governments under the terms of the accompanying notes on fishing rights and any existing or future international agreement pertaining to fishing or related matters.

ARTICLE 5

Each Government agrees that it will not, except in agreement with the other Government, enter into any agreement with a state not party to the present Treaty, by means of which the rights guaranteed nationals and vessels of the other party under this Treaty would be affected or impaired.

ARTICLE 6

Provisions concerning the navigational aids on Quita Sueño, Roncador and Serrana shall be set forth in a separate exchange of notes to be concluded by the parties to this Treaty.

ARTICLE 7

The present Treaty shall not affect the positions or views of either Government with respect to the extent of the territorial sea, jurisdiction of the coastal state over fisheries, or any other matter not specifically dealt with in this Treaty.

ARTICLE 8

The present Treaty shall enter into force upon the exchange of instruments of ratification thereof at Bogotá and shall thereupon terminate the exchange of notes signed at Washington on April 10, 1928.

ARTICLE 9

The present Treaty shall remain in force indefinitely unless terminated by agreement of both Governments.

In witness whereof the undersigned have signed this Treaty in duplicate, in the Spanish and English language, at Bogotá this 8th day of September, 1972.

For the Government of the United States of America:
LEONARD J. SACCIO,
Ambassador Extraordinary and Plenipotentiary.

For the Government of the Republic of Colombia:
ALFREDO VAZQUEZ CARRIZOSA,
Minister of Foreign Affairs.

(No. 694)

[Exchange of Notes Concerning Legal Positions]

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the treaty signed today between the Government of the United States of America and the Government of the Republic of Colombia concerning the status of Quita Sueño, Roncador and Serrana to replace the exchange of notes signed between our two governments on

April 10, 1928. In this connection the Government of the United States wishes to reaffirm to the Government of the Republic of Colombia its legal position respecting Article 1 of that Treaty. That legal position is as follows:

> Quita Sueño, being permanently submerged at high tide, is at the present time not subject to the exercise of sovereignty. The Government of the United States notes that the 1928 Treaty and Protocol between the Government of the Republic of Colombia and the Government of the Republic of Nicaragua specifically provide that the Treaty does not apply to Quita Sueño, Roncador and Serrana, sovereignty over which was recognized as being in dispute between the United States and Colombia. The Government of the United States further notes that under the terms of its exchange of notes with the Government of the Republic of Colombia of April 10, 1928, it was recognized at that time that sovereignty over Quita Sueño was claimed by both the United States and Colombia and it was agreed that the status quo in respect of the matter should be maintained.

The Government of the United States understands the legal position of the Government of the Republic of Colombia to be as follows:

> The physical status of Quita Sueño is not incompatible with the exercise of sovereignty. In the view of the Government of the Republic of Colombia, the stipulations of the Treaty between Colombia and Nicaragua of March 24, 1928 and the protocol of exchange of ratifications of May 10, 1930 recognized Colombia's sovereignty over the islands, islets and cays that make up the archipelago of San Andres and Providencia east of the 82 meridian of Greenwich, with the exception of the cays of Roncador, Quita Sueño and Serrana, the sovereignty of which was in dispute between the United States and the Republic of Colombia.
>
> Therefore, with the renunciation of sovereignty by the United States over Quita Sueño, Roncador and Serrana, the Republic of Colombia is the only legitimate title holder on these banks or cays, in accordance with the aforementioned instruments and international law.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Colombia the assurances of its highest consideration.

LJS.

EMBASSY OF THE UNITED STATES OF AMERICA,
Bogotá, September 8, 1972.

[Translation]

(DM 484)

REPUBLIC OF COLOMBIA,
MINISTRY OF FOREIGN AFFAIRS.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the Treaty signed today between the Governments of the United States of America and the Republic of Colombia concerning the status of Quita Sueño, Roncador and Serrana to replace the exchange of notes signed between the two governments on April 10, 1928. In this connection the Government of Colombia wishes to reaffirm to the Gov-

ernment of the United States that its legal position respecting Article 1 of that Treaty is as follows:

The physical status of Quita Sueño is not incompatible with the exercise of sovereignty. In the view of the Government of the Republic of Colombia, the stipulations of the Treaty between Colombia and Nicaragua of March 24, 1928, and the Protocol of exchange of ratifications of May 10, 1930, recognized Colombia's sovereignty over the islands, islets, and cays that make up the Archipelago of San Andrés and Providencia east of the 82nd meridian of Greenwich, with the exception of the cays of Roncador, Quita Sueño, and Serrana, the sovereignty of which was in dispute between the United States and the Republic of Colombia. Therefore, with the renunciation of sovereignty by the United States over Quita Sueño, Roncador, and Serrana, the Republic of Colombia is the only legitimate title holder on those banks or cays, in accordance with the aforementioned instruments and international law.

The Government of Colombia understands the legal position of the Government of the United States to be as follows:

Quita Sueño, being permanently submerged at high tide, is at the present time not subject to the exercise of sovereignty. The Government of the United States notes that the 1928 Treaty and Protocol between the Government of Colombia and the Government of Nicaragua specifically provide that the Treaty does not apply to Quita Sueño, Roncador, and Serrana, sovereignty over which was recognized as being in dispute between Colombia and the United States. The Government of the United States further notes that under the terms of its exchange of notes with the Government of Colombia on April 10, 1928, it was recognized at that time that sovereignty over Quita Sueño was claimed by the Governments of both Colombia and the United States and it was agreed that the status quo in respect of that matter should be maintained.

The Ministry of Foreign Affairs expresses to the Embassy of the United States of America its high consideration.

AVC.

[Exchange of Notes Concerning Fishing Rights]

(No. 692)

EMBASSY OF THE UNITED STATES OF AMERICA,
Bogotá, September 8, 1972.

His Excellency, Dr. ALFREDO VÁZQUEZ CARRIZOSA,
MINISTER OF FOREIGN AFFAIRS, REPUBLIC OF COLOMBIA,

EXCELLENCY: In connection with the signing today of a treaty between the Governments of the Republic of Colombia and the United States of America, I have the honor to convey to you the following understandings of my Government:

1. With respect to Article 2 of that treaty, both governments agree they will exchange views periodically on the desirability of bilateral or multilateral action of a conservation nature.

2. With respect to Article 3 of the treaty, it is understood by both governments that the fishing activities of nationals and vessels of the United States will be subject to reasonable conservation measures applied by the Government of the Republic of Colombia to all fishermen permitted to fish within the present fishing zone adjacent to the cays on Roncador and Serrana. The Government of the Republic of Co-

lombia agrees that the conservation measures applied to nationals and vessels of the United States will be non-discriminatory in nature and no more restrictive than those applied to nationals and vessels of the Republic of Colombia and nationals and vessels of other states permitted to fish in these waters.

3. With further respect to Article 3 of the treaty, it is understood by the Government of the Republic of Colombia that the right of United States nationals and vessels to continue fishing in the waters adjacent to Roncador and Serrana will not prejudice the existing rights of nationals and vessels of the Republic of Colombia or the rights of nationals and vessels of any other state which the Government of Colombia now or in the future may permit to conduct fishing and fishing activities in the waters in question. The Government of the Republic of Colombia agrees that prior to the implementation of conservation measures not now in effect, it will give reasonable notice to the Government of the United States of the nature of these regulations and any necessary measures which must be taken by nationals and vessels of the United States in order to comply with these regulations. The Government of the Republic of Colombia also agrees to consult with the Government of the United States of America, at the latter's request, concerning the effects of such proposed regulations on the rights guaranteed United States nationals and vessels by the treaty signed today.

4. It is understood by both governments with respect to the provisions of Article 4 of the treaty that future multilateral agreements shall be applied in a manner consistent with the right of non-discriminatory access by nationals and vessels of the United States to fisheries in accordance with the provisions of other articles of the treaty and this note.

Excellency, I have the honor to propose that this note and your reply constitute an agreement between our governments on the matters discussed above.

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

L. J. Saccio.

[Translation]

(DM 485)

Republic of Colombia,
Ministry of Foreign Affairs,
Bogotá, September 8, 1972.

His Excellency, Leonard J. Saccio,
Ambassador Extraordinary and Plenipotentiary of the United States of America,
Bogotá.

Mr. Ambassador: I have the honor to acknowledge receipt of Your Excellency's note dated today, which reads as follows:

My Government agrees that Your Excellency's note and this reply shall constitute an agreement between our Governments on the matters discussed above.

Accept, Mr. Ambassador, the assurance of my high consideration.

A. Vázquez Carrizosa
Alfredo Vázquez Carrizosa,
Minister of Foreign Affairs.

[Exchange of Notes Concerning Navigational Aids]

(No. 693)

EMBASSY OF THE UNITED STATES OF AMERICA,
Bogotá, September 8, 1972.

His Excellency, Dr. ALFREDO VÁZQUEZ CARRIZOSA,
MINISTER OF FOREIGN AFFAIRS, REPUBLIC OF COLOMBIA,
Bogotá.

EXCELLENCY: In connection with the signing today of a treaty between the Government of the Republic of Colombia and the Government of the United States of America concerning the status of Quita Sueño, Roncador and Serrana, I have the honor to convey the following understandings of my government with respect to Article 6 of that treaty:

1. The Government of the United States of America agrees to grant in perpetuity to the Republic of Colombia ownership of the lighthouse located on Quita Sueño and the navigational beacons on Roncador and Serrana.

2. The Government of the Republic of Colombia agrees to maintain and operate these installations in accordance with international regulations.

3. The Agreement of the Government of the United States of America to grant to the Government of the Republic of Colombia the lighthouse on Quita Sueño as provided for in paragraph 1 is subject to the understanding that it does so without prejudice to its legal position that Quita Sueño, being permanently submerged at high tide, is not at the present time subject to the exercise of sovereignty.

4. The time and place of the transfer of the lighthouse on Quita Sueño, and the navigational beacons on Roncado and Serrana, shall be agreed upon between the parties. Preparations for the transfer shall be concluded through meetings of experts from each side within six months of the exchange of ratifications of the treaty concerning the status of Quita Sueño, Roncador and Serrana.

Excellency, I have the honor to propose that this note and your reply constitute an agreement between our governments on the matters discussed above.

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

L. J. SACCIO.

[Translation]

(DM 482)

REPUBLIC OF COLOMBIA,
MINISTRY OF FOREIGN AFFAIRS,
Bogotá, September 8, 1972.

His Excellency, LEONARD J. SACCIO,
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA,
Bogotá.

I have the honor to acknowledge receipt of Your Excellency's note, dated today, which reads as follows:

[For text see preceding U.S. Embassy note No. 693]

My Government informs Your Excellency's Government that it is in agreement with the note transcribed above.

With respect to paragraph 3 of that note, my Government is cognizant of the position of the United States and states, in turn, that it reaffirms the Colombian position, expressed in the notes dated today, on the sovereignty of Colombia over Quita Sueño as well as Roncador and Serrana.

My Government agrees that Your Excellency's note and this reply shall constitute an agreement between our Governments on the above matters.

Accept, Mr. Ambassador, the assurance of my high consideration.

A. Vázquez Carrizosa
Alfredo Vázquez Carrizosa,
Minister of Foreign Affairs.

D. CUBA

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(1) Fisheries:
(*a*) Convention for the Conservation of Shrimp, August 15, 1958 ---------- 753

D. CUBA

1. FISHERIES

a. Convention for the Conservation of Shrimp, August 15, 1958*

Signed at Habana August 15, 1958; Ratification advised by the Senate June 4, 1959; Ratified by the President June 12, 1959; Ratified by Cuba July 29, 1959; Ratifications exchanged at Habana September 4, 1959; Proclaimed by the President September 16, 1959; Entered into force September 4, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Cuba for the conservation of shrimp was signed at Habana on August 15, 1958, the original of which convention, in the English * * * languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CUBA FOR THE CONSERVATION OF SHRIMP

The Government of the United States of America and the Government of Cuba, considering their common interest in maintaining the maximum sustainable productivity of stocks of shrimp of common concern in waters of the Gulf of Mexico off the cost of Cuba and the Florida coast of the United States, and in promoting the scientific studies necessary to ascertain the conservation measures required for this purpose, and desiring to establish procedures for coordinating such studies and for placing in effect such conservation measures as may be necessary, agree as follows:

ARTICLE I

The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be the waters of the Gulf of Mexico off the coast of Cuba and the Florida coast of the United States, including territorial waters, in which are found stocks of shrimp of common concern.

ARTICLE II

1. The Contracting Parties agree to establish and operate a commission, to be known as the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, hereinafter referred to as "the

*Citation: 10 UST 1703; TIAS 4321.

Commission", which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section consisting of three members appointed by the Government of the United States, and a Cuban section consisting of three members appointed by the Government of Cuba.

2. Each national section shall have one vote. Decisions of the Commission shall be made only by approval of both sections.

3. The Commission may decide upon and amend, as occasion may require, rules for the conduct of its meetings and for the performance of its functions and duties.

4. The Commission shall meet at least once each year and at such other times as may be agreed by both national sections. The date and place of the first meeting shall be determined by agreement between the Governments.

5. The Commission shall decide on the most convenient place for the establishment of its headquarters.

6. At its first meeting the Commission shall select a chairman from the members of one national section and a vice chairman from the members of the other national section. The chairman and vice chairman shall hold office for a period of two years. In each succeeding term, the office of chairman and vice chairman shall alternate between the respective national sections.

7. Each section of the Commission may appoint its own advisers who shall be invited by the Commission to attend all nonexecutive sessions of the Commission.

8. Each section of the Commission may hold public hearings within the territory of its own country.

9. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. The minutes, official documents and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written in either language.

10. The expenses incurred by each national section shall be borne by its Government. The share of each country in the joint expenses incurred by the Commission shall be related to the proportion of the total catch from the shrimp stocks of common concern in the Convention area taken by vessels which belong to that country.

11. The budget of joint expenses and the share of each Government shall be determined by the Commission and submitted to the Governments for approval.

12. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ necessary personnel for the performance of its functions and duties.

13. The Commission shall designate a technically competent Director who shall serve at the pleasure of the Commission. Subject to such rules and procedures as may be determined by the Commission, the Director shall have full power and authority over the staff of the Commission.

Article III

1. The Commission shall have responsibility for:

(a) Obtaining scientific information regarding the abundance, life history, and ecology of stocks of shrimp of common concern in the

Convention area in order to determine the measures necessary for their conservation.

(b) Publishing or otherwise disseminating reports relative to the results of its findings and such other scientific reports and statistical data as fall within the scope of this Convention.

(c) Adopting, with respect to the Convention area, such regulations, based on scientific findings, as are necessary to achieve the objectives of this Convention.

2. Each of the regulations adopted pursuant to paragraph 1(c) above shall become effective with respect to the Contracting Parties sixty days following notification of the regulation by the Commission to each of the Contracting Parties, except that either of the Contracting Parties may prevent entry into force of a regulation by lodging objection thereto with the Commission before the expiration of such sixty day period.

3. The Commission shall notify the other Contracting Party immediately upon receipt of objection to a regulation.

4. In discharging its responsibilities the Commission may establish working relations with any international, public or private institution or organization or any individual.

5. The Commission shall submit annually to the respective Parties a report on its work, together with any recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

Article IV

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Article V

The Contracting Parties agree to cooperate with each other in taking appropriate and effective action to enforce any regulations which enter into force pursuant to Article III of this Convention. Accordingly, the Contracting Parties agree as follows:

1. Any national or vessel of a Contracting Party which engages in operations on the high seas in violation of regulations which enter into force pursuant to Article III of this Convention may be seized by duly authorized officers of the other Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person or vessel belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon.

2. The authorities of the country to which such person or vessel belongs alone shall have jurisdiction to conduct prosecution for violation of the regulations which enter into force pursuant to Article III of this Convention and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the seizing Coun-

try, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

3. Each contracting party shall be responsible for the proper observance of this convention and of any regulations adopted under the provisions thereof in the portions of its waters covered thereby.

ARTICLE VI

The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the provisions of this Convention and, if desirable, to consider means by which they may more effectively be carried out.

ARTICLE VII

Nothing in this Convention shall be construed as preventing either of the Contracting Parties or in the case of the United States, any of the States, from making or enforcing laws or regulations which in the absence of this Convention would be valid relative to any fisheries of the Convention area so far as such laws or regulations do not preclude the discharge of the Commission's responsibilities.

ARTICLE VIII

1. This Convention shall be ratified and the instruments of ratification exchanged at Habana as soon as practicable.

2. This Convention shall enter into force on the date of exchange of instruments of ratification and shall remain in force for a period of ten years and thereafter until one year from the date on which either Contracting Party shall have given written notice to the other of its desire to terminate the Convention.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE in duplicate, in the English and Spanish languages, each of which shall be of equal authenticity, at Habana this 15th day of August, 1958.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
EARL E. T. SMITH

FOR THE GOVERNMENT OF THE REPUBLIC OF CUBA:
G GUELL

WHEREAS the Senate of the United States of America by their resolution of June 4, 1959, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on June 12, 1959, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of the Government of Cuba;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Habana on September 4, 1959;

AND WHEREAS it is provided in Article VIII of the said convention that the convention shall enter into force on the date of exchange of instruments of ratification;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after September 4, 1959 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of September in the year of our Lord one thousand nine hundred fifty-
[SEAL] nine and of the Independence of the United States of America the one hundred eighty-fourth.

DWIGHT D. EISENHOWER

By the President:
CHRISTIAN A. HERTER
Secretary of State

E. DENMARK

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(1) Fisheries:
(*a*) Agreement Relating to Conservation of Atlantic Salmon, July 6, 1972 ---------- 761

E. DENMARK

1. FISHERIES

a. Agreement Relating to Conservation of Atlantic Salmon, July 6, 1972*

Effected by exchange of notes Signed at Washington July 6, 1972; Entered into force July 6, 1972.

The Danish Chargé d'Affaires ad interim to the Acting Secretary of State

DANISH EMBASSY
WASHINGTON, D.C.

JULY 6, 1972

SIR,

I have the honor to refer to the proposal adopted by the International Commission for the Northwest Atlantic Fisheries in Washington, D.C. on June 2nd regarding Conservation of Atlantic Salmon. The proposal which incorporated the substance of the understanding reached at the U.S.-Danish talks on February 5, 1972, implies inter alia that the catch of Atlantic salmon will be regulated in 1972 (and subsequent years). In spite of the efforts of the member states to have the proposal put into effect at an earlier date than provided under article VIII of the International Convention for the Northwest Atlantic Fisheries, [1] it seems unlikely that the proposal will come into effect in the immediate future.

I have, therefore, been instructed to propose that, pending the coming into effect of the said proposal adopted by ICNAF, our two Governments agree as follows:

A. Denmark will phase out by December 31, 1975 all of their fisheries for Atlantic salmon off Greenland, except those carried out by local fishermen of Greenland. Such a phase out will be accomplished by appropriate measures at the discretion of the Danish Government and designed to limit the round weight of their non-Greenland salmon catch in the Northwest Atlantic in the calendar years of 1972, 1973, 1974, and 1975 to an approximate level of 800, 600, 550 and 500 metric tons respectively.

Failure to achieve these catch objectives in any of the four years will be followed by an adjustment in the following year's catch.

B. The annual salmon catch by local Greenland fishermen will be at the approximate level of the average of the annual catches measured from 1964 through 1971, which is estimated to be 1100 metric tons.

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* *Citation*: 23 UST 1278; TIAS 7402.

[1] TIAS 2089, 6011, 6840, 6841, 7432; 1 UST 482; 17 UST 636; 21 UST 568, 577; 23 UST.

C. The United States will endeavour to ensure the application of appropriate conservation measures applicable to the 12 mile zone of the United States which would correspond in effect to the measures taken by Denmark (i.e. using the catch levels of 1969 as a base).

If the proposal as set forth above is agreeable to the Government of the United States of America, the Government of Denmark will be pleased to consider this note and your reply concurring therein as constituting an agreement between our two Governments, which shall enter into force on the date of your affirmative reply.

Accept, Sir, the assurances of my highest consideration.

HANS J. CHRISTENSEN

Hans J. Christensen
Chargé d' Affaires a.i.

The Honorable
U. ALEXIS JOHNSON
The Acting Secretary of State of
the United States of America
Washington

The Acting Secretary of State to the Danish Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON

JULY 6, 1972

SIR:

I have the honor to acknowledge receipt of your note dated July 6, 1972, which reads as follows:

"Sir,

"I have the honor to refer to the proposal adopted by the International Commission for the Northwest Atlantic Fisheries in Washington, D.C. on June 2nd regarding Conservation of Atlantic Salmon. The proposal which incorporated the substance of the understanding reached at the U.S.-Danish talks on February 5, 1972, implies inter alia that the catch of Atlantic salmon will be regulated in 1972 (and subsequent years). In spite of the efforts of the member states to have the proposal put into effect at an earlier date than provided under article VIII of the International Convention for the Northwest Atlantic Fisheries, it seems unlikely that the proposal will come into effect in the immediate future.

"I have, therefore, been instructed to propose that, pending the coming into effect of the said proposal adopted by ICNAF, our two Governments agree as follows:

A. Denmark wil phase out by December 31, 1975 all of their fisheries for Atlantic salmon off Greenland, except those carried out by local fishermen of Greenland. Such a phase out will be accomplished by appropriate measures at the discretion of the Danish Government and designed to limit the round weight of their non-Greenland salmon catch in the Northwest Atlantic in the calendar years of 1972, 1973, 1974, and 1975 to an approximate level of 800, 600, 550 and 500 metric tons respectively.

"Failure to achieve these catch objectives in any of the four years will be followed by an adjustment in the following year's catch.

B. The annual salmon catch by local Greenland fishermen will be at the approximate level of the average of the annual catches measured from 1964 through 1971, which is estimated to be 1100 metric tons.

C. The United States will endeavour to ensure the application of appropriate conservation measures applicable to the 12 mile zone of the United States which would correspond in effect to the measures taken by Denmark (i.e. using the catch levels of 1969 as a base).

"If the proposal as set forth above is agreeable to the Government of the United States of America, the Government of Denmark will be pleased to consider this note and your reply concurring therein as constituting an agreement between our two Governments, which shall enter into force on the date of your affirmative reply.

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

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that your note and this reply shall be regarded as constituting an agreement between the two Governments.

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

For the Acting Secretary of State:
BURDICK H. BRITTIN

The Honorable
HANS J. CHRISTENSEN,
Charge d'Affaires ad interim
of Denmark.

F. FOOD AND AGRICULTURE ORGANIZATION

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(1) Fisheries:

(*a*) Agreement Relating to a Fund-in-Trust Grant to the FAO to Supplement Activities Under the Off-Shore Fishery Development Project for Viet-Nam, May 26, 1967---------- 767

F. FOOD AND AGRICULTURE ORGANIZATION

1. FISHERIES

a. Agreement Relating to a Fund-in-Trust Grant to the FAO to Supplement Activities Under the Off-Shore Fishery Development Project for Viet-Nam, May 26, 1967*

Effected by exchange of notes Signed at Washington and Rome May 26, 1967; Entered into force May 26, 1967.

The Secretary of State to the Director-General of the Food and Agriculture Organization

DEPARTMENT OF STATE
WASHINGTON
May 26, 1967

SIR:

I inform you that the Government of the United States is prepared to grant funds to the Food and Agriculture Organization of the United Nations (the FAO) under the Freedom from Hunger Campaign as a Fund-in-Trust to be used for the purpose of supplementing the activities envisaged under the Off-Shore Fishery Development Project for Vietnam (the Project) approved by the Governing Council of the United Nations Development Program in January 1967.

The Government of the United States wishes to make this grant on the following terms:

1. Subject to the terms of this note and to the availability of funds, the United States will contribute a total of up to $2,012,100 to the Food and Agriculture Organization of the United Nations as a Fund-in-Trust to be used solely for the following purposes:

(a) to supplement, through appropriate subcontracting and purchasing, and through the direct recruitment of an expert, the activities envisaged under the Project in respect to fishing activities through feasibilty studies, trawling off the coast of Vietnam, and provision of a fishing vessel and equipment, as well as personnel, in accordance with a work plan agreed between appropriate authoities of the United States Department of State and the FAO, and

(b) to pay for the FAO's project service costs at the rate of 5% of the amounts expended for the purposes of subsection (a) of this paragraph.

2. The total contribution shall be made in three installments. The first installment shall be by letter of credit issued to the FAO in the amount of $705,600 within thirty days of the date of the FAO's

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*Citation: 18 UST 1618; TIAS 6304.

concurring reply to this note. The subsequent installments shall be made at such dates and in such manner as the United States Government and the FAO later agree.

3. The FAO shall draw on letters of credit issued under paragraph 2 solely on the basis of such requirements for expenditure as arise in carrying out the purposes of the Fund-in-Trust and shall return to the United States Government any portion of the Fund-in-Trust which is not so applied. In the event that the purpose of the Fund-in-Trust can no longer be effectively carried out, the unexpended portion of the funds shall be returned to the United States Government. The FAO also shall pay to the United States Government its proportionate share of all refunds, rebates, and credits which it receives in connection with the purposes of the Fund-in-Trust.

4. The FAO shall be solely responsible for the arrangements to be made with the Government of Vietnam, which has requested this aid, and for the execution of the Project, and shall be free to delegate and/or subcontract its responsibilities for all or any part of the Project in accordance with the rules and practices of the FAO.

5. The FAO shall furnish the United States Government an annual report on the activities financed by this Fund-in-Trust and an annual statement of account thereon.

I propose that, if these terms are acceptable to the FAO, this note and the FAO's concurring reply shall constitute an agreement between the Government of the United States and the FAO, effective on the date of such reply.

Very truly yours,

For the Secretary of State:
WALTER KOTSCHNIG
Deputy Assistant Secretary of State
for International Organization Affairs

THE DIRECTOR-GENERAL OF THE
FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS.

The Director-General of the Food and Agriculture Organization to the Secretary of State

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

43 Via delle Terme di Caracalla ROME | Cables: FOODAGRI ROME | Telex: 61181 FOODAGRI | Telephone: 5797

Ref.

26 MAY 1967

SIR,

I have the honor to refer to your letter of 26 May 1967 which reads as follows:

"Sir:

"I inform you that the Government of the United States is prepared to grant funds to the Food and Agriculture Organization of the United Nations (the FAO) under the Freedom from Hunger

Campaign as a Fund-in-Trust to be used for the purpose of supplementing the activities envisaged under the Off-Shore Fishery Development Project for Vietnam (the Project) approved by the Governing Council of the United Nations Development Program in January, 1967.

"The Government of the United States wishes to make this grant on the following terms:

"1. Subject to the terms of this note and to the availability of funds, the United States will contribute a total of up to $2,012,100 to the Food and Agriculture Organization of the United Nations as a Fund-in-Trust to be used solely for the following purposes:

"(a) to supplement, through appropriate subcontracting, and purchasing, and through the direct recruitment of an expert, the activities envisaged under the Project in respect to fishing activities through feasibility studies, trawling off the coast of Vietnam, and provision of a fishing vessel and equipment, as well as personnel, in accordance with a work plan agreed between appropriate authorities of the United States Department of State and the FAO, and

"(b) to pay for the FAO's project service costs at the rate of 5% of the amounts expended for the purposes of subsection (a) of this paragraph.

"2. The total contribution shall be made in three installments. The first installment shall be by letter of credit issued to the FAO in the amount of $705,600 within thirty days of the date of the FAO's concurring reply to this note. The subsequent installments shall be made at such dates and in such manner as the United States Government and the FAO later agree.

"3. The FAO shall draw on letters of credit issued under paragraph 2 solely on the basis of such requirements for expenditure as arise in carrying out the purposes of the Fund-in-Trust and shall return to the United States Government any portion of the Fund-in-Trust which is not so applied. In the event that the purposes of the Fund-in-Trust can no longer be effectively carried out, the unexpended portion of the funds shall be returned to the United States Government. The FAO also shall pay to the United States Government its proportionate share of all refunds, rebates, and credits which it receives in connection with the purposes of the Fund-in-Trust.

"4 The FAO shall be solely responsible for the arrangements to be made with the Government of Vietnam, which has requested this aid, and for the execution of the Project, and shall be free to delegate and/or subcontract its responsibilities for all or any part of the Project in accordance with the rules and practices of the FAO.

"5. The FAO shall furnish the United States Government an annual report on the activities financed by this Fund-in-Trust and an annual statement of account thereon.

"I propose that, if the terms are acceptable to the FAO, this note and the FAO's concurring reply shall constitute an agreement between the Government of the United States and the FAO, effective on the date of such reply.

Very truly yours,

For the Secretary of State:
Deputy Assistant Secretary of State
for International Organization Affairs"

I have pleasure in informing you that the terms proposed by you in your letter of 26 May 1967, quoted above, are accepted by FAO. Accordingly I propose that your letter of 26 May 1967 and this letter be considered as an exchange of letters constituting an Agreement between the United States Government and FAO which shall take effect as from the date of this letter.

Accept, Sir, the assurance of my highest consideration.

B. R. Sen
Director-General

The Honorable Dean Rusk
Secretary of State
The Department of State
Washington, D.C.

G. GERMANY, FEDERAL REPUBLIC OF

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(1) Environment:
(*a*) Agreement on Cooperation in Environmental Affairs. *Not in Force* ---------- 773

G. GERMANY, FEDERAL REPUBLIC OF

1. ENVIRONMENT

a. Agreement on Cooperation in Environmental Affairs. *Not in Force.**

Signed at Bonn May 9, 1974; Enters into force one month from the date on which the Federal Republic of Germany notifies the United States that the necessary constitutional requirements for such entry into force have been fulfilled.

The Government of the United States of America and the Government of the Federal Republic of Germany, believing that:

—the national environment of each country as well as the global environment must be protected for the health and well-being of present and future generations;

—efficient industrialization and healthful urbanization require effective pollution abatement and control and environmental conservation policies and practices;

—cooperation between the two Governments is of mutual advantage in coping with similar problems in each country and is important in meeting each Government's responsibilities for the maintenance of the global environment;

recognizing the importance of harmonious environmental policies and practices, particularly among industrialized states and groups of states, as well as the European Communities;

acknowledging the significant mutual benefit being derived by both Governments from ongoing cooperation in various fields, including outer space research and technology, nuclear reactor safety research and development, biomedical and health services delivery research, and those covered by the United States-German cooperative program in natural resources, environmental pollution control and urban development (UGNR); and

desiring to demonstrate the increase in importance attached by both Governments to cooperation in environmental affairs;

agree as follows:

ARTICLE I

The Government of the United States of America and the Government of the Federal Republic of Germany—hereinafter referred to as Contracting Parties—through their appropriate agencies will maintain and enhance bilateral cooperation in the field of environmental affairs on the basis of equality, reciprocity and mutual benefit.

Source: Department of State files.

35-415—75——50

Article II

Cooperation may be undertaken in mutually agreed areas pertaining to environmental quality management, such as:

A. Pollution problems of mutual concern—their identification and study and assessment of relevant control technology and related health effects, for example:

1. Selected problems of water quality management, including such aspects as waste water treatment for industrial, municipal, and agricultural pollution, development of water standards, sludge disposal, mathematical modeling with a view toward future pollution prevention and reclamation of ground water;

2. Air pollution, including stationary and mobile sources, development of low pollution power systems, and related health effects;

3. Solid waste management and resource recovery;

4. Pesticides, toxic and other harmful substances;

5. Marine pollution;

6. Noise pollution;

7. Environmental effects of energy use, including extraction, conversion, transmission and consumption;

B. Assessment of environmental quality, including techniques of monitoring and surveillance;

C. Discussion of environmental policies, practices and organization;

D. Exchange of experience on the design and cooperation in the development of environmental information systems;

E. Training in environmental protection;

F. Environmental impact evaluations;

G. Consultations on international environmental policy issues; and

H. Other environmental protection and enhancement activities, as agreed.

Article III

The forms of cooperation to be undertaken as mutually agreed may include:

A. Meetings to discuss environmental policy issues, to identify projects which may be usefully undertaken on a cooperative basis and technical symposia and conferences;

B. Implementation of agreed cooperative projects;

C. Exchange of information and data on environmental research and development activities, policies, practices, legislation and regulations, and analysis of operating programs and evaluation of environmental impacts;

D. Visits by scientists, technicians, teachers or administrators on specific or general subjects; and

E. Coordination of specific research activities.

Article IV

The Contracting Parties will use their best efforts to harmonize to the maximum extent practicable their environmental policies and practices, and to promote broad international harmonization of effective measures to prevent and control environmental pollution. In these efforts, they will support steps to:

A. Arrive at internationally agreed scientific criteria, particularly those relating to human health;

B. Achieve agreement on levels of acceptable environmental quality;

C. Develop and disseminate information on best technology available to abate pollution and encourage widespread use of the best technology available for controlling pollution.

The Contracting Parties will use their best efforts to ensure that the cost of carrying out pollution prevention and control measures will be included in the cost of goods and services which cause pollution in production or consumption, and to prevent environmental protective measures being used as nontariff barriers to trade. Where trade distortions result from differences in the environmental practices and procedures of the two countries, the Contracting Parties will consult upon request with a view to mitigating such distortions.

Article V

Each Contracting Party will notify the other of the names of one or more Coordinators responsible for the conduct of its activities under this Agreement. Each Contracting Party may also identify such administrative arrangements as it deems desirable to permit its most effective participation in the various cooperative activities under this Agreement. By mutual agreement, specific cooperative activities may be confirmed by separate Agency-to-Agency arrangements. As mutually agreed, joint meetings of the Coordinators may be held to review current and future activities under this Agreement. Each Contracting Party will ensure for its part appropriate coordination among activities under this Agreement with other cooperative programs between the two Governments.

Article VI

Participants in the cooperative activities under this Agreement may include Government agencies, academic institutions, private economic enterprises, and citizen organizations.

Article VII

Scientific and technological information of a non-proprietary nature derived from the cooperative activities under this Agreement will be made available to the world scientific community through customary channels and in accordance with the normal procedures of the

participating agencies. The disposition of patents, know-how, and other proprietary property derived from the cooperative activities under the Agreement will be provided for in detailed arrangements covering specific programs and projects.

Article VIII

Nothing in this Agreement shall be construed to prejudice other arrangements or future arrangements for cooperation between the Contracting Parties or with third parties.

Activities under this Agreement shall be subject to the availability of appropriated funds and to the applicable laws and regulations in each country. Unless otherwise agreed, each Contracting Party will bear the cost of its own participation in this Agreement.

Article IX

This Agreement shall also apply to Land Berlin unless the Government of the Federal Republic of Germany makes a contrary declaration to the Government of the United States of America within three months of the entry into force of the Agreement.

Article X

The present Agreement shall enter into force one month from the date on which the Government of the Federal Republic of Germany shall have notified the Government of the United States of America that the necessary constitutional requirements for such entry into force have been fulfilled, shall remain in force for five years, and be automatically renewed for a further five-year period unless either Party notifies the other three months prior to the expiration of the first five-year period of its desire that the Agreement be terminated. The termination of this Agreement shall not affect the validity of any arrangements made under this Agreement.

Done at Bonn, in duplicate, in the English and German languages, both being equally authentic, this ninth day of May, 1974.

For the Government of the United States of America:

Martin J. Hillenbrand
Russell E. Train

For the Government of the Federal Republic of Germany:

_____ _____

_____ _____

H. INDIA

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(1) Oceanographic Research and Exploration:
(*a*) Agreement Relating to the International Indian Ocean Expedition, September 28, October 5 and 9, 1962 ---------- 779
(*b*) Agreement Concerning the Use of United States Aircraft To Collect Data for Meteorological Research in Connection With the Indian Ocean Expedition, February 15, April 22 and 23, 1963 ---------- 783

H. INDIA

1. OCEANOGRAPHIC RESEARCH AND EXPLORATION

a. Agreement Relating to the International Indian Ocean Expedition, September 28, October 5 and 9, 1962*

Effected by exchange of notes Dated at New Delhi September 28 and October 5 and 9, 1962; Entered into force October 9, 1962; Operative retroactively October 1, 1962.

The American Embassy to the Ministry of External Affairs of India

No. 193

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs, and has the honor to refer to the Interational Indian Ocean Expedition, hereinafter referred to as the Expedition, to the decision of the Government of India to establish an International Meteorological Centre at Bombay (as a Division of the Institute of Tropical Meteorology) to serve the Expedition and to the decision of the Government of the United States of America to participate in the Expedition.

The purpose of the Meteorological portion of the Expedition is to collect extensive meteorological data including those of a type hitherto unavailable over the Indian Ocean area and adjoining lands. With the help of those data, a study will be made of the large-scale atmospheric circulation, weather, and the inter-action between ocean and atmosphere over this region. Results are expected to include better understanding of atmospheric processes leading to improved weather forecasting methods and techniques.

In view of the mutual benefit which it is anticipated would result, the Government of the United States of America wishes to participate with the Government of India in a meteorological program in accordance with the following principles:—

1. Cooperating Agencies. The cooperating agencies shall be (1) for the Government of the United States of America, the National Science Foundation, hereinafter referred to as the United States Cooperating Agency and (2) for the Government of India, the Indian Meteorological Department, hereinafter referred to as the Indian Cooperating Agency.

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*Citation: 13 UST 3870; TIAS 5262.

2. General Purposes. The general purpose of the present agreement shall be to provide some of the means for the effective operation of the International Meteorological Centre, Bombay which has the following functions:–

(a) Receiving and where necessary retransmitting by radio and mail, all available synoptic weather reports from the Indian Ocean region for the duration of the main period of Expedition activity (1963 and 1964).

(b) Providing special weather and sea forecasts for all Expedition ships.

(c) Serving as a base for the Expedition's meteorological research.

(d) Providing special training for expedition meteorological observers and technicians and maintaining strict quality control over the observations during the Expedition period.

(e) Training students in modern operational and research techniques in meteorology.

(f) Maintaining effective liaison with representatives of other disciplines in the Expedition and with various meteorological agencies.

3. Title to Property. For the duration of the project, title to all equipment purchased with funds supplied by the United States Cooperating Agency shall remain vested in that Agency, and title to all equipment supplied by the Indian Cooperating Agency shall remain vested in that Agency.

4. Expenditures. All expenditures incurred by the United States Cooperating Agency shall be paid directly by the Government of the United States of America, and all expenditures incident to the obligations assumed by the Indian Cooperating Agency shall be paid by the Government of India.

5. Exemption from Duties and Taxes. All equipment and supplies imported into India by the United States Cooperating Agency for use in the Expedition, either within India or in other places, shall be admitted and may be re-exported free of customs, import or export duties unless any part of this equipment is transferred to the Indian Cooperating Agency for the continuance of its scientific activities. The director of the United States meteorology program for the Expedition and other employees of the Government of the United States, whose services may be provided by the United States Cooperating Agency for the purpose of the present agreement, shall be exempt from all Indian income taxes and social security taxes. Each of such employees shall also be exempt from the payment of customs and import duties on household goods and personal effects, equipment and supplies imported into India for his own use or that of members of his immediate family.[1]

6. Term. The agreement shall remain in effect through March 31, 1965 and may be continued in force for additional periods by written

[1] See *post*, p. 781.

agreement to that effect by the two Governments, but either Government may terminate the present agreement by giving to the Government notice in writing sixty days in advance. Participation on the part of either Government in the project contemplated by the present agreement shall be subject to the availability of funds appropriated by the legislative bodies of the respective Governments.

If the above proposal meets with the approval of the Government of India, the Embassy would appreciate receiving a reply to that effect in order that the technical details may be arranged by officials of the two Cooperating Agencies, and a Memorandum of Arrangement embodying those technical details be signed. This Embassy suggests that this note and the reply thereto accepting the aforementioned principles be considered as constituting an agreement between the two Governments concerning this matter, such agreement to come into effect on October 1, 1962. It is understood that the Memorandum of Arrangement may be amended at any time by concurrence of the two Cooperating Agencies.

The Embassy avails itself of this opportunity to renew the assurances of its highest considerations.

BELT
[SEAL]

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, September 28, 1962.

The Ministry of External Affairs of India to the American Embassy

MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI–II.

No. F.UI/351–62/62 *Dated the 5th October 1962*

The Ministry of External Affairs presents its compliments to the Embassy of United States of America and with reference to latter's note No. 193 dated 28 September, 1962 has the honour to say that the Government of India agree to collaborate with the United States Government in research at the International Meteorological Centre at Colaba Observatory, Bombay, in connection with the International Indian Ocean Expedition on the terms and conditions specified in the note referred to above except that the following will be added at the end of para 5 of the note:—

"at the time of the first installation of his family; provided that duty shall be payable in respect of such articles if they are disposed of in India without the permission of the Government of India at the termination of the assignment of the person concerned with the Expedition".

The Ministry avails itself of this opportunity to renew the assurances of its highest considerations.

THE EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi.

[SEAL]

The American Embassy to the Ministry of External Affairs of India

No. 220

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs and with reference to the latter's note F.UI/351–62/62, dated October 5, 1962, has the honor to state that the Embassy agrees to the inclusion of the words:–

"at the time of the first installation of his family; provided that duty shall be payable in respect of such articles if they are disposed of in India without the permission of the Government of India at the termination of the assignment of the person concerned with the Expedition," at the end of paragraph five of the Embassy's note No. 193, September 28, 1962.

The Embassy avails itself of this opportunity to renew the assurances of its highest consideration.

BELT

[SEAL]

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, October 9, 1962.

b. Agreement Concerning the Use of United States Aircraft To Collect Data for Meteorological Research in Connection With the Indian Ocean Expedition, February 15, April 22 and 23, 1963*

Effected by exchange of notes dated at New Delhi February 15 and April 22 and 23, 1963; entered into force April 23, 1963.

The American Embassy to the Ministry of External Affairs of India

No. 492

EMBASSY OF THE
UNITED STATES OF AMERICA

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs and has the honor to refer to the agreement relating to the International Indian Ocean Expedition, effected by the Embassy's Note 193, September 28, 1962; the Ministry's Note F.UI 351–62/62, October 5, 1962; and the Embassy's Note 220, October 9, 1962.[1]

In order to collect the data required for meteorological research over the Indian Ocean, Arabian Sea, Bay of Bengal and adjoining land areas it is proposed to use four meteorologically instrumented research aircraft of the United States Weather Bureau and one aircraft of the Woods Hole Oceanographic Institute of the United States. These aircraft are as follows: two DC–6A, Civil Registration number N6539C and N6540C; one W–57, Civil Registration number N1005; one W–26, Civil Registration number 800W; and one 1 R–5D, Navy number 50874. It is planned that these aircraft will be based in Bombay, India, and used to gather meterological data during the period April 15, 1963 through July 31, 1963 and again during the period January 1, 1964 through March 15, 1964. This planned schedule is subject to change in the event of unforseen circumstances. In view of the benefits that will accrue to the science of meteorology and to our respective countries from the meteorological research, and in accordance with conversations between representatives of our two governments on this matter, it is proposed that the aircraft be operated under the following arrangements:

The Government of the United States agrees to provide the aircraft, operating crews, fuel, spare parts, etc., and pay all costs connected with the operation of the aircraft.

The Government of India agrees as follows:

(1) To provide hangar space at no cost to the U.S. Government at the Santacruz Aerodrome in Bombay consisting of approximately 14,000 square feet in the East Mississippi hangar

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*Citation: 14 UST 454; TIAS 5339.

[1] TIAS 5262; 13 UST 3870.

together with necessary electrical power for lights, air conditioning and the operation of small machine tools and test equipment, and to permit the U.S. Government at its expense to install such temporary partitions and electrical outlets as may be needed.

(2) To provide ramp space for parking the research aircraft.

(3) To grant waiver of landing and terminal charges at all Indian airports that might be utilized from time to time by the research planes.

(4) To grant waiver of all excise duties and sales taxes on fuel and oil purchased for the research aircraft.

(5) To grant waiver of customs and import duties on the aircraft, all supporting supplies and equipment consumable and non-consumable, including the personal baggage of the flight and maintenance crews and other U.S. personnel that may be needed to support the aircraft operation, subject to the provision that all items not consumed would be re-exported.

(6) To provide blanket approval including waiver of diplomatic clearances for flights subject to the normal ATC [1] clearances, to and from Santacruz Aerodrome, Bombay; Dum Dum Aerodrome, Calcutta; Meenambakkam Aerodrome, Madras; and airports at Cochin, Trivandrum and Visakhapatnam.

(7) To authorize Air India to provide maintenance facilities and labor on a reimbursable basis, including acting as receiving, clearing and shipping agent for spare parts, equipment and supplies to be brought to India in support of the aircraft operation.

(8) To grant one-year unlimited entry visas for all members of the Weather Bureau and Woods Hole groups and their contractees for the period April 1, 1963 through March 31, 1964.

(9) To make temporary assignment of a radio frequency between the ranges of approximately 3,000 kc to 9,000 kc for use in communicating between the aircraft and the Bombay base.

If the foregoing proposals meet with the approval of the Government of India, it is proposed that this note and the reply thereto accepting such proposals be considered as constituting an agreement between the two governments concerning this matter, such agreement to enter into force on the date of the reply.

The Embassy takes this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

BELT
[SEAL]

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, February 15, 1963.

The Ministry of External Affairs of India to the American Embassy

MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI.

No.F.U.I/351-07/63

22nd April, 1963.

The Ministry of External Affairs presents its compliments to the Embassy of the United States of America and in continuation of the

[1] Air Transport Command.

Ministry's Note No.F.UI/351–07/63, dated the 28th February, 1963, has the honour to say that the Government of India agree to the terms of the agreement proposed in the Embassy's note No.492 of February 15, 1963, for the use of the four meteorologically-instrumented research aircraft of the United States Weather Bureau and one aircraft of the Woods Hole Oceanographic Institute of the United States to collect data required for meteorological research over the Indian ocean, Arabian Sea, Bay of Bengal, and adjoining land areas subject to the following modifications:–

1. The flight plans including the routes of all aircraft shall be submitted in advance to the Government of India for clearance.
2. The two DC–6A Civil Registration numbers N6539C and 6540C; one W26 Civil Registration number 800W and one 1 R–5D, Navy number 50874, shall have on board suitable Indian Observer/ Observers.
3. The flights of aircraft W–57, Civil Registration number N1005 which cannot take on board more than two persons and thus will not be able to accommodate Indian observers shall observe the following procedure:–

   The films exposed during the flights of this aircraft shall be handed over to the Indian authorities at the airport concerned immediately on termination of each flight. The films shall then be developed at the expense of the Government of the United States. Any portions of the films which the Indian authorities might wish to remove shall be so removed by them in the presence of a representative of the Government of the United States of America before the films are handed over to him.
4. No aerial photography of the Indian coastal regions shall be permitted during the flights of the aircraft.
5. Hangar space consisting of approximately 14,000 sq. ft. cannot be provided in one hangar. However, half of a hangar comprising an area of approximately 9,300 sq. ft. will be made available in one hangar. Accommodation will also be made available in another hangar comprising an area of about 10,000 sq. ft. for the purpose of storage of equipment.
6. The aircraft shall be subject to the normal A.T.C. clearance.
7. The aircraft and the supporting supplies and equipment will be eligible for grant of concessions from Customs, import and export duties and other taxes in accordance with the terms already agreed to by the two Governments in connection with the International Indian Ocean Expedition (refer this Ministry's note No. U1/351–62/62 dated the 5th October, 1962.)
8. The U.S. nationals taking part in the Expedition, and who will be concerned with the use of the five meteorologically-instrumented aircraft of the United States Weather Bureau and the Woods Hole Oceanographic Institute of the United States will be granted entry visas valid for three months' stay in India. On arrival in India, the Foreigners' Regional Registration Office, Bombay, will grant them certificates entitled them to leave and re-enter India any number of times during the said three months provided the journeys are in connection with the Expedition.

9. A temporary assignment of a radio frequency between the ranges of approximately 3,000 k/cs to 9,000 k/cs for use in communicating between the aircraft and the Bombay base will be made to the Director-General of Civil Aviation of India.

2. The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

THE EMBASSY OF THE UNITED STATES OF AMERICA, [SEAL]
Chanakyapuri,
New Delhi.

The American Embassy to the Ministry of External Affairs of India

No. 642

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs and has the honor to refer to the Ministry's Note F.UI/351–07/63, dated April 22, 1963, concerning the participation of meteorologically instrumented aircraft in the International Indian Ocean Expedition.

The Embassy has noted the contents of the Ministry's note and is agreeable to the modifications therein mentioned. The Embassy therefore understands that the agreement between the Government of India and the Government of the United States of America will come into force on this date.

The Embassy takes this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

[INITIALS]

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, April 23, 1963.

I. JAPAN

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I. JAPAN

1. FISHERIES

a. Agreement Concerning Certain Fisheries Off the Coast of the United States, December 24, 1974*

Exchange of notes Signed at Tokyo, December 24, 1974; Entered into force December 24, 1974 ("effective as of January 1, 1975").

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America held in Tokyo from November 25 to December 13, 1974, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following understandings which shall replace the previous agreement contained in the exchange of notes on December 20, 1972:

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing, except such fishing as listed below, in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

1) In the waters off the Bering Sea coast of the Aleutian Islands:
   (a) between 165° and 166°45′ West Longitude, dragnet fishing from May 16 to May 31 inclusive, and longline fishing and loading from December 1 to May 31 inclusive;
   (b) between 166°45′ and 169° West Longitude, dragnet fishing from May 16 to September 14 inclusive, and longline fishing and loading from February 16 to September 14 inclusive;
   (c) between 169° and 170° West Longitude, dragnet fishing from May 16 to November 30 inclusive, and longline fishing and loading year-round;
   (d) between 170° and 172° West Longitude, dragnet and longline fishing and loading year-round;
   (e) between 172° and 176° West Longitude, longline fishing and loading from April 1 to October 31 inclusive;

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*Source: Department of State.

35-415—75——51

(f) west of 176° West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.

2) In the waters off the Pacific coast of the Aleutian Islands:
   (a) between 166° and 169° West Longitude, longline fishing and loading from February 16 to September 14 inclusive;
   (b) between 169° and 172° West Longitude, dragnet and longline fishing and loading year-round;
   (c) between 172° and 178°30′ West Longitude, longline fishing and loading from April 1 to October 31 inclusive;
   (d) between 176° and 178°30′ West Longitude, dragnet fishing from July 1 to October 31 inclusive;
   (e) west of 178°30′ West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.

3) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, Guam, American Samoa, and Hawaii, Maui, Molokai, Kahoolawe, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.

2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured shall be as follows:

1) Near Destruction Island, Washington, in the waters between 47°36′ North Latitude and 47°45′ North Latitude.
2) Near Forrester Island, Alaska, in the waters bounded on the north by 54°54′ North Latitude, on the east by 133°16′ West Longitude, and on the south by 54°44′ North Latitude.
3) On the east side of Kayak Island, Alaska, in the waters between 59°48′ and 59°56′ North Latitude west of 143°53′ West Longitude and on the west side of Kayak Island in the waters between 59°52′ and 60°07′ North Latitude east of 145° West Longitude.
4) North of Tonki Cape on Afognak Island, Alaska, in the waters bounded on the north by 58°35′ North Latitude, on the south by 58°25′ North Latitude, on the west by 152°02′ West Longitude and on the east by 151°52′ West Longitude.
5) On the west side of Sanak Island, Alaska, in the waters bounded on the north by 54°36′ North Latitude, on the south by 54°26′ North Latitude, on the west by 163°05′ West Longitude and on the east by 162°40′ West Longitude.
6) On the south side of Unalaska Island, Alaska, in the waters between 167°18′ West Longitude and 167°40′ West Longitude, from January 1 to October 14 inclusive.
7) On the north side of Unalaska Island, Alaska, in the waters between 167°15′ West Longitude and 167°30′ West Longitude, from January 1 to October 14 inclusive.
8) On the south side of Umnak Island, Alaska, in the waters between 168°15′ West Longitude and 163°30′ West Longitude, from October 15 to December 31 inclusive.
9) On the north side of Umnak Island, Alaska, in the waters between 168°25′ West Longitude and 168°40′ West Longitude and

between 168°50′ West Longitude and 169° West Longitude, from October 15 to December 31 inclusive.

10) Off St. George Island of the Pribilof Islands, Alaska, from November 1 to April 30 inclusive.

11) On the north side of St. Matthew Island, Alaska, in the Bering Sea in the waters between 172°29′ West Longitude and 172°46′ West Longitude, and on the south side of St. Matthew Island in the waters between 172°17′ West Longitude and 172° 35′ West Longitude and in the waters between 172°54′ West Longitude and 173°04′ West Longitude.

These provisions shall apply year-round, except as otherwise provided.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal state over fisheries.

4. The present arrangements shall be effective as of January 1, 1975, and shall continue in effect until December 31, 1976, provided that in regard to the fishing as specified in paragraph 1(1)(a) and to the loading operations as specified in paragraph 2(10), the present arrangements shall continue in effect until May 31, 1977, and until April 30, 1977, respectively. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time within 60 days of such request to consider the desirability of modifications of these arrangements. In any event, the two Governments shall meet before December 31, 1976, to review the operation of the present arrangements and to decide on future arrangements.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

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

KIICHI MIYAZAWA
Minister for Foreign Affairs of Japan

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

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[SEAL]

EMBASSY OF THE
UNITED STATES OF AMERICA

TOKYO
DECEMBER 24, 1974

No. 939

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America held in Tokyo from November 25 to December 13, 1974, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following understandings which shall replace the previous agreement contained in the exchange of notes on December 20, 1972:

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing, except such fishing as listed below, in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

1) In the waters off the Bering Sea coast of the Aleutian Islands:
   (a) between 165° and 166°45′ West Longitude, dragnet fishing from May 16 to May 31 inclusive, and longline fishing and loading from December 1 to May 31 inclusive;
   (b) between 166°45′ and 169° West Longitude, dragnet fishing from May 16 to September 14 inclusive, and longline fishing and loading from February 16 to September 14 inclusive;
   (c) between 169° and 170° West Longitude, dragnet fishing from May 16 to November 30 inclusive, and longline fishing and loading year-round;
   (d) between 170° and 172° West Longitude, dragnet and longline fishing and loading year-round;
   (e) between 172° and 176° West Longitude, longline fishing and loading from April 1 to October 31 inclusive;
   (f) west of 176° West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.
2) In the waters off the Pacific coast of the Aleutian Islands:
   (a) between 166° and 169° West Longitude, longline fishing and loading from February 16 to September 14 inclusive;
   (b) between 169° and 172° West Longitude, dragnet and longline fishing and loading year-round;
   (c) between 172° and 178°30′ West Longitude, longline fishing and loading from April 1 to October 31 inclusive;
   (d) between 176° and 178°30′ West Longitude, dragnet fishing from July 1 to October 31 inclusive;
   (e) west of 178°30′ West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.
3) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, Guam, American Samoa, and Hawaii, Maui, Molokai, Kahoolawe, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.

2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured shall be as follows:

1) Near Destruction Island, Washington, in the waters between 47°36′ North Latitude and 47°45′ North Latitude.
2) Near Forester Island, Alaska, in the waters bounded on the north by 54°54′ North Latitude, on the east by 133°16′ West Longitude, and on the south by 54°44′ North Latitude.

3) On the east side of Kayak Island, Alaska, in the waters between 59°48′ and 59°56′ North Latitude west of 143°53′ West Longitude and on the west side of Kayak Island in the waters between 59°52′ and 60°07′ North Latitude east of 145° West Longitude.
4) North of Tonki Cape on Afognak Island, Alaska, in the waters bounded on the north by 58°35′ North Latitude, on the south by 58°25′ North Latitude, on the west by 152°02′ West Longitude and on the east by 151°52′ West Longitude.
5) On the west side of Sanak Island, Alaska, in the waters bounded on the north by 54°36′ North Latitude, on the south by 54°26′ North Latitude, on the west by 163°05′ West Longitude and on the east by 162°40′ West Longitude.
6) On the south side of Unalaska Island, Alaska, in the waters between 167°18′ West Longitude and 167°40′ West Longitude, from January 1 to October 14 inclusive.
7) On the north side of Unalaska Island, Alaska, in the waters between 167°15′ West Longitude and 167°30′ West Longitude, from January 1 to October 14 inclusive.
8) On the south side of Umnak Island, Alaska, in the waters between 168°15′ West Longitude and 168°30′ West Longitude from October 15 to December 31 inclusive.
9) On the north side of Umnak Island, Alaska, in the waters between 168°25′ West Longitude and 168°40′ West Longitude and between 168°50′ West Longitude and 169° West Longitude, from October 15 to December 31 inclusive.
10) Off St. George Island of the Pribilof Islands, Alaska, from November 1 to April 30 inclusive.
11) On the north side of St. Matthew Island, Alaska, in the Bering Sea in the waters between 172°29′ West Longitude and 172°46′ West Longitude, and on the south side of St. Matthew Island in the waters between 172°17′ West Longitude and 172°35′ West Longitude and in the waters between 172°54′ West Longitude and 173°04′ West Longitude.

These provisions shall apply year-round, except as otherwise provided.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal state over fisheries.

4. The present arrangements shall be effective as of January 1, 1975, and shall continue in effect until December 31, 1976, provided that in regard to the fishing as specified in paragraph 1(1)(a) and to the loading operations as specified in paragraph 2(10), the present arrangements shall continue in effect until May 31, 1977, and until April 30, 1977, respectively. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time within 60 days of such request to consider the desirability of modifications of these arrangements. In any event, the two Governments shall meet before December 31, 1976, to review the operation of the present arrangements and to decide on future arrangements.

"I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of

your Government shall be regarded as constituting an agreement between the two Governments.

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

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

JAMES D. HODGSON

His Excellency
KIICHI MIYAZAWA
Minister for Foreign Affairs
Tokyo

This document is a true copy of the original signed by James D. Hodgson.

THOMAS PARKER, JR.

b. Agreement Concerning Salmon Fishing, December 24, 1974 *

Exchange of notes Signed at Tokyo, December 24, 1974; Entered into force December 24, 1974.

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

With reference to the notes exchanged today between Your Excellency and myself concerning certain fisheries off the coast of the United States of America, I have the honor to confirm, on behalf of the Government of Japan, the following understanding reached between the representatives of the two Governments concerning salmon fishing.

With regard to the salmon fishing carried out in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured west of the provisional lines specified in the International Convention for the High Seas Fisheries of the North Pacific Ocean, each Government will pay due regard to the position maintained by the other with respect to the interpretation and implementation of the said Convention.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understanding on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

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

KIICHI MIYAZAWA
Minister for Foreign Affairs of Japan

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

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[SEAL]

EMBASSY OF THE
UNITED STATES OF AMERICA

TOKYO
DECEMBER 24, 1974

No. 940

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"With reference to the notes exchanged today between Your Excellency and myself concerning certain fisheries off the coast of the

*Source: Department of State.

United States of America, I have the honor to confirm, on behalf of the Government of Japan, the following understanding reached between the representatives of the two Governments concerning salmon fishing.

"With regard to the salmon fishing carried out in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured west of the provisional lines specified in the International Convention for the High Seas Fisheries of the North Pacific Ocean, each Government will pay due regard to the position maintained by the other with respect to the interpretation and implementation of the said Convention.

"I have further the honor to propose that this note and Your Excellency's reply confirming the above understanding on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

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

I have further the honor to confirm the above understanding on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

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

His Excellency
KIICHI MIYAZAWA
Minister for Foreign Affairs
Tokyo

This document is a true copy of the original signed by James D. Hodgson.

THOMAS PARKER, Jr.

c. Note of the Government of Japan Concerning Dragnet and Longline Fishing in Certain Waters, December 24, 1974*

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

I have the honor to refer to the arrangements set forth in the notes exchanged today between us concerning certain fisheries off the coast of the United States of America and to inform Your Excellency of the following:

The Government of Japan will take necessary measures to ensure that, with a view to preventing conflict of fishing gear during periods of high concentration of such gear, nationals and vessels of Japan will not, during the duration of the above-mentioned arrangements, engage in the following fishing in the waters and during the periods specified below respectively:

1. Dragnet and longline fishing from August 10 to May 31 of the following year inclusive:

Off Kodiak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed:

(i) North Latitude	West Longitude
57°15′	154°51′
56°57′	154°34′
56°21′	155°40′
56°26′	155°55′
57°15′	154°51′

(ii) North Latitude	West Longitude
56°27′	154°06′
55°46′	155°27′
55°40′	155°17′
55°48′	155°00′
55°54′	154°55′
56°03′	154°36′
56°03′	153°45′
56°30′	153°45′
56°30′	154°49′
56°27′	154°06′

*Source: Department of State.

(iii) North Latitude	West Longitude
56°30′	153°49′
56°30′	153°00′
56°44′	153°00′
56°57′	153°15′
56°45′	153°45′
56°30′	153°49′

(iv) North Latitude	West Longitude
57°05′	152°52′
56°54′	152°52′
56°46′	152°37′
56°46′	152°20′
57°19′	152°20′
57°05′	152°52′

(v) North Latitude	West Longitude
57°35′	152°03′
57°11′	151°14′
57°19′	150°57′
57°48′	152°00′
57°35′	152°03′

(vi) North Latitude	West Longitude
58°00′	152°00′
58°00′	150°00′
58°12′	150°00′
58°19′	151°29′
58°00′	152°00′

2. Dragnet fishing from August 10 to May 31 of the following year inclusive, and longline fishing from September 15 to February 15 of the following year inclusive:

Off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in area (1) below for dragnet fishing and in area (2) below for longline fishing:

(1) The area between 163°04′ West Longitude and 166° West Longitude;

(2) The area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
54°10′	163°04′
53°28′	166°00′
54°00′	166°00′
54°00′	165°00′
54°33′	164°00′
54°33′	163°04′
54°10′	163°04′

3. Dragnet fishing throughout the year in the area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
46°00′	124°40′
46°20′	124°20′
47°00′	124°40′
47°00′	125°20′
46°20′	124°50′
46°00′	124°55′
46°00′	124°40′

4. Dragnet fishing during the period from three and three-fourths days before the opening hour of the halibut fishing season to three and one-half days after such opening hour in the following areas. Information as to the opening dates of the halibut fishing season shall be provided no less than one month in advance to the Government of Japan by the Government of the United States of America:

(1) The area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
59°28′	150°00′
59°28′	147°41′
58°30′	148°30′
58°42′	150°20′
59°28′	150°00′

(2) The area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
58°05′	150°27′
58°05′	148°47′
57°40′	150°05′
58°05′	150°27′

(3) The area seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
56°24′	156°30′
56°18′	155°48′
55°31′	156°04′
55°31′	156°31′
56°24′	156°30′

5. Dragnet and longline fishing throughout the year in the waters off the coast of the State of Washington between 46°14′ North Latitude and 46°56′ North Latitude landward of the isobath of 110 meters.

6. Dragnet fishing during the period from March 28th 1500 hours to April 5th 0300 hours, or in the event the Government of Japan is informed by the Government of the United States of America no less than one month in advance of a change in the halibut fishing season, the period from three and three-fourths days before the opening hour to three and one-half days after the opening hour of such season in each of the following three areas respectively bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
(Polaris Grounds)	
55°04′	167°18′
54°44′	166°14′
54°30′	166°24′
54°34′	167°14′
54°50′	167°38′
55°04′	167°18′
(Misty Moon Grounds)	
56°18′	170°24′
56°20′	169°03′
56°12′	168°46′
55°56′	169°10′
55°56′	170°24′
56°18′	170°24′
(Corridor Grounds)	
58°32′	174°52′
58°40′	174°20′
57°02′	173°00′
56°52′	173°44′
58°32′	174°52′

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

KIICHI MIYAZAWA
Minister for Foreign Affairs of Japan

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

d. Agreed Minutes Relating to a, b, and c.*

AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connection with the notes exchanged today between Ambassador Hodgson and Minister for Foreign Affairs Miyazawa concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Minister for Foreign Affairs Miyazawa of today's date concerning dragnet and longline fishing in certain waters:

1. It was agreed that for the purposes of the arrangements set forth in the above-mentioned notes the term "the United States of America" does not include the Trust Territory of the Pacific Islands.

2. The Japanese representative stated that fishing effort by Japanese nationals and vessels in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured (hereinafter referred to as "the Waters") would not exceed the level of 1966.

3. It was recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

4. It was agreed that, with respect to areas of heavy concentration of fishing operations of both countries, each Government would take appropriate measures aimed at prevention of damage to fishing gear of the vessels of both countries, including measures for improvement of the means for marking fixed gear, measures to ensure that fixed gear is set with due regard for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear.

5. It was agreed that it remains the interpretation of both Governments that the term "mainland" in paragraph 1(3) of the exchange of notes concerning certain fisheries off the coast of the United States of America includes islands adjacent to the continent of the United States of America.

6. It was recognized that it might not be possible to fully prevent parts of longlines used in the tuna fishery from unintentionally and accidentally drifting into that part of the Waters where the Japanese Government agrees to ensure that Japanese nationals and vessels will not engage in the tuna fishery. Such cases as described above, when verified by the circumstances, will not be regarded as infringements of the above-mentioned arrangements.

Source: Department of State.

7. The Japanese representative stated that skipjack pole-and-line fishing would not be conducted in the Waters off the Leeward Hawaiian Islands, that is, Kure Island, Midway Islands, Lisianski Island, Laysan Island, Gardner Pinnacles, Le Perouse Pinnacle, Necker Island, Nihoa Island and Kaula Island.

8. The Japanese representative stated that his Government would provide administrative guidance to nationals and vessels of Japan with a view to ensuring that skipjack pole-and-line fishing would not be conducted in the Waters open for tuna fishing under the above-mentioned arrangements, in instances of specific conflicts with the fishing operations of United States fishermen.

9. The Japanese representative stated that fishing for bait is not considered to be included in the term tuna fishing for the purposes of the above-mentioned arrangements.

10. The Japanese representative stated that when fishing for tuna in areas adjacent to the United States coast Japanese tuna fishermen would not attempt to seek out concentrations of billfishes.

11. It was agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof. It was further agreed that the fishery authorities of the respective Governments would inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations or navigation in areas of concern to both countries.

12. The Japanese representative stated that salmon fishing operations of nationals and vessels of Japan in the Waters would be conducted paying due regard to the conditions of the runs of salmon of Bristol Bay origin. The two Governments will hold consultations, if necessary, on the problem of fishing for salmon of Bristol Bay origin.

Tokyo, *December 24, 1974.*

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

James D. Hodgson

FOR THE GOVERNMENT OF JAPAN:

Kiichi Miyazawa

e. Agreement Concerning the King and Tanner Crab Fisheries in the Eastern Bering Sea, December 24, 1974*

Exchange of notes Signed at Tokyo, December 24, 1974; Entered into force December 24, 1974 ("effective as of January 1, 1975").

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from November 25 to December 13, 1974, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king and tanner crab fisheries in the eastern Bering Sea contained in the exchange of notes on December 20, 1972:

1. The Government of Japan holds the view that king crabs and tanner crabs are high seas fishery resources, and that nationals and vessels of Japan are entitled to continue fishing for king crabs and tanner crabs in the eastern Bering Sea.

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

1) The fisheries for king and tanner crabs by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the waters which have been fished historically by Japan; that is, those waters in which migrate crab stocks exploited in the past by Japan; provided that for the purpose of conservation

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**Source:* Department of State.
Termination Date: December 31, 1976.

of crab resources in the eastern Bering Sea, the Government of Japan ensures that:

A. The fishing operations for king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 will be conducted in the waters north of 55°30′ North Latitude and west of 164° West Longitude.

B. The annual commercial catches of king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 shall not exceed:

(a) Zero metric tons of king crabs and 2,500 metric tons of tanner crabs in the area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
58°09′	164°00′
57°00′	168°00′
57°40′	169°50′
57°40′	170°50′
57°00′	170°50′
56°20′	169°55′
56°20′	168°00′
55°30′	168°00′
55°30′	164°00′
58°09′	164°00′

(b) 953 metric tons of king crabs and 7,700 metric tons of tanner crabs in the waters north of 55°30′ North Latitude and west of 164° West Longitude, outside the area designated in (a) above.

2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study.

4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.

5) The present arrangements shall be effective as of January 1, 1975, and shall continue in effect until December 31, 1976. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time within 60 days of such request to consider the desirability of modifications of these arrangements. In any event, the two Governments shall meet before December 31, 1976, to review the operation of these ar-

rangements and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

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

KIICHI MIYAZAWA
Minister for Foreign Affairs of Japan

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

APPENDIX

A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of the agreed quotas, and any tanner crabs taken in excess of the agreed quotas shall be returned immediately to the sea with a minimum of injury.

B. King crabs and tanner crabs shall not be taken in 1975 and 1976 by means of fishing gear other than pots.

[SEAL]

EMBASSY OF THE
UNITED STATES OF AMERICA
TOYKO
DECEMBER 24, 1974

No. 941

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from November 25 to December 13, 1974, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king and tanner crab fisheries in the eastern Bering Sea contained in the exchange of notes on December 20, 1972:

1. The Government of Japan holds the view that king crabs and tanner crabs are high seas fishery resources, and that nationals and vessels of Japan are entitled to continue fishing for king crabs and tanner crabs in the eastern Bering Sea.

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United

States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

1) The fisheries for king and tanner crabs by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the waters which have been fished historically by Japan; that is, those waters in which migrate crab stocks exploited in the past by Japan; provided that for the purpose of conservation of crab resources in the eastern Bering Sea, the Government of Japan ensures that:

A. The fishing operations for king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 will be conducted in the waters north of 55°30′ North Latitude and west of 164° West Longitude.

B. The annual commercial catches of king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 shall not exceed:

(a) Zero metric tons of king crabs and 2,500 metric tons of tanner crabs in the area bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	West Longitude
58°09′	164°00′
57°00′	168°00′
57°40′	169°50′
57°40′	170°50′
57°00′	170°50′
56°20′	169°55′
56°20′	168°00′
55°30′	168°00′
55°30′	164°00′
58°09′	164°00′

(b) 953 metric tons of king crabs and 7,700 metric tons of tanner crabs in the waters north of 55°30′ North Latitude and west of 164° West Longitude, outside the area designated in (a) above.

2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study.

4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively,

and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.

5) The present arrangements shall be effective as of January 1, 1975, and shall continue in effect until December 31, 1976. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time within 60 days of such request to consider the desirability of modifications of these arrangements. In any event, the two Governments shall meet before December 31, 1976, to review the operation of these arrangements and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph.

"I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

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

"APPENDIX

"A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of the agreed quotas, and any tanner crabs taken in excess of the agreed quotas shall be returned immediately to the sea with a minimum of injury.

"B. King crabs and tanner crabs shall not be taken in 1975 and 1976 by means of fishing gear other than pots."

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

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

JAMES D. HODGSON.

His Excellency
KIICHI MIYAZAWA
Minister for Foreign Affairs
Tokyo

This document is a true copy of the original signed by James D. Hodgson.

THOMAS PARKER, Jr.

1. AGREED MINUTES RELATING TO e.*

AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connection with the notes exchanged today between Ambassador Hodgson and Minister for Foreign Affairs Miyazawa concerning the king and tanner crab fisheries in the eastern Bering Sea:

1. It was agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof.

2. It was recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

TOKYO, *December 24, 1974.*

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

JAMES D. HODGSON

FOR THE GOVERNMENT OF JAPAN:

KIICHI MIYAZAWA

*Source: Department of State.

f. Note of the Government of Japan Concerning Enforcement*

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

I have the honor to refer to the provisions of paragraph 3(4) of the notes exchanged between us today concerning the king and tanner crab fisheries in the eastern Bering Sea and to inform Your Excellency that it is the intention of the Government of Japan to take appropriate measures to ensure that officials of the Government of the United States of America be allowed to board Japanese vessels engaged in fishing operations in the eastern Bering Sea for the purpose of observation of the conduct of enforcement of the provisions of the agreements, and that the observation be carried out effectively.

It is also the intention of the Government of Japan that appropriate measures be taken in case the said United States officials report to the Japanese authorities concerned any alleged violation by Japanese vessels of the provisions of the agreements.

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

KIICHI MIYAZAWA,
Minister for Foreign Affairs of Japan.

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

*Source: Department of State.

g. Note of the Government of Japan Concerning Procedures Relating to Incidental Catches of King and Tanner Crabs *

Translation

TOKYO
DECEMBER 24, 1974

EXCELLENCY,

I have the honor to inform Your Excellency that, in connection with the notes exchanged between us today concerning the king and tanner crab fisheries, it is the intention of the Government of Japan to take appropriate procedures to attempt to reduce and control incidental catches of king and tanner crabs by fishing gears other than crab pots.

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

KIICHI MIYAZAWA
Minister for Foreign Affairs of Japan

His Excellency
JAMES D. HODGSON,
Ambassador Extraordinary and Plenipotentiary of the United States of America in Japan

Source: Department of State.

h. Report of the Consultation Between the Representatives of the Governments of Japan and the United States in Regard to Certain Fishery Problems*

REPORT OF THE CONSULTATION BETWEEN THE REPRESENTATIVES OF THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN REGARD TO CERTAIN FISHERY PROBLEMS

Noting the history of the arrangements between the Government of Japan and the Government of the United States of America regarding the crab fisheries in the eastern Bering Sea concluded in 1964, as extended and modified thereafter, and those concerning certain fisheries off the coast of the United States of America concluded in 1967, as extended and modified thereafter, and pursuant to paragraph 3(5) of the arrangements regarding the crab fisheries in the eastern Bering Sea as agreed upon in the notes exchanged on December 20, 1972, between the Ambassador of Japan and the Secretary of State of the United States of America at Washington, D.C., and also pursuant to paragraph 4 of the arrangements concerning certain fisheries off the coast of the United States of America as agreed upon in the notes exchanged on December 20, 1972, between the Ambassador of Japan and the Secretary of State of the United States of America at Washington, D.C., the representatives of the Government of Japan and the Government of the United States of America (hereinafter the Japanese representative and the United States representative, respectively) met at Tokyo from November 25 to December 13, 1974, in order to review the operation of the two sets of arrangements referred to above and to decide on future arrangements. The said representatives also held discussions on other fishery problems of mutual concern to both countries.

As a result of the consultation the said representatives have agreed to submit for the consideration and appropriate action of their respective Governments draft notes to be exchanged between the Minister for Foreign Affairs of Japan and the Ambassador of the United States of America, draft notes to be handed over from the former to the latter and agreed minutes, in the form attached hereto.

The said representatives have recognized that it would be beneficial to both countries that enforcement officials of each side be provided with opportunities to board inspection vessels of the other country and to observe the conduct of enforcement, and have reached the understanding that it would be appropriate for the two Governments to consult through diplomatic channels concerning such exchanges. Details would be arranged as mutually agreed between the appropri-

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Source: Department of State.

ate Regional Director of the United States National Marine Fisheries Service and the enforcement officials designated by Japan.

The said representatives agreed on the necessity to improve enforcement measures required to fulfill the provisions of the agreements, and both Governments will increase their respective enforcement capabilities, both qualitatively and quantitatively, in order to ensure that fishing by their respective nationals and vessels will strictly conform with the terms of the agreements. In connection with the improvement of enforcement efforts, both Governments will continue to carry out with respect to their own nationals and vessels patrol and inspection activities authorized by domestic laws and regulations, including inspection at time of landing. The said representatives agreed that each Government would inform the other Government as soon as possible of any actions taken with respect to any fishing operations reported by the other Government to be in violation of any of the provisions of the agreements.

The said representatives agreed to consult further with a view to examining the possibility of establishing a mechanism to process claims arising from damage to fishing vessels or fishing gear and to prevent fishing conflicts between fishing vessels of both countries carrying out fishing operations in the same area.

During the course of the consultation the following statements were made:

(1) The United States representative stated that his Government will encourage U.S. fishermen to improve the means for marking fixed halibut gear so that Japanese fishermen on dragnet fishing vessels can more easily identify the location and direction of fixed gear set by halibut longline vessels and will inform the Government of Japan through the diplomatic channels of such improved marking methods.

(2) In regard to the crab fishery by nationals and vessels of Japan, the Japanese representative stated that the mothership fishing operations for king and tanner crabs by nationals and vessels of Japan in the eastern Bering Sea for the years 1975 and 1976 would be conducted by no more than two fishing fleets, and that in order to ensure effective implementation of the arrangements concerning the crab fisheries, the Government of Japan would have an inspector on each mothership conduct full guidance and surveillance.

(3) The said representatives stated that the two Governments would continue to provide catch and effort statistics and other biological and scientific data concerning the crab fishery in the eastern Bering Sea to the International North Pacific Fisheries Commission as soon as practicable after the close of each fishing season.

(4) The United States representative stated, in connection with the arrangements on the king and tanner crab fisheries, that the United States will continue to carry out and to improve conservation measures regarding the crab fishing operations in the Bering Sea and that the State of Alaska is planning to take regulatory measures relating to the harvest levels and the length of fishing seasons for king and tanner crabs, and to size limits for king crabs, where appropriate.

The United States representative also stated that the crab fishing operations of American nationals and vessels in the area will continue

to be conducted with due regard to the conditions of the stocks of king and tanner crabs in the Bering Sea.

(5) With regard to the provisions of paragraph 3(5) of the draft notes to be exchanged concerning crab fisheries, the said representatives stated that after one year of operation of the arrangements set forth in these notes, they would review the areas designated in paragraphs 3(1)B(a) and (b) for crab fisheries and would consult further, if necessary.

(6) With respect to the draft Japanese note concerning procedures to reduce and control incidental catches of king and tanner crabs, the Japanese representative stated that under the procedures referred to in the above-mentioned note, all Japanese stern and pair trawlers engaged in fishing operations in the eastern Bering Sea will, in 1975 and 1976, equip their trawl gear, during the months of concentration of crabs, that is, May, June and July, with bobbins of the dimensions indicated below, to be used in an effective manner to reduce the incidental catches of king crabs and tanner crabs, and that king crabs and tanner crabs caught incidentally will be returned to the sea immediately with a minimum of injury.

Vessel type and tonnage	*Bobbin diameter (cm)*
Stern trawl:	
Over 2,500 mt	53
1,001 to 2,500 mt	44–53
501 to 1,000 mt	40–44
500 mt and under	30–35
Pair trawl: All	30–35

The Japanese representative stated that his Government will study further ways to improve the method of trawl fishing with a view to reducing such incidental catch.

The Japanese representative stated further that data concerning incidental catches of king and tanner crabs will be kept by the Japanese fisheries authorities and access to the data can be provided to the United States Government upon request.

(7) The Japanese representative stated that his Government will provide special administrative guidance to nationals and vessels of Japan operating for Pacific Ocean perch and other rockfish in the northeastern Pacific and that such guidance will provide for the submission to the Fishery Agency of Japan of catch reports by fishing areas at least once each month to assure that the harvest of these resources will be conducted in a prudent manner. He also stated that the annual harvest of Pacific Ocean perch and other rockfish will not exceed 60,000 metric tons in the northeastern Pacific. He stated further that the annual Japanese catch of Pacific Ocean perch and other rockfish in the Vancouver area (50°30′–47°30′ N) will not exceed 1,350 metric tons in 1975 and 1976. The United States representative stated that his Government also will take appropriate account of the need for prudent action to ensure conservation of Pacific Ocean perch and other rockfish resources. He stated that the catch of these species by U.S. fishing vessels will be undertaken with due regard to the conservation of the resource. He also requested that the data on the catch

by Japanese fishing vessels by fishing areas referred to herein be made available to the United States Government on a monthly basis.

(8) With respect to catch and fishing effort on blackcod in the northeastern Pacific, the Japanese representative noted that the number of longline and trawl vessels to be licensed to fish blackcod in 1975 and 1976 will not exceed their respective 1971 levels and that their annual catch of this species in the northeastern Pacific in 1975 and 1976 will not exceed 25,000 metric tons for longline vessels and 5,000 metric tons for trawl vessels. The United States representative noted that his Government also will take appropriate account of the need for prudent action to ensure conservation of the blackcod resources.

(9) The said representatives stated that the two Governments would continue to provide to the International North Pacific Fisheries Commission such information as is practicable so that the Commission at its annual meetings will be able to assess the condition of the Pacific Ocean perch, other rockfish and blackcod resources and recommend such conservation measures as may be necessary to ensure the conservation of these resources.

(10) With respect to catch of groundfish other than Pacific Ocean perch, other rockfish and blackcod, the Japanese representative stated that the total annual catch of these species in the northeastern Pacific will not exceed 30,000 metric tons in 1975 and 1976.

(11) The Japanese representative stated that commercial fishing operations by trawl vessels of Japan in 1975 and 1976 will not be conducted in the area between 157°00′ W and 147°00′ W from February 16 to May 15 inclusive; in the area between 147°00′ W and 140°00′ W from December 1 to February 15 of the following year inclusive; and in the area between 54°00′ N and 51°00′ N from January 1 to the last day of February inclusive.

(12) The Japanese representative stated that commercial fishing operations by longline vessels of Japan for the years 1975 and 1976 will not be conducted in the area between 147°00′ W and 140°00′ W from December 1 to February 15 of the following year inclusive.

(13) The Japanese representative stated that trawl vessels of Japan greater than 110 feet in length will not engage in fishing operations in 1975 and 1976 in the area between 48°30′ N and 47°30′ N throughout the year and in the area south of 47°30′ N from October 1 to May 31 of the following year inclusive. He also stated that from June 1 to September 30 inclusive during the years 1975 and 1976, the number of trawl vessels of Japan greater than 110 feet in length operating in the area south of 47°30′ N would be no more than two at the same time. The Japanese representative further stated that the annual trawl catch in 1975 and 1976 will not exceed 2,200 metric tons for all groundfish species (including hake), of which no more than 200 metric tons will be rockfish (including Pacific Ocean perch), in the area between 47°30′ N and 43°00′ N; and 2,200 metric tons for all groundfish species (including hake), of which no more than 700 metric tons will be rockfish (including Pacific Ocean perch), in the area south of 43°00′ N.

(14) With respect to the longline fishery of Japan in the area south of 48°30′ N, the Japanese representative stated that the annual catch of blackcod by this fishery will not exceed 250 metric tons in 1975 and 1976.

(15) With respect to catch and fishing effort on pollock in the eastern Bering Sea east of 180°00′ and north of 55°00′ N between 180°00′ and 170°00′ W and north of the Alaska Peninsula and the Aleutian Islands east of 170°00′ W, the Japanese representative stated that the number of mothership and North Pacific trawl vessels of Japan to be licensed to fish pollock will not exceed the 1971 level in 1975 and 1976 and that the annual catch of pollock by these vessels combined will not exceed 1,100,000 metric tons in 1975 and 1976.

(16) With respect to catch of groundfish other than pollock in the eastern Bering Sea east of 180°00′ and north of 55°00′ N between 180°00′ and 170°00′ W and north of the Alaska Peninsula and the Aleutian Islands east of 170°00′ W, the Japanese representative stated catch of Pacific Ocean perch and blackcod by the mothership, North Pacific trawl vessels of Japan combined will not exceed 160,000 metric tons in 1975 and 1976. The annual catch of groundfish (all species combined) by the landbased dragnet fishery in this area will not exceed 35,000 metric tons in 1975 and 1976.

(17) With respect to catch of fish in the Aleutian area of the Bering Sea and of North Pacific Ocean, south of 55°00′ N between 170°00′ E and 170°00′ W, the Japanese representative stated that the annual catch of Pacific Ocean perch and blackcod by the mothership, North Pacific trawl and longline fisheries of Japan combined will not exceed 9,600 metric tons and 1,200 metric tons respectively in 1975 and 1976, and that the annual catch of groundfish (all species combined) by the landbased dragnet fishery will not exceed 8,500 metric tons in 1975 and 1976.

(18) With respect to catch and fishing effort on herring in the eastern Bering Sea, the Japanese representative stated that, in 1975 and 1976, the number of gillnet vessels to be licensed to fish herring will not exceed the 1971 level and their annual catch of this species will not exceed 3,000 metric tons. He also stated that, in the above period, the number of trawl vessels to be licensed to fish herring will not exceed the 1969 level and their annual catch of this species will not exceed 15,000 metric tons.

(19) The Japanese representative stated that the 1974 regulations of Japan with respect to the sea snail fishery in the eastern Bering Sea will continue to be applicable in 1975 and 1976.

(20) The Japanese representative took cognizance of the existing bilateral agreements of the United States with the Soviet Union, Poland and Romania with respect to certain species of fish in the Mid-Atlantic area on the high seas off the coast of the United States. The said representative stated that the target species of nationals and vessels of Japan operating in the area concerned consisted mainly of such species as butterfish, squid and argentine, species which are not covered by the above-mentioned bilateral agreements, and that his Government would provide to said nationals and vessels of Japan necessary guidance to pay due regard to avoid the harvest of those particular species protected by the above-mentioned agreements so as not to impair the objectives of the existing bilateral agreements.

(21) The Japanese representative stated that nationals and vessels of Japan engaged in fishing operations off the United States Atlantic coast north of Cape Hatteras have not heretofore engaged and will

not engage in the future in intentional catching of lobster. The said representative stated further that Japan will take appropriate procedures to reduce and control incidental catches of lobster by its fishermen, that is, catches taken unintentionally in the course of conducting specialized fisheries for other species. Under such procedures, instructions will be provided to the masters of Japanese vessels to avoid, especially with respect to areas where incidental catches indicate the presence of concentrations of lobster, fishing with gear capable of taking lobster, and to return the lobsters caught incidentally in the course of directed fisheries for other species to the sea immediately with a minimum of injury.

The Japanese representative further stated that information concerning the unintentional catch of lobster would be collected by the enforcement officials of the Fishery Agency of Japan on board the trawl vessels when these vessels are operating in the areas concerned.

APPENDIXES:[1]

A. Exchange of Notes between the Government of Japan and the Government of the United States of America concerning Certain Fisheries off the Coast of the United States of America.
B. Exchange of Notes between the Government of Japan and the Government of the United States of America concerning Salmon Fishing.
C. Note of the Government of Japan concerning Dragnet and Long-line Fishing in Certain Waters.
D. Agreed Minutes Relating to A, B, and C.
E. Exchange of Notes between the Government of Japan and the Government of the United States of America concerning the King and Tanner Crab Fisheries in the eastern Bering Sea.
F. Agreed Minutes Relating to E.
G. Note of the Government of Japan concerning Enforcement.
H. Note of the Government of Japan concerning Procedures Relating to Incidental Catches of King and Tanner Crabs.

TOKYO, *December 13, 1974.*

[1] See preceding documents.

2. MIGRATORY BIRDS

a. Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972.*

Signed at Tokyo on March 4, 1972; Ratification advised by the Senate March 27, 1973; Ratified by the President May 8, 1973; Ratifications exchanged September 19, 1972; Entered into force September 19, 1974.

The Government of the United States of America and the Government of Japan,

Considering that birds constitute a natural resource of great value for recreational, aesthetic, scientific, and economic purposes, and that this value can be increased with proper management,

Considering that many species of birds migrate between areas of the United States of America and of Japan, where such birds live temporarily,

Considering that island environments are particularly susceptible to disturbance, that many species of birds of the Pacific Islands have been exterminated, and that some other species of birds are in danger of extinction, and

Desiring to cooperate in taking measures for the management, protection, and prevention of the extinction of certain birds,

Therefore, have agreed as follows:

ARTICLE I

This Convention shall apply:

(a) For the United States of America, to all areas of the United States of America and its possessions including the Trust Territory of the Pacific Islands;

(b) For Japan, to all areas under the administration of Japan.

ARTICLE II

1. In this Convention, the term "migratory birds" means:

(a) The species of birds for which there is positive evidence of migration between the two countries from the recovery of bands or other markers; and

(b) The species of birds with subspecies common to both countries or, in the absence of subspecies, the species of birds common to both countries. The identification of these species and subspecies shall be based upon specimens, photographs or other reliable evidence.

**Citation:* TIAS 7990.

Implementing legislation: Migratory Bird Treaty Act Amendment; Public Law 93-300 [H.R. 10942], 88 Stat. 190, approved June 1, 1974. [Previous act and amendments cited p. 698.]

2. (a) The list of the species defined as migratory birds in accordance with paragraph 1 of this Article is contained in the Annex to this Convention.

(b) The competent authorities of the Contracting Parties shall review from time to time the Annex and, if necessary, make recommendations to amend it.

(c) The Annex shall be considered amended 3 months after the date upon which the two Governments confirm, by an exchange of diplomatic notes, their respective acceptance of such recommendations.

Article III

1. The taking of the migratory birds or their eggs shall be prohibited. Any sale, purchase or exchange of these birds or their eggs, taken illegally, alive or dead, and any sale, purchase or exchange of the products thereof or their parts shall also be prohibited. Exceptions to the prohibition of taking may be permitted in accordance with the laws and regulations of the respective Contracting Parties in the following cases:

(a) For scientific, educational, propagative or other specific purposes not inconsistent with the objectives of this Convention;

(b) For the purpose of protecting persons and property;

(c) During open hunting seasons established in accordance with paragraph 2 of this Article;

(d) With respect to private game farms;

(e) Taking by Eskimos, Indians, and indigenous peoples of the Trust Territory of the Pacific Islands for their own food and clothing.

2. Open seasons for hunting migratory birds may be decided by each Contracting Party respectively. Such hunting seasons shall be set so as to avoid their principal nesting seasons and to maintain their populations in optimum numbers.

3. Each Contracting Party shall endeavor to establish stanctuaries and other facilities for the protection or management of migratory birds.

Article IV

1. Both Contracting Parties agree that special protection is desirable for the preservation of species or subspecies of birds which are in danger of extinction.

2. Whenever either Contracting Party has determined the species or subspecies of birds which are in danger of extinction and prohibited the taking thereof, the Contracting Party shall inform the other Contracting Party of such determination, and of any cancellation thereafter of such determination.

3. Each Contracting Party shall control the exportation or importation of such species or subspecies of birds as are determined in accordance with paragraph 2 of this Article, and of the products thereof.

Article V

1. The Contracting Parties shall exchange data and publications regarding research on migratory birds and birds in danger of extinction.

2. The Contracting Parties shall encourage the establishment of joint research programs on, and conservation of, migratory birds and birds in danger of extinction.

ARTICLE VI

Each Contracting Party shall endeavor to take appropriate measures to preserve and enhance the environment of birds protected under Articles III and IV. In particular, it shall:

(a) Seek means to prevent damage to such birds and their environment, including, especially, damage resulting from pollution of the seas;

(b) Endeavor to take such measures as may be necessary to control the importation of live animals and plants which it determines to be hazardous to the preservation of such birds; and

(c) Endeavor to take such measures as may be necessary to control the introduction of live animals and plants which could disturb the ecological balance of unique island environments.

ARTICLE VII

Each Contracting Party agrees to take measures necessary to carry out the purposes of this Convention.

ARTICLE VIII

Upon the request of either Government, the two Governments shall hold consultations regarding the operation of this Convention.

ARTICLE IX

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for 15 years and shall continue in force thereafter until terminated as provided herein.

3. A Contracting Party may, by giving one year's written notice, terminate this Convention at the end of the initial 15 year period or at any time thereafter.

IN WITNESS WHEREOF the representatives of the two Governments have signed this Convention.

DONE in duplicate, in the English and Japanese languages, both equally authentic, at Tokyo, this fourth day of March, 1972.

For the Government of the United States of America:

ARMIN H. MEYER

For the Government of Japan:

TAKEO FUKUDA

ANNEX

1 White-billed or Yellow-billed loon (*Gavia adamsii*)
2 Arctic loon (*Gavia arctica*)
3 Red-throated loon (*Gavia stellata*)
4 Red-necked grebe (*Podiceps grisegena*)

ANNEX—Continued

5 Horned grebe (*Podiceps auritus*)
6 Short-tailed albatross (*Diomedea albatrus*)
7 Black-footed albatross (*Diomedea nigripes*)
8 Laysan albatross (*Diomedea immutabilis*)
9 Northern fulmar (*Fulmarus glacialis*)
10 Pink-footed shearwater (*Puffinus carneipes*)
11 Wedge-tailed shearwater (*Puffinus pacificus*)
12 Sooty shearwater (*Puffinus griseus*)
13 Slender-billed shearwater (*Puffinus tenuirostris*)
14 Christmas shearwater (*Puffinus nativitatis*)
15 Bonin Island petrel (*Pterodroma hypoleuca*)
16 Bulwer's petrel (*Bulweria bulwerii*)
17 Fork-tailed storm petrel (*Oceanodroma furcata*)
18 Leach's storm petrel (*Oceanodroma leucorhoa*)
19 Harcourt's or Madeiran storm petrel (*Oceanodroma castro*)
20 Tristram's storm petrel (*Oceanodroma tristrami*)
21 Wilson's storm petrel (*Oceanites oceanicus*)
22 Red-tailed tropicbird (*Phaethon rubricauda*)
23 White-tailed tropicbird (*Phaethon lepturus*)
24 Masked or Blue-faced booby (*Sula dactylatra*)
25 Red-footed booby (*Sula sula*)
26 Brown booby (*Sula leucogaster*)
27 Pelagic cormorant (*Phalacrocorax pelagicus*)
28 Red-faced cormorant (*Phalacrocorax urile*)
29 Greater frigatebird (*Fregata minor*)
30 Lesser frigatebird (*Fregata ariel*)
31 Cattle egret (*Bubulcus ibis*)
32 Plumed egret (*Egretta intermedia*)
33 Reef heron (*Demigretta sacra*)
34 Japanese night heron (*Gorsachius goisagi*)
35 Chinese little bittern (*Ixobrychus sinensis*)
36 Schrenck's little bittern (*Ixobrychus eurhythmus*)
37 Whooper swan (*Cygnus cygnus*)
38 Canada goose (*Branta canadensis*)
39 Brant (*Branta bernicla*)
40 Emperor goose (*Anser canagicus*)
41 White-fronted goose (*Anser albifrons*)
42 Bean goose (*Anser fabalis*)
43 Snow goose (*Anser caerulescens*)
44 Mallard (*Anas platyrhynchos*)
45 Gadwall (*Anas strepera*)
46 Pintail (*Anas acuta*)
47 Teal (including Green-winged teal) (*Anas crecca*)
48 Falcated teal (*Anas falcata*)
49 Garganey (*Anas querquedula*)
50 Baikal teal (*Anas formosa*)
51 European widgeon (*Mareca penelope*)
52 American widgeon (*Mareca americana*)
53 Shoveler (*Spatula clypeata*)
54 Common pochard (*Aythya ferina*)
55 Canvasback (*Aythya valisineria*)
56 Tufted duck (*Aythya fuligula*)

ANNEX—Continued

57 Baer's pochard (*Aythya baeri*)
58 Common goldeneye (*Bucephala clangula*)
59 Bufflehead (*Bucephala albeola*)
60 Oldsquaw (*Clangula hyemalis*)
61 Harlequin duck (*Histrionicus histrionicus*)
62 Steller's eider (*Polysticta stelleri*)
63 Common scoter (*Melanitta nigra*)
64 Common merganser (*Mergus merganser*)
65 Red-breasted merganser (*Mergus serrator*)
66 Smew (*Mergus albellus*)
67 Rough-legged hawk (*Buteo Lagopus*)
68 Gray sea-eagle (*Haliaeetus albicilla*)
69 Steller's sea-eagle (*Haliaeetus pelagicus*)
70 Japanese sparrow hawk (*Accipiter virgatus*)
71 Black kite (*Milvus migrans*)
72 Osprey (*Pandion haliaetus*)
73 Gyrfalcon (*Falco rusticolus*)
74 Peregrine falcon (*Falco peregrinus*)
75 Sandhill crane (*Grus canadensis*)
76 Common gallinule or Moorhen (*Gallinula chloropus*)
77 Eurasian coot (*Fulica atra*)
78 Snowy or Kentish plover (*Charadrius alexandrinus*)
79 Little ringed plover (*Charadrius dubius*)
80 Ringed plover (*Charadrius hiaticula*)
81 Greater sand plover (*Charadrius leschenaultii*)
82 Mongolian plover (*Charadrius mongolus*)
83 Dotterel (*Eudromias morinellus*)
84 American golden plover (*Pluvialis dominica*)
85 Black-bellied plover (*Pluvialis squatarola*)
86 Ruddy turnstone (*Arenaria interpres*)
87 Common snipe (*Gallinago gallinago*)
88 Swinhoe's snipe (*Gallinago megala*)
89 Jacksnipe (*Lymnocryptes minimus*)
90 Long-billed dowitcher (*Limnodromus scolopaceus*)
91 Bar-tailed godwit (*Limosa lapponica*)
92 Wood sandpiper (*Tringa glareola*)
93 Wandering or Polynesian tattler (*Tringa incana* including *T. brevipes*)
94 Common sandpiper (*Tringa hypoleucos*)
95 Spotted redshank (*Tringa erythropus*)
96 Greenshank (*Tringa nebularia*)
97 Greater yellowlegs (*Tringa melanoleuca*)
98 Whimbrel (*Numenius phaeopus*)
99 Bristle-thighed curlew (*Numenius tahitiensis*)
100 Least whimbrel or Eskimo curlew (*Numenius minutus* including *Numenius borealis*)
101 Australian curlew (*Numenius madagascariensis*)
102 Knot (*Calidris canutus*)
103 Great knot (*Calidris tenuirostris*)
104 Curlew sandpiper (*Calidris ferruginea*)
105 Dunlin (*Calidris alpina*)
106 Rufous-necked sandpiper (*Calidris ruficollis*)

ANNEX—Continued

107 Long-toed stint or Least sandpiper (*Calidris minutilla* including *Calidris subminuta*)
108 Temminck's stint (*Calidris temminckii*)
109 Baird's sandpiper (*Calidris bairdii*)
110 Sharp-tailed sandpiper (*Calidris acuminata*)
111 Pectoral sandpiper (*Calidris melanotos*)
112 Spoon-billed sandpiper (*Eurynorhynchus pygmeus*)
113 Buff-breasted sandpiper (*Tryngites subruficollis*)
114 Ruff (*Philomachus pugnax*)
115 Broad-billed sandpiper (*Limicola falcinellus*)
116 Sanderling (*Crocethia alba*)
117 Northern phalarope (*Lobipes lobatus*)
118 Red phalarope (*Phalaropus fulicarius*)
119 Skua (*Catharacta skua*)
120 Pomarine jaeger (*Stercorarius pomarinus*)
121 Parasitic jaeger (*Stercorarius parasiticus*)
122 Long-tailed jaeger (*Stercorarius longicaudus*)
123 Glaucous gull (*Larus hyperboreus*)
124 Glaucous-winged gull (*Larus glaucescens*)
125 Slaty-backed gull (*Larus schistisagus*)
126 Herring gull (*Larus argentatus*)
127 Black-tailed gull (*Larus crassirostris*)
128 Black-headed gull (*Larus ridibundus*)
129 Black-legged kittiwake (*Rissa tridactyla*)
130 Sabine's gull (*Xema sabini*)
131 Ivory gull (*Pagophila eburnea*)
132 White-winged black tern (*Chlidonias leucopterus*)
133 Aleutian tern (*Sterna aleutica*)
134 Common tern (*Sterna hirundo*)
135 Gray-backed tern (*Sterna lunata*)
136 Bridled tern (*Sterna anaethetus*)
137 Black-naped tern (*Sterna sumatrana*)
138 Least or Little tern (*Sterna albifrons*)
139 Sooty tern (*Sterna fuscata*)
140 Brown noddy (*Anous stolidus*)
141 Lesser or Black noddy (*Anous tenuirostris*)
142 Gray ternlet or Blue-gray noddy (*Procelsterna cerulea*)
143 White tern or Fairy tern (*Gygis alba*)
144 Common murre (*Uria aalge*)
145 Thick-billed murre (*Uria lomvia*)
146 Pigeon guillemot (*Cepphus columba*)
147 Ancient murrelet (*Synthliboramphus antiquus*)
148 Parakeet auklet (*Aethia psittacula*)
149 Crested auklet (*Aethia cristatella*)
150 Whiskered auklet (*Aethia pygmaea*)
151 Least auklet (*Aethia pusilla*)
152 Rhinoceros auklet (*Cerorhinca monocerata*)
153 Tuftel puffin (*Lunda cirrhata*)
154 Horned puffin (*Fratercula corniculata*)
155 Snowy owl (*Nyctea scandiaca*)
156 Short-eared owl (*Asio flammeus*)
157 Common cuckoo (*Cuculus canorus*)

ANNEX—Continued

158 Oriental or Himalayan cuckoo (*Cuculus saturatus*)
159 Hawk cuckoo (*Cuculus fugax*)
160 Jungle nightjar (*Caprimulgus indicus*)
161 White-rumped swift (*Apus pacificus*)
162 Wryneck (*Jynx torquilla*)
163 Barn swallow (*Hirundo rustica*)
164 Bank swallow (*Riparia riparia*)
165 Hawfinch (*Coccothraustes coccothraustes*)
166 Redpoll (including common and hoary redpoll) (*Carduelis flammea* including *C. hornemanni*)
167 Bullfinch (*Pyrrhula pyrrhula*)
168 Pine grosbeak (*Pinicola enucleator*)
169 Brambling (*Fringilla montifringilla*)
170 Rustic bunting (*Emberiza rustica*)
171 Golden-crowned sparrow (*Zonotrichia atricapilla*)
172 White-crowned sparrow (*Zonotrichia leucophrys*)
173 Fox sparrow (*Passerella iliaca*)
174 Skylark (*Alauda arvensis*)
175 Water pipit (*Anthus spinoletta*)
176 Indian tree pipit (*Anthus hodgsoni*)
177 Red-throated pipit (*Anthus cervinus*)
178 White or Pied wagtail (*Motacilla alba*)
179 Gray wagtail (*Motacilla cinera*)
180 Yellow wagtail (*Motacilla flava*)
181 Narcissus flycatcher (*Muscicapa narcissina*)
182 Chinese gray-spotted flycatcher (*Muscicapa griseisticta*)
183 Middenforff's grasshopper warbler (*Locustella ochotensis*)
184 Arctic warbler (*Phylloscopus borealis*)
185 Eye-browed thrush (*Turdus obscurus*)
186 Siberian rubythroat (*Erithacus calliope*)
187 Mountain hedge-sparrow or accentor (*Prunella montanella*)
188 Violet-backed starling (*Sturnus philippensis*)
189 Ashy starling (*Sturnus cineraceus*)

1. AGREEMENT AMENDING THE ANNEX TO THE CONVENTION OF MARCH 4, 1972*

Effected by exchange of notes at Washington September 19, 1974; Entered into force December 19, 1974.

Translation

WASHINGTON, *September 19, 1974*

EXCELLENCY,

I have the honor to refer to Article II of the Convention between the Government of Japan and the Government of the United States of America for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972. The competent authorities of the two Governments agreed to recommend to their respective Governments that the following amendments be made to the Annex to the aforementioned Convention:

1. "35 Malay Bittern (*Gorsachius melanolophus*)" shall be inserted immediately after "34 Japanese night heron (*Gorsachius goisagi*)".
2. All the subsequent items shall be renumbered accordingly.

I have further the honor to inform Your Excellency that the Government of Japan accepts the foregoing recommendations and to propose that this Note and Your Excellency's Note in reply, indicating the acceptance of the foregoing recommendations by the Government of the United States of America, will constitute an agreement between the two Governments amending the Annex to the aforementioned Convention, which will enter into force three months after the date of Your Excellency's reply in accordance with the provisions of Article II of the aforementioned Convention.

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

TAKESHI YASUKAWA
Ambassador Extraordinary and Plenipotentiary of Japan

His Excellency
HENRY A. KISSINGER
Secretary of State

**Source:* Department of State.

DEPARTMENT OF STATE,
WASHINGTON,
September 19, 1974

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads in the English translation thereof as follows:

"Excellency,

"I have the honor to refer to Article II of the Convention between the Government of Japan and the Government of the United States of America for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972. The competent authorities of the two Government agreed to recommend to their respective Governments that the following amendments be made to the Annex to the aforementioned Convention:

"1. '35 Malay Bittern (*Gorsachius melanolophus*)' shall be inserted immediately after '34 Japanese night heron (*Gorsachius goisagi*)'.

"2. All the subsequent items shall be renumbered accordingly.

"I have further the honor to inform Your Excellency that the Government of Japan accepts the foregoing recommendations and to propose that this Note and Your Excellency's Note in reply, indicating the acceptance of the foregoing recommendations by the Government of the United States of America, will constitute an agreement between the two Governments amending the Annex to the aforementioned Convention, which will enter into force three months after the date of Your Excellency's reply in accordance with the provisions of Article II of the aforementioned Convention.

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

TAKESHI YASUKAWA
Ambassador Extraordinary and Plenipotentiary of Japan

"His Excellency
HENRY A. KISSINGER,
Secretary of State."

I have the honor to inform Your Excellency that the Government of the United States of America accepts the proposal contained in Your Excellency's Note which, with this reply, constitutes an agreement between the two Governments amending the Annex to the Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, which will enter into force three months after the date of this reply in accordance with the provisions of Article II of the aforementioned Convention.

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

For the Secretary of State:
His Excellency
TAKESHI YASUKAWA,
Ambassador of Japan.

EMBASSY OF JAPAN
WASHINGTON

No. 67

SEPTEMBER 19, 1974

The Embassy of Japan presents its compliments to the Department of State and has the honor to refer to the Convention between the Government of Japan and the Government of the United States of America for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972.

In accordance with the provision of Article IV of the above-mentioned Convention, the Embassy of Japan has the honor to inform the Department of State that the Government of Japan has determined the species or subspecies of birds which are in danger of extinction and prohibited the taking thereof. The list of them is enclosed with this Note Verbale.

In this connection the Embassy of Japan would be grateful if the Department of State would be good enough to present the Embassy of Japan with the list of the species or subspecies of birds in danger of extinction which have been determined by the Government of the United States of America, in accordance with the provision of Article IV of the said Convention.

The Embassy of Japan takes this opportunity to renew to the Department of State the assurance of its highest consideration.

Enclosure

LIST OF ENDANGERED SPECIES OF BIRDS IN JAPAN

Japanese name	*Common name*	*Scientific name*
1. Ahōdori	Short-tailed Albatross	*Diomedea albatrus*
2. Kōnotori	Oriental White Stork	*Ciconia Ciconia boyciana*
3. Toki	Japanese Crested Ibis	*Nipponia nippon*
4. Shijūkara-gan	Aleutian Canada Goose	*Branta canadensis leucopareia*
5. Ogasawara-nosuri	Bonin Buzzard	*Buteo buteo toyoshimai*
6. Nihon-inu-washi	Japanese Golden Eagle	*Aquila chrysaetos japonica*
7. Kanmuri-washi	Ryūkyū Serpent Eagle	*Spilornis cheela perplexus*
8. Shima-hayabusa	Volcano Islands Peregrine Falcon	*Falco peregrinus fruitii*
9. Nihon-raichō	Japanese Ptarmigan	*Logopus mutus japonicus*
10. Tanchō	Japanese Crane	*Grus japonensis*
11. Karafuto-aoashi-shigi	Nordmann's Greenshank	*Tringa guttifer*
12. Yonakuni-karasubato	Stejneger's Wood Pigeon	*Columba janthina stejnegeri*
13. Akagashira-karasubato	Red-headed Wood Pigeon	*Columba janthina nitens*
14. Ezo-shima-fukurō	Blakiston's Fish-owl	*Ketupa blakistoni blakistoni*
15. Noguchi-gera	Pryer's Woodpecker or Okinawa Woodpecker	*Sapheopipo noguchi*
16. Ōsuton-ō-akagera	Owston's White-backed Woodpecker	*Dendrocopos leucotos owstoni*
17. Ezo-mijubigera	Inoue's Three-toed Woodpecker	*Picoides tridactylus inouyei*
18. Yaeyama-shirogashira	Lesser Chinese Bulbul	*Pycnonotus sinensis orii*
19. Daitō-misosazai	Borodino Wren	*Troglodytes troglodytes orii*
20. Nami-akahige	Ryukyu Robin	*Erithacus komadori komadori*

LIST OF ENDANGERED SPECIES OF BIRDS IN JAPAN—Continued

Japanese name	*Common name*	*Scientific name*
21. Hontō-akahige	Stejneger's Ryukyu Robin	*Erithacus komadori namiyei*
22. Usu-akahige	Yaeyama Ryukyu Robin	*Erithacus komadori subrufa*
23. Ō-tora-tsugumi	Amami Ground Thrush	*Turdus dauma amami*
24. Torishima-uguisu	Torishima Bush-warbler	*Cettia diphone panafidinicus*
25. O-sekka	Japanese Swamp-warbler	*Megalurus pryeri pryeri*
26. Hahajima-meguro	Hahajima Honey-eater	*Apalopteron familiare hahasima*
27. Ogasawara-kawarahiwa	Bonin Islands Japanese Greenfinch	*Carduelis sinica kittlitzi*
28. Ruri-kakesu	Lidth's Jay	*Garrulus lidthi*

The Department of State acknowledges the receipt of Note Verbale No. 67 of September 19, 1974, from the Embassy of Japan informing the Department of State that the Government of Japan has determined the species or subspecies of birds in danger of extinction in accordance with the provision of Article IV of the Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment.

The Department of State further informs the Embassy of Japan that the Government of the United States of America has also determined the species or subspecies of birds in danger of extinction as listed in the enclosure, in accordance with the relevant provisions of the above-mentioned Convention.

Enclosure:
List.

DEPARTMENT OF STATE,
Washington, September 19, 1974.

LIST OF ENDANGERED SPECIES OF BIRDS IN THE UNITED STATES AND TERRITORIES UNDER ITS JURISDICTION

Common Names	*Scientific Names*	*Where Found*
1. Albatross, Short-tailed	*Diomedea albatrus*	USA (Aleutian Islands)
2. Petrel, Hawaiian dark-rumped	*Pterodroma phaeopygia sandwichensis*	Hawaii
3. Pelican, Brown	*Pelecanus occidentalis carolinensis*	USA (Southeast)
4. Pelican, Brown	*Pelecanus occidentalis californicus*	USA (West)
5. Duck, Hawaiian (koloa)	*Anas wyvilliana*	Hawaii
6. Duck, Laysan	*Anas laysanensis*	Hawaii
7. Duck, Mexican	*Anas diazi*	Texas, Arizona, New Mexico
8. Goose, Aleutian Canada	*Branta canadensis leucopareia*	USA
9. Goose, Hawaiian (nene)	*Branta sandvicensis*	Hawaii
10. Condor, California	*Gymnogyps californianus*	California
11. Eagle, Southern bald	*Haliaeetus leucocephalus leucocephalus*	USA (South of 40th Parallel)
12. Falcon, American peregrine	*Falco peregrinus anatum*	USA

LIST OF ENDANGERED SPECIES OF BIRDS IN THE UNITED STATES AND TERRITORIES UNDER ITS JURISDICTION—Continued

Common Names	*Scientific Names*	*Where Found*
13. Falcon, Arctic peregrine	*Falco peregrinus tundrius*	USA
14. Hawk, Hawaiian (io)	*Buteo solitarius*	Hawaii
15. Kite, Florida Everglade (snail kite)	*Rostrhamus sociabilis plumbeus*	Florida
16. Megapode, LaPerouse's	*Megapodius laperouse*	Palau Islands, Mariana Islands
17. Prairie Chicken, Attwater's greater	*Tympanuchus cupido attwateri*	Texas
18. Quail, Masked bobwhite	*Colinus virginianus ridgwayi*	Arizona
19. Coot, Hawaiian	*Fulica americana alai*	Hawaii
20. Crane, Mississippi sandhill	*Grus canadensis pulla*	Mississippi
21. Crane, Whooping	*Grus americana*	USA
22. Gallinule, Hawaiian	*Gallinula chloropus sandvicensis*	Hawaii
23. Rail, California clapper	*Rallus longirostris obsoletus*	California
24. Rail, Light-footed clapper	*Rallus longirostris levipes*	California
25. Rail, Yuma clapper	*Rallus longirostris yumanensis*	California, Arizona
26. Curlew, Eskimo	*Numenius borealis*	USA
27. Stilt, Hawaiian	*Himantopus himantopus knudseni*	Hawaii
28. Tern, California least	*Sterna albifrons browni*	USA
29. Dove, Palau ground	*Gallicolumba canifrons*	Palau Islands
30. Pigeon, Puerto Rican plain	*Columba inornata wetmorei*	Puerto Rico
31. Parrot, Puerto Rican	*Amazona vittata*	Puerto Rico
32. Parrot, Thick-billed	*Rhynchopsitta pachyrhyncha*	Arizona, New Mexico
33. Owl, Palau	*Otus podargina*	Palau Islands
34. Whip-poor-will, Puerto Rican	*Caprimulgus noctitherus*	Puerto Rico
35. Woodpecker, Ivory-billed	*Campephilus principalis*	USA (South Central, Southeast)
36. Woodpecker, Red-cockaded	*Dendrocopus borealis borealis*	USA (Northern race)
37. Woodpecker, Red-cockaded	*Dendrocopus borealis hylonomus*	USA (Florida)
38. Crow, Hawaiian (alala)	*Corvus tropicus*	Hawaii
39. Flycatcher, Palau fantail	*Rhipidura lepida*	Palau Islands
40. Flycatcher (Tyrant), Tinian monarch	*Monarcha takatsukasae*	Mariana Islands (Tinian)
41. Honeycreeper, Akiapolaau	*Hemignathus wilsoni*	Hawaii
42. Honeycreeper, Crested (akohekohe)	*Palmeria dolei*	Hawaii
43. Honeycreeper, Hawaii akepa (akepa)	*Loxops coccinea coccinea*	Hawaii
44. Honeycreeper, Kauai akialoa	*Hemignathus procerus*	Hawaii
45. Honeycreeper, Maui parrotbill	*Pseudonestor xanthorphrys*	Hawaii
46. Honeycreeper, Maui akepa (akepuie)	*Loxops coccinea ochraceu*	Hawaii

LIST OF ENDANGERED SPECIES OF BIRDS IN THE UNITED STATES AND TERRITORIES UNDER ITS JURISDICTION—Continued

Common Names	*Scientific Names*	*Where Found*
47. Honeycreeper, Molokai creeper (kakawahie)	*Loxops maculata flammea*	Hawaii
48. Honeycreeper, Oahu creeper (alauwahio)	*Loxops maculata maculata*	Hawaii
49. Honeycreeper, Ou	*Psittirostra psittacea*	Hawaii
50. Honeycreeper, Palila	*Psittirostra bailleui*	Hawaii
51. Honeycreeper, Laysan finch	*Psittirostra cantans cantans*	Hawaiian Islands (Laysan)
52. Honeycreeper, Nihoa finch	*Psittirostra cantans ultima*	Hawaiian Islands (Nihoa)
53. Honeycreeper, Kauai nukupuu	*Hemignathus lucidus hanepepe*	Hawaiian Islands (Kauai)
54. Honeycreeper, Maui nukupuu	*Hemignathus lucidus affinis*	Hawaiian Islands (Maui)
55. Honey-eater, Kauai Oo (oo aa)	*Moho braccatus*	Hawaii
56. Sparrow, Cape sable	*Ammospiza maritima mirabilis*	Florida
57. Sparrow, Dusky seaside	*Ammospiza maritima nigrescens*	Florida
58. Sparrow, Santa Barbara	*Melospiza melodia graminea*	California
59. Starling, Ponape Mountain	*Aplonis pelzelni*	Caroline Islands (Ponape)
60. Thrush, Large Kauai	*Phaeornis obscurus myadestina*	Hawaii
61. Thrush, Molokai (olomau)	*Phaeornis obscurus rutha*	Hawaii
62. Thrush, Small Kauai (puaiohi)	*Phaeornis palmeri*	Hawaii
63. Warbler, Nihoa millerbird	*Acrocephalus kingi*	Hawaii
64. Warbler, Reed	*Acrocephalus luscinia luscinia*	Mariana Islands (Guam)
65. Warbler (Wood), Bachman's	*Vermivora bachmanii*	USA (Southeastern)
66. Warbler (Wood), Kirtland's	*Dendroica kirtlandii*	USA
67. White-eye, Ponape great	*Rukia sanfordi*	Caroline Island (Ponape)

3. SHELLFISH

a. Agreement Providing for Cooperative Efforts to be Directed Toward Sanitary Control of the Shellfish Industry, October 24, 1962*

Effected by exchange of notes Signed at Washington October 24, 1962; Entered into force October 24, 1962, with exchange of letters.

The Japanese Ambassador to the Secretary of State

WASHINGTON, D.C., *October 24, 1962*

EXCELLENCY:

I have the honor to refer to recent discussions between representatives of our two governments directed toward improving and standardizing shellfish sanitation practices and exchanging information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between Japan and the United States.

As a result of these discussions the following understandings were reached:

1. Uniform sanitation principles will be applied to the production and handling of all fresh or frozen oysters, clams and mussels intended for shipment between the two countries.

2. The principles in the Manual of Recommended Practice for Sanitary Control of the Shellfish Industry adopted by the United States Public Health Service, as amended from time to time, will be embodied in the relevant sanitary regulations in Japan.

3. The Ministry of Health and Welfare of Japan and the United States Public Health Service will exchange information on the state of compliance with these principles by the competent authorities in their respective countries and will maintain close contacts on matters concerning sanitary conditions of such shellfish.

4. Whenever sanitary observations of shellfish production areas or handling facilities are desired by either government, the other government will facilitate such observations.

5. Detailed arrangements for the implementation of this Agreement may be entered into from time to time by the United States Public Health Service and the Japanese Ministry of Health and Welfare.

6. This Agreement may be terminated by either Government giving thirty days written notice except that frozen oysters, clams and

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*Citation: 13 UST 2452; TIAS 5207.

mussels packaged in accordance with the uniform sanitation principles under this Agreement will be accepted for a period of six months following the termination of the Agreement unless there are cogent public health reasons for prohibiting the importation of such products.

I have the honor to propose that if these understandings meet with the approval of the Government of the United States the present note and your Excellency's note in reply concurring therein shall constitute an agreement between our two governments, which Agreement shall enter into force on the date of your Excellency's reply.

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

KOICHIRO ASAKAI
Ambassador of Japan

The Honorable
DEAN RUSK,
Secretary of State,
Washington, D.C.

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE
WASHINGTON
October 24, 1962

EXCELLENCY:

I have the honor to refer to your note of October 24, 1962, in which you set forth certain understandings reached as a result of discussions between representatives of our two governments directed toward improving and standardizing shellfish sanitation practices and exchanging information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between Japan and the United States.

I have the honor to inform you that the Government of the United States confirms the understandings set forth in your note and agrees that your note and this reply shall constitute an agreement between our two governments which shall enter into force on the date of this note.

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

For the Secretary of State:
W. AVERELL HARRIMAN

His Excellency
KOICHIRO ASAKAI,
Ambassador of Japan.

The Japanese Ambassador to the Assistant Secretary of State for Far Eastern Affairs

WASHINGTON, D.C., *October 24, 1962*

MY DEAR MR. SECRETARY:

I wish to refer to the notes exchanged today regarding shellfish sanitation, and to inform you that the Government of Japan will bear, subject to the availability of annual budgetary appropriations, the cost of observations by an expert or experts of the United States Government provided for in paragraph 4 of my note.

Your sincerely,

KOICHIRO ASAKAI,
Ambassador of Japan

The Honorable
W. AVERELL HARRIMAN,
Assistant Secretary,
Far Eastern Affairs,
Department of State,
Washington, D.C.

The Assistant Secretary of State for Far Eastern Affairs to the Japanese Ambassador

ASSISTANT SECRETARY OF STATE
WASHINGTON
October 24, 1962

MY DEAR MR. AMBASSADOR:

I wish to acknowledge the receipt of your letter of October 24, 1962 relating to shellfish sanitation. The Government of the United States notes that the Government of Japan will bear, subject to the availability of annual budgetary appropriations, the cost of observations by an expert or experts of the United States Government provided for in Paragraph 4 of your note of today.

W. AVERELL HARRIMAN
W. Averell Harriman

His Excellency
KOICHIRO ASAKAI,
Ambassador of Japan.

4. WHALING

a. Agreement Concerning an International Observer Scheme for Whaling Operations from Land Stations in the North Pacific Ocean, April 23, 1974*

Done at Tokyo, April 23, 1974; Entered into force April 23, 1974.

The Government of the United States of America and the Government of Japan, being Parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946 (hereinafter referred to as "the Convention");

Proceeding from their mutual concern for the conservation of whale stocks in the North Pacific Ocean, for the maintenance of the proper productivity of whaling from land stations and for the rational conduct of whaling operations;

Have agreed on the following scheme for International Observers at land stations or groups of land stations in the North Pacific Ocean pursuant to paragraph 1 (c) of the Schedule to the Convention:

ARTICLE 1

The purpose of this scheme is to maintain surveillance of whaling from land stations in the North Pacific Ocean whenever whales are being delivered to the land stations or are being processed at such stations.

ARTICLE 2

Observers shall be responsible to the International Whaling Commission (hereinafter referred to as "the Commission") and shall be appointed in accordance with the following provisions:

(a) Each Government shall have the right to nominate to the Commission as many observers of its nationality as there are land stations or groups of land stations under the jurisdiction of the other Government.

(b) From the observers so nominated, the Commission shall appoint one or more observers to a land station or group of land stations engaged in whaling in the North Pacific Ocean. Each Government shall decide the grouping of land stations under its jurisdiction after consultation with the other Government and shall notify the Commission of the decision.

(c) The Commission shall inform both Governments of all appointments made under subparagraph (b) of this paragraph.

**Citation:* TIAS 7823 [text for this compilation provided by Department of State.] *Termination Date:* February 28, 1975.

ARTICLE 3

(1) When an observer is at the land station or group of land stations to which he is appointed, he shall have the status of a senior official. Each Government receiving observers shall take appropriate measures to ensure the security and welfare of the observers and interpreters in the performance of their duties, to provide them with medical care and assistance, and to safeguard their freedom and dignity.

(2) An observer shall not be invested with any administrative power in regard to the activities of the land station or group of land stations to which he is appointed, and shall have no authority to interfere in any way with those activities. He shall neither seek nor receive instructions from any authority other than the Commission. He shall be given the necessary facilities for carrying out his duties, including cabling facilities.

(3) An observer shall be enabled to observe freely the operations of the land station or group of land stations to which he is appointed, so that he may verify the observance of the provisions of the Convention in regard to the taking of whales and their rational utilization. In particular, the observer shall be given facilities to ascertain the species, size, sex, and number of whales taken.

(4) All reports required to be made, and all records and data required to be kept or supplied in accordance with the Schedule to the Convention, shall be made freely and immediately available to observers for examination, and they shall be given all necessary explanations as regards such reports, records and data.

(5) The manager, or senior officials of any of the land stations, or the national inspectors, shall supply any information that is necessary for the discharge of the observer's functions.

(6) When there is reasonable ground to believe that any infraction of the provisions of the Convention has taken place, it shall be brought in writing to the immediate notice both of the manager of the land station and of the senior national inspector by an observer, who shall, if he deems it sufficiently serious, at once transmit it to the Secretary to the Commission together with the explanation or comments of the manager of the land station and the senior national inspector.

(7) An observer shall draw up a report covering his observations, including possible infractions of the provisions of the Convention which have taken place, and shall submit it both to the manager of the land station and to the senior national inspector for information and such explanations and comments as they wish to make. Any such explanations and comments shall be attached to the observer's report, which shall be transmitted to the Secretary to the Commission as soon as possible.

ARTICLE 4

Any observer who does not know the language of the country whose Government receives him must be accompanied by an interpreter.

ARTICLE 5

(1) Each Government which nominates observers who are appointed to the land stations or groups of land stations shall pay the salary and other emoluments, travel, cable costs, subsistence and accommodation and other necessary expenses of those observers.

(2) When it is necessary that an observer be accompanied by an interpreter, the salary and other necessary expenses of that interpreter shall be paid by the Government nominating the observer.

ARTICLE 6

The present Agreement shall enter into force on the date of signature and remain in force until February 28, 1975.

ARTICLE 7

The two Governments shall, before the date of termination of the present Agreement, consult in order to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Tokyo, in duplicate, in the English and Japanese languages, the two texts having equal authenticity, this 23rd day of April, 1974.

For the Government of the United States of America:
THOMAS P. SHOESMITH.

For the Government of Japan:
HIROMICHI MIYAZAKI.

J. KOREA

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J. KOREA

1. FISHERIES

a. Agreement Concerning the Improvement and Standardization of Shellfish Sanitation Practices and Exchanges of Information on Sanitary Controls Applied to the Production and Handling of Fresh or Frozen Oysters, Clams, and Mussels, with Related Notes, November 24, 1972

Effected by exchange of notes Signed at Washington November 24, 1972; Entered into force November 24, 1972, with related notes.

The Korean Ambassador to the Acting Secretary of State

EMBASSY OF THE REPUBLIC OF KOREA
WASHINGTON, D.C.

KAM 72/227 NOVEMBER 24, 1972.

EXCELLENCY:

I have the honor to refer to the recent conversations between the representatives of the Government of the Republic of Korea and the Government of the United States of America concerning the improvement and standardization of shellfish sanitation practices and exchanges of information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between the Republic of Korea and the United States of America.

As a result of these conversations the following understandings were reached:

1. Uniform sanitation principles in the national shellfish sanitation program adopted by the United States Public Health Service will be applied to the production and handling of all fresh or frozen oysters, clams and mussels intended for shipment between the Republic of Korea and the United States of America.

2. The standards, criteria, and guidelines promulgated by the national shellfish sanitation program as amended from time to time will be embodied in the relevant sanitary regulations of the Republic of Korea.

3. The Office of Fisheries, Ministry of Agriculture and Forestry, Republic of Korea and the United States Public Health Service will exchange information on the state of compliance with these principles by the competent authorities in their respective countries and will maintain close contacts on matters concerning sanitary conditions of such shellfish.

4. Either Government will cooperate with the other in the observations of shellfish production areas or handling facilities whenever requested by the other Government.

5. The Office of Fisheries of the Republic of Korea and the United States Public Health Service may enter into detailed arrangements for the implementation of this Agreement on request of either Government.

6. Either Government may terminate this Agreement by giving to the other six months' advance notice in writing. Shipments may be prohibited from importation for cogent public health reasons.

I have the honor to propose that if these understandings meet with the approval of the Government of the United States the present note and Your Excellency's note in reply concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of Your Excellency's reply.

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

DONG-JO KIM
Dong-Jo Kim
Ambassador

The Honorable
U. ALEXIS JOHNSON
Acting Secretary of State
Department of State
Washington, D.C.

The Acting Secretary of State to the Korean Ambassador

DEPARTMENT OF STATE
WASHINGTON

NOVEMBER 24, 1972

EXCELLENCY:

I have the honor to acknowledge receipt of Your Excellency's note of today's date reading as follows:

"I have the honor to refer to the recent conversations between the representatives of the Government of the Republic of Korea and the Government of the United States of America concerning the improvement and standardization of shellfish sanitation practices and exchanges of information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between the Republic of Korea and the United States of America.

"As a result of these conversations the following understandings were reached:

"1. Uniform sanitation principles in the national shellfish sanitation program adopted by the United States Public Health Service will be applied to the production and handling of all fresh or frozen oysters, clams and mussels intended for shipment between the Republic of Korea and the United States of America.

"2. The standards, criteria, and guidelines promulgated by the national shellfish sanitation program as amended from time to time will be embodied in the relevant sanitary regulations of the Republic of Korea.

"3. The Office of Fisheries, Ministry of Agriculture and Forestry, Republic of Korea and the United States Public Health Service will exchange information on the state of compliance with these principles by the competent authorities in their respective countries and will maintain close contacts on matters concerning sanitary conditions of such shellfish.

"4. Either Government will cooperate with the other in the observations of shellfish production areas or handling facilities whenever requested by the other Government.

"5. The Office of Fisheries of the Republic of Korea and the United States Public Health Service may enter into detailed arrangements for the implementation of this Agreement on request of either Government.

"6. Either Government may terminate this Agreement by giving to the other six months' advance notice in writing. Shipments may be prohibited from importation for cogent public health reasons.

"I have the honor to propose that if these understandings meet with the approval of the Government of the United States the present note and Your Excellency's note in reply concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of Your Excellency's reply."

I have the honor to inform Your Excellency that the foregoing proposals are acceptable to the Government of the United States of America and to confirm that Your Excellency's note and this reply thereto shall constitute an agreement between our two countries in this matter which shall enter into force on the date of this reply.

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

For the Acting Secretary of State:
DONALD L. MCKERNAN

His Excellency
KIM DONG JO,
Ambassador of the Republic of Korea.

[RELATED NOTES]

DEPARTMENT OF STATE
WASHINGTON

NOVEMBER 24, 1972

EXCELLENCY:

I have the honor to refer to the notes exchanged today regarding shellfish sanitation and to confirm the understanding that, for the time being and pending resolution of certain technical problems not related to public health, no fresh or live oysters in any form will be shipped from the Republic of Korea to the United States. This understanding will not affect oysters in frozen form. It is further understood that joint research and other activities necessary to resolve these technical problems will be undertaken and completed as soon as possible and that resolution of these problems will be confirmed by a further exchange of notes.

I have the honor to confirm also the understanding that no shipments of shellfish from the Republic of Korea to the United States under the provisions of the notes exchanged today will be made prior

to the entry into force of the Agreement between the two Governments concerning cooperation in fisheries, also signed today. [1]

Accept, Excellency, the renewed assurances of my highest consideration:

For the Acting Secretary of State:
DONALD L. MCKERNAN

His Excellency
KIM DONG JO,
Ambassador of the Republic of Korea.

EMBASSY OF THE REPUBLIC OF KOREA
WASHINGTON, D.C.

KAM 72/229 NOVEMBER 24, 1972

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's letter of this date reading as follows:

"I have the honor to refer to the notes exchanged today regarding shellfish sanitation and to confirm the understanding that, for the time being and pending resolution of certain technical problems not related to public health, no fresh or live oysters in any form will be shipped from the Republic of Korea to the United States. This understanding will not affect oysters in frozen form. It is further understood that joint research and other activities necessary to resolve these technical problems will be undertaken and completed as soon as possible and that resolution of these problems will be confirmed by a further exchange of notes.

"I have the honor to confirm also the understanding that no shipments of shellfish from the Republic of Korea to the United States under the provisions of the notes exchanged today will be made prior to the entry into force of the Agreement between the two Governments concerning cooperation in fisheries, also signed today."

I have the honor to inform you that the foregoing understandings are in conformity with those of the Government of the Republic of Korea.

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

DONG-JO KIM
Dong-Jo Kim
Ambassador

The Honorable
U. ALEXIS JOHNSON
Acting Secretary of State
Department of State
Washington, D.C.

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[1] TIAS 7517; 23 UST.

EMBASSY OF THE REPUBLIC OF KOREA
WASHINGTON, D.C.

KAM 72/229 NOVEMBER 24, 1972

EXCELLENCY:

I have the honor to refer to the notes exchanged today regarding shellfish sanitation, and to inform you that the Government of the Republic of Korea will bear, subject to the availability of annual budgetary appropriations, the cost of observations by an expert or experts of the United States Government provided for in paragraph 4 of my note.

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

DONG-JO KIM
Dong-Jo Kim
Ambassador

The Honorable
U. ALEXIS JOHNSON
Acting Secretary of State
Department of State
Washington, D.C.

DEPARTMENT OF STATE
WASHINGTON

NOVEMBER 24, 1972

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date relating to shellfish sanitation. The Government of the United States notes that the Government of the Republic of Korea will bear, subject to the availability of annual budgetary appropriations, the cost of observations by an expert or experts of the United States Government provided for in Paragraph 4 of Your Excellency's note of today.

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

For the Acting Secretary of State:
DONALD L. MCKERNAN

His Excellency
KIM DONG JO,
Ambassador of the Republic of Korea.

b. Agreement Concerning Cooperation in Fisheries with Agreed Minutes, November 24, 1972*

Signed at Washington November 24, 1972; Entered into force December 12, 1972.

The Government of the United States of America and the Government of the Republic of Korea,

Desiring to continue and to expand their cooperation in the conservation and rational exploitation of fishery resources and in the acquisition of scientific knowledge necessary thereto, and

Being mutually concerned to have the fisheries in the Northeastern Pacific Ocean and Bering Sea conducted with due regard to their respective interests,

Have agreed as follows:

Article I

The Government of the United States of America and the Government of the Republic of Korea consider it desirable to expand research concerning species of fish of mutual interest to both parties through both national and joint or coordinated programs. The specialized agencies of both Governments will exchange scientific and statistical data, published studies and other results of fishery research.

Article II

The Government of the United States of America will:

a. continue to provide technical advice, as may be needed, regarding the propagation under sanitary conditions of shellfish in the Republic of Korea and, subject to its domestic laws and regulations, assist in other ways in the further development of the shellfish industry in Korea;

b. continue to provide technical assistance toward the establishment and development of salmon resources in waters of the Republic of Korea, including the continued provision of salmon eggs as available.

Article III

Fishing vessels of the Republic of Korea may conduct loading operations in the following areas within the nine-mile zone contiguous to the territorial sea of the United States:

a. On the north side of Unalaska Island, Alaska, between 167°30′ and 167°35′ west longitude.

Citation: 23 UST 3702; TIAS 7517.
Termination date: December 12, 1977.

b. On the north side of St. Matthew Island, Alaska, between 172°29′ 172°46′ west longitude and on the south side of St. Matthew Island between 172°17′ and 172°35′ west longitude and between 172°54′ and 173°04′ west longitude.
c. Off St. George Island in the Pribilofs.

ARTICLE IV

Both Governments will encourage and assist by appropriate means the establishment and development of commercial fisheries ventures with the joint participation of nationals of the two countries, bearing in mind the conservation requirements of the stocks of fish to be harvested.

ARTICLE V

Both Governments will ensure that fishing operations by their nationals and vessels in the Northeastern Pacific Ocean and Bering Sea are conducted with a view to the maintenance of the maximum sustainable yield of the living resources. In view of the cooperative programs for the development of fisheries of the Republic of Korea as set forth in preceding articles, the Government of the Republic of Korea will take the measures necessary to ensure that nationals and vessels of Korea will refrain from fishing for salmon and halibut in the Northeastern Pacific Ocean and Bering Sea east of 175° west longitude.

ARTICLE VI

With respect to areas of concentration of fishing operations of both countries, each Government will take appropriate measures aimed at prevention of damage to fishing gear, including measures for improvement of the means of marking fixed gear, measures to ensure that fixed gear is set with due regard for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear. In the event that gear conflicts should arise between the fisheries of the two countries, prompt consultations will be held between the two Governments as may be approprate in each case.

ARTICLE VII

Both Governments will seek to ensure that their nationals and vessels engaged in the fisheries refrain from practices which would result in pollution of the seas and consequent deleterious effects on living marine resources.

ARTICLE VIII

Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas, nor will be construed as limiting the rights of either Government under international law.

Article IX

At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

Article X

This Agreement shall enter into force when the Government of the Republic of Korea has given written notification to the Government of the United States of America that the domestic legal requirements for entry into force of the Agreement have been fulfilled.[1] The Agreement shall remain in force for a period of five years.

In witness whereof the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Washington, November 24, 1972, in duplicate, in the English and Korean languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:	FOR THE GOVERNMENT OF THE REPUBLIC OF KOREA:
Donald L. McKernan	Dong Jo Kim

Agreed Minutes

The representatives of the Government of the United States of America and the Government of the Republic of Korea have agreed to record the following in connection with the Agreement signed today concerning cooperation in fisheries:

1. In connection with the provisions of Article III of the Agreement, the United States representative stated that should the need arise for additions to or changes in the list of loading zones the United States would be prepared to consider sympathetically a Korean request to that effect.

2. It is agreed that if problems should arise concerning entry by Korean fishing vessels into United States ports in accordance with United States law and regulations, the two Governments will consult concerning alleviation of such problems.

3. With respect to Article IV of the Agreement, the Korean representative stated that development of he live-bait fishery for skipjack in the western Pacific is of particular interest, and the United States representative stated that his Government would continue to provide technical advice on this fishery as may be practicable and would continue to encourage joint ventures in this area.

4. In connection with the provisions of Article VI of the Agreement, it is recognized that the area of the southeastern Bering Sea commonly known as the "sanctuary area" offers the potential for serious gear conflicts. It is agreed that if Korean trawling operations in the Bering Sea should expand eastward to the vicinity of the "sanctuary area" consultations will be held with a view to special

[1] Dec. 12, 1972.

measures to avoid development of gear conflicts. The area in question is the area lying seaward of the nine-mile zone contiguous to the territorial sea of the United States within the following described boundaries: a line running from a point on the Bering Sea coast of the Alaska Peninsula due west long 55°54′ north latitude to its intersection with a line connecting the two points 56°20′ north latitude, 163°00′ west longitude and 55°16′ north latitude, 166°10′ west longitude, thence southwesterly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55°16′ north latitude and 166°10′ west longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.

D. L. M. D K

K. MEXICO

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K. MEXICO

1. MIGRATORY BIRDS

a. Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936*

Signed at Mexico City February 7, 1936; Ratification advised by the Senate April 30, 1936; Ratified by the President October 8, 1936; Ratified by Mexico February 12, 1937; Ratification exchanged at Washington March 15, 1937; Proclaimed by the President March 15, 1937.

Whereas, some of the birds denominated migratory, in their move ments cross the United States of America and the United Mexican States, in which countries they live temporarily;

Whereas it is right and proper to protect the said migratory birds, whatever may be their origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated;

Whereas, for this purpose it is necessary to employ adequate measures which will permit a rational utilization of migratory birds for the purpose of sport as well as for food, commerce and industry;

The Governments of the two countries have agreed to conclude a Convention which will satisfy the above mentioned need and to that end have appointed as their respective plenipotentiaries: The Honorable Josephus Daniels representing the President of the United States of America, Franklin D. Roosevelt and the Honorable Eduardo Hay, representing the President of the United Mexican States, General Lázaro Cárdenas, who, having exhibited to each other and found satisfactory their respective full powers, conclude the following Convention:

ARTICLE I. In order that the species may not be exterminated, the high contracting parties declare that it is right and proper to protect birds denominated as migratory, whatever may be their origin, which in their movements live temporarily in the United States of America and the United Mexican States, by means of adequate methods which will permit, in so far as the respective high contracting parties may see fit, the utilization of said birds rationally for purposes of sport, food, commerce and industry.

**Citation:* 50 Stat. 1311; TS 912; IV Trenwith 4498; 9 Bevans 1017.

Implementing legislation: Migratory Bird Treaty Act of 1918, as amended; Public Law 65–186 [S. 1553], 40 Stat. 755, approved July 3, 1918; as amended by Public Law 74–728 [S. 4584], 49 Stat. 1555, approved June 20, 1936; Reorganization Plan No. II, 1939, 53 Stat. 1433, effective July 1, 1939; Public Law 86–732 [H.R. 12533], 74 Stat. 866 approved September 8, 1960; and Public Law 91–135 [H.R. 11363] 83 Stat. 282, approved December 5, 1969.

ARTICLE II. The high contracting parties agree to establish laws, regulations and provisions to satisfy the need set forth in the preceding Article, including:

A) The establishment of close seasons, which will prohibit in certain periods of the year the taking of migratory birds, their nests or eggs, as well as their transportation or sale, alive or dead, their products or parts, except when proceeding, with appropriate authorization, from private game farms or when used for scientific purposes, for propagation or for museums.

B) The establishment of refuge zones in which the taking of such birds will be prohibited.

C) The limitation of their hunting to four months in each year, as a maximum, under permits issued by the respective authorities in each case.

D) The establishment of a close season for wild ducks from the tenth of March to the first of September.

E) The prohibition of the killing of migratory insectivorous birds, except when they become injurious to agriculture and constitute plagues, as well as when they come from reserve or game farms: provided however that such birds may be captured alive and used in conformity with the laws of each contracting country.

F) The prohibition of hunting from aircraft.

ARTICLE III. The high contracting parties respectively agree, in addition, not to permit the transportation over the American-Mexican border of migratory birds, dead or alive, their parts or products without a permit of authorization provided for that purpose by the government of each country, with the understanding that in the case that the said birds, their parts or products are transported from one country to the other without the stipulated authorization, they will be considered as contraband and treated accordingly.

ARTICLE IV. The high contracting parties declare that for the purposes of the present Convention the following birds shall be considered migratory:

Migratory game birds.—Familia Anatidae, Familia Gruidae, Familia Rallidae, Familia Charadriidae, Familia Scolopacidae, Familia Recurvirostridae, Familia Phalaropodidae, Familia Columbidae.

Migratory non-game birds.—Familia Cuculidae, Familia Caprimulgidae, Familia Micropodidae, Familia Trochilidae, Familia Picidae, Familia Tyrannidae, Familia Alaudidae, Familia Hirundinidae, Familia Paridae, Familia Certhiidae, Familia Troglodytidae, Familia Turdidae, Familia Mimidae, Familia Sylviidae, Familia Motacillidae, Familia Bombycillidae, Familia Ptilogonatidae, Familia Laniidae, Familia Vireonidae, Familia Compsothlypidae, Familia Icteridae, Familia Thraupidae, Familia Fringillidae.

Others which the Presidents of the United States of America and the United Mexican States may determine by common agreement.

ARTICLE V. The high contracting parties agree to apply the stipulations set forth in Article III with respect to the game mammals which live in their respective countries.

ARTICLE VI. This Convention shall be ratified by the high contracting parties in accordance with their constitutional methods and shall remain in force for fifteen years and shall be understood to be extended

from year to year if the high contracting parties have not indicated twelve months in advance their intention to terminate it.

The respective plenipotentiaries sign the present Convention in duplicate in English and Spanish, affixing thereto their respective seals, in the City of Mexico, the seventh day of February of 1936.

(Signed) Josephus Daniels. Eduardo Hay.

December 1, 1964

1. AGREEMENT SUPPLEMENTING THE CONVENTION OF FEBRUARY 7, 1936, FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS, MARCH 10, 1972*

Effected by exchange of notes signed at Mexico and Tlatelolco March 10, 1972; Entered into force March 10, 1972.

The American Ambassador to the Mexican Acting Secretary of Foreign Relations

No. 283

EMBASSY OF THE UNITED STATES OF AMERICA,
MEXICO CITY, *March 10, 1972*

EXCELLENCY:

I have the honor to refer to the Convention between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on February 7, 1936, [1] and to conversations between representatives of our two Governments relating to the addition to the list of birds considered migratory for the purposes of the Convention.

Pursuant to authority delegated by the President of the United States, I have the honor to propose that the following additions be made to the list of birds set forth in Article IV of the Convention:

Scientific Name	*English Name*	*Spanish Name*
Accipitridae	Eagles, hawks	Gavilanes, aguilas, aguililas
Alcedinidae	Kingfishers	Martin Pescador
Alcidae	Auklets, murres puffins	Pato de noche
Anhingidae	Snake birds	Ahuizote
Aramidae	Limpkins	Totalaca
Ardeidae	Herons, egrets, bitterns	Garzas, garzones
Cathartidae	New World vultures	Zopilotes, auras
Ciconiidae	Stork and wood ibis	Jaribu, Galambae
Corvidae	Ravens, crows, jay	Cuervos, urracas
Diomedeidae	Albatrosses	Albatros
Falconidae	Falcons, hawks	Gavilan, Caracara
Fregatidae	Man-of-war birds	Fragata
Phalacrocoracidae	Cormorant	Cormoran, corvejon
Phoenicopteridae	Flamingo	Flamenco
Gaviidae	Loons	Somogujos
Haematopodidae	Oyster catcher	Ostrero
Hydrobatidae	Storm petrels	Petreles
Jacanidae	Jacanas	Cirujano
Laridae	Sea gulls, Terns	Gavioetas, Gallito
Pandionidae	Ospreys	Aguililla pescadora
Pelecanidae	Pelicans	Pelicanos

*Citation: 23 UST 260; TIAS 7302.

[1] TS 912; 50 Stat. 1311.

Scientific Name	*English Name*	*Spanish Name*
Phaethontidae	Tropic-birds	Raba de junco
Podicipedidae	Grebes	Zambullidores, Buzos
Procellariidae	Shearwaters	Petreles, Fulmaros
Rynchopidae	Skimmers	Rayador
Sittidae	Nuthatches	Saltapalos
Stercorariidae	Jaeger	Estercorario, Skus
Strigidae	Owls	Tecolote, Lechuza
Sulidae	Boobies, Gannets	Bubias
Threskiornithidae	Spoonbill, ibises	Teoquechol, Cucharera
Tytonidae	Barn owl	Lechuzas
Trogonidae	Trogons	Pabellon, Cuauhtotola

Upon the receipt of a note from Your Excellency indicating that the proposal contained in this note is acceptable to the Government of the United Mexican States, the Government of the United States of America will consider that this note and your reply thereto shall constitute an agreement between the two Governments on this subject, which agreement shall enter into force on the date of your note in reply.

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

ROBERT H. MCBRIDE

His Excellency
RUBEN GONZÁLEZ SOSA
Acting Secretary of Foreign Relations,
México, D.F.

Translation

UNITED MEXICAN STATES
DEPARTMENT OF FOREIGN RELATIONS
MEXICO

501874

TLATELOLCO, *D. F., March 10, 1972*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note No. 283 of today's date, the Spanish translation of which is as follows:

[For the English language text, see. p. 853]

In reply, I am happy to inform Your Excellency that my Government accepts the terms of your note No. 283, transcribed above, and consequently agrees to consider that your note and this note in reply shall constitute an agreement between the Government of the United Mexican States and the Government of the United States of America amending Article 4 of the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on February 7, 1936, which agreement shall enter into force on this date.

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

R. GONZÁLEZ S.

His Excellency
ROBERT HENRY MCBRIDE,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Mexico, D. F.

L. NEW ZEALAND

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L. NEW ZEALAND

1. ANTARCTICA

a. Agreement Relating to Cooperation in Scientific and Logistical Operations in Antarctica with Memorandum of Understanding, December 24, 1958*

Effected by exchange of notes Signed at Wellington December 24, 1958; Entered into force December 24, 1958.

The New Zealand Minister of External Affairs to the American Ambassador

OFFICE OF THE MINISTER OF EXTERNAL AFFAIRS,
WELLINGTON

24 December 1958

EXCELLENCY,

I have the honour to refer to discussions which have taken place between the New Zealand and the United States authorities regarding the future provision of facilities in New Zealand for United States personnel, ships and aircraft engaged in operations in Antarctica. As you know, the New Zealand Government wishes to provide whatever assistance it can to the United States Government in connection with such operations, and a number of understandings regarding the provision of appropriate facilities in New Zealand have been reached during the discussions.

These understandings, which include a statement of the assistance which the United States Government has offered in respect of New Zealand operations in Antarctica, are set out in the attached memorandum.

It is suggested that these arrangements should enure for the full period during which United States personnel, ships and aircraft may be in New Zealand in connection with United States operations in Antarctica during the present International Geophysical Year and for the period ending on 31 December 1959, and that the provision of any necessary facilities which may thereafter be required in New Zealand be discussed in correspondence between us at the appropriate time.

If the proposals contained in the present note, and the understandings set out in the attached memorandum are acceptable to the Government of the United States of America, I have the honour to suggest that this note and your reply thereto, should constitute an agreement between our Governments, the agreement to enter into force on the date of your note in reply.

**Citation:* 9 UST 1502 : TIAS 4151.

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

W. NASH
Minister of External Affairs

Enclosure:
Memorandum.

His Excellency Mr. FRANCIS H. RUSSELL,
Ambassador of the United States of America,
Wellington.

MEMORANDUM OF UNDERSTANDINGS

1(a) The New Zealand Government will provide as far as possible facilities in New Zealand requested by the United States authorities in connection with United States operations in Antarctica. It agrees to the establishment of operational headquarters in New Zealand and to the transit of United States personnel, ships and aircraft through New Zealand. United States personnel may be accommodated in New Zealand and United States aircraft may be based at agreed airports within New Zealand.

(b) The New Zealand Government agrees to the establishment and operation of a military and affiliate radio station in New Zealand by the United States authorities, under arrangements to be made with the Royal New Zealand Air Force.

(c) In each case where facilities are provided by the New Zealand Government, the financial basis on which they are made available, and the conditions on which they shall be returned, will be decided by agreement between the New Zealand and the United States authorities.

2. As appropriate, the normal requirements in connection with the arrival and departure of ships and aircraft in New Zealand, as well as passport, visa and other immigration laws and regulations will be waived in respect of United States personnel, and ships and aircraft of the United States Navy and Air Force engaged upon operations in Antarctica.

3(a) Subject to such procedures as may be arranged, the Government of New Zealand will exempt from payment of taxes and customs duties, goods imported into or exported out of New Zealand by the United States authorities or United States personnel in connection with United States operations in Antarctica.

(b) The presence of United States personnel in New Zealand solely in connection with United States operation in Antarctica shall not subject them to taxation on their salary and emoluments received from the United States Government or on any tangible movable property the presence of which in New Zealand is due solely to their temporary presence there, nor constitute residence nor domicile for New Zealand tax purposes.

4(a) If United States personnel are alleged to have committeed acts which are offences against New Zealand law, the following provisions shall apply:

(i) The New Zealand authorities, recognizing the problems arising from the concurrent jurisdiction in criminal matters over such personnel in New Zealand territory, will consider alleged offences affecting only United States personnel or property, or committed in the performance of official duty, as a matter for the United States authorities.

(ii) Moreover, the New Zealand authorities will not ordinarily be concerned to institute proceedings in the New Zealand courts in respect of alleged minor offences which do not fall within the categories referred to in (i) above.

(b) For their part, the United States authorities will take measures to ensure respect for the laws of New Zealand by United States personnel and will take whatever steps are necessary to punish personnel who have committed acts which are offences against those laws.

(c) United States personnel who have been arrested or apprehended, whether by the New Zealand authorities or by the United States authorities, will be retained in custody by the United States authorities, who shall produce the personnel concerned, upon request by the New Zealand authorities, for investigation, identification or trial.

(d) It is understood that the principle of not trying an accused twice for the same offence will be followed, except that the United States authorities shall remain free to punish for violation of rules of military discipline.

5(a) It is the understanding of the New Zealand Government that United States law makes provision for the settlement of meritorious claims for loss or damage caused by the acts or omissions (whether committed on or off duty) of United States personnel, and acts or omissions arising out of the performance of official duty by employees of the United States forces who are nationals of or ordinarily resident in New Zealand. In this connection, it is understood that the United States compensation authorities will pay, in accordance with and to the fullest extent possible under United States claims rules and procedures, just and reasonable compensation, when accepted by claimants in full satisfaction and in final settlement, for meritorious claims for injury or death or damage to property arising out of such acts or omissions. It is understood that United States claims legislation requires that such claims be presented to United States authorities within one year after the occurrence of the accident or incident out of which the claim arises.

(b) It is further understood by the two Governments that the satisfactory procedures which have been arranged with the Office of the Solicitor-General of New Zealand for the settlement of such claims will be maintained, and accordingly that the United States compensation authorities will, in determining liability and compensation, continue to give due regard to the Solicitor-General's assessment, and to the amount which he may recommend for settlement in particular cases.

6. The Government of the United States of America for its part will provide as far as possible logistic support requested by the New

Zealand authorities in connection with New Zealand operations in Antarctica.

7. The Governments of New Zealand and the United States of America will cooperate in making appropriate administrative arrangements to give effect to the understandings set out in this memorandum and to resolve any other practical issues which may from time to time arise from the presence in New Zealand of personnel, ships and aircraft of United States Antarctic expeditions.

8. The term "United States personnel" includes uniformed members of the United States forces and civilian employees of the forces except those employees who are nationals of, or ordinarily resident in, New Zealand.

The American Ambassador to the New Zealand Minister of External Affairs

AMERICAN EMBASSY,
No. 28 *Wellington, December 24, 1958.*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, together with the memorandum of understandings attached thereto, the texts of which read as follows:

"I have the honour to refer to discussions which have taken place between the New Zealand and the United States authorities regarding the future provision of facilities in New Zealand for United States personnel, ships and aircraft engaged in operations in Antarctica. As you know, the New Zealand Government wishes to provide whatever assistance it can to the United States Government in connection with such operations, and a number of understandings regarding the provision of appropriate facilities in New Zealand have been reached during the discussions.

"These understandings, which include a statement of the assistance which the United States Government has offered in respect of New Zealand operations in Antarctica, are set out in the attached memorandum.

"It is suggested that these arrangements should enure for the full period during which United States personnel, ships and aircraft may be in New Zealand in connection with United States operations in Antarctica during the present International Geophysical Year and for the period ending on 31 December 1959, and that the provision of any necessary facilities which may thereafter be required in New Zealand be discussed in correspondence between us at the appropriate time.

"If the proposals contained in the present note, and the understandings set out in the attached memorandum are acceptable to the Government of the United States of America, I have the honour to suggest that this note and your reply thereto, should constitute an agreement between our Governments, the agreement to enter into force on the date of your note in reply.

"Accept, Excellency, the renewed assurances of my highest consideration.

"MEMORANDUM OF UNDERSTANDINGS

"1(a) The New Zealand Government will provide as far as possible facilities in New Zealand requested by the United States authorities in connection with United States operations in Antarctica. It agrees to the establishment of operational headquarters in New Zealand and to the transit of United States personnel, ships and aircraft through New Zealand. United States personnel may be accommodated in New Zealand and United States aircraft may be based at agreed airports within New Zealand.

"(b) The New Zealand Government agrees to the establishment and operation of a military and affiliate radio station in New Zealand by the United States authorities, under arrangements to be made with the Royal New Zealand Air Force.

"(c) In each case where facilities are provided by the New Zealand Government, the financial basis on which they are made available, and the conditions on which they shall be returned, will be decided by agreement between the New Zealand and the United States authorities.

"2. As appropriate, the normal requirements in connection with the arrival and departure of ships and aircraft in New Zealand, as well as passport, visa and other immigration laws and regulations will be waived in respect of United States personnel, and ships and aircraft of the United States Navy and Air Force engaged upon operations in Antarctica.

"3(a) Subject to such procedures as may be arranged, the Government of New Zealand will exempt from payment of taxes and customs duties, goods imported into or exported out of New Zealand by the United States authorities or United States personnel in connection with United States operations in Antarctica.

"(b) The presence of United States personnel in New Zealand solely in connection with United States operations in Antarctica shall not subject them to taxation on their salary and emoluments received from the United States Government or on any tangible movable property the presence of which in New Zealand is due solely to their temporary presence there, nor constitute residence nor domicile for New Zealand tax purposes.

"4(a) If United States personnel are alleged to have committed acts which are offences against New Zealand law, the following provisions shall apply:

"(i) The New Zealand authorities, recognizing the problems arising from the concurrent jurisdiction in criminal matters over such personnel in New Zealand territory, will consider alleged offences affecting only United States personnel or property or committed in the performance of official duty, as a matter for the United States authorities.

"(ii) Moreover, the New Zealand authorities will not ordinarily be concerned to institute proceedings in the New Zealand courts in respect of alleged minor offences which do not fall within the categories referred to in (i) above.

"(b) For their part the United States authorities will take measures to ensure respect for the laws of New Zealand by United States personnel and will take whatever steps are necessary to punish personnel who have committeed acts which are offences against those laws.

"(c) United States personnel who have been arrested or apprehended, whether by the New Zealand authorities or by the United States authorities, will be retained in custody by the United States authorities, who shall produce the personnel concerned, upon request by the New Zealand authorities, for investigation, identification or trial.

"(d) It is understood that the principle of not trying an accused twice for the same offence will be followed, except that the United States authorities shall remain free to punish for violation of rules of military discipline.

"5(a) It is the understanding of the New Zealand Government that United States law makes provision for the settlement of meritorious claims for loss or damage caused by the acts or omissions (whether committed on or off duty) of United States personnel, and acts or omissions arising out of the performance of official duty by employees of the United States forces who are nationals of or ordinarily resident in New Zealand. In this connection, it is understood that the United States compensation authorities will pay, in accordance with and to the fullest extent possible under United States claims rules and procedures, just and reasonable compensation, when accepted by claimants in full satisfaction and in final settlement, for meritorious claims for injury or death or damage to property arising out of such acts or omissions. It is understood that United States claims legislation requires that such claims be presented to United States authorities within one year after the occurrence of the accident or incident out of which the claim arises.

"(b) It is further understood by the two Governments that the satisfactory procedures which have been arranged with the Office of the Solicitor-General of New Zealand for the settlement of such claims will be maintained, and accordingly that the United States compensation authorities will, in determining liability and compensation, continue to give due regard to the Solicitor-General's assessment and to the amount which he may recommend for settlement in particular cases.

"6. The Government of the United States of America for its part will provide as far as possible logsictic support requested by the New Zealand authorities in connection with New Zealand operations in Antarctica.

"7. The Governments of New Zealand and the United States of America will cooperate in making appropriate administrative arrangements to give effect to the understandings set out in this memorandum and to resolve any other practical issues which may from time to time arise from the presence in New Zealand of personnel, ships and aircraft of United States Antarctic expeditions.

"8. The term "United States personnel" includes uniformed members of the United States forces and civilian employees of the forces except those employees who are nationals of, or ordinarily resident in, New Zealand."

I have the honor to inform you that the Government of the United States of America accepts the proposals contained in your note, together with the understandings set out in the memorandum attached thereto, and regards your note and my present reply as constituting an agreement between our two Governments, the agreement to enter into force on this day.

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

FRANCIS H. RUSSELL

His Excellency,
WALTER NASH,
Minister of External Affairs,
Wellington.

1. EXTENSION, OCTOBER 18, 1960*

Effected exchange of notes signed at Wellington October 18, 1960; Entered into force October 18, 1960; Operative retroactively January 1, 1960.

The New Zealand Minister of External Affairs to the American Ambassador

OFFICE OF THE MINISTER OF EXTERNAL AFFAIRS,
WELLINGTON

18 October 1960

EXCELLENCY,

I have the honour to refer to the Exchange of Notes constituting an Agreement between the Government of New Zealand and the Government of the United States of America regarding the Provision of Facilities in New Zealand for United States Antarctic Expeditions, which was concluded at Wellington on 24 December 1958.[1] As you know, the Agreement constituted by this Exchange terminated, in accordance with its terms, on 31 December 1959, but discussions have been held between the United States and New Zealand authorities regarding its prolongation.

Cooperation between the Governments of New Zealand and the United States of America during and since the International Geophysical Year period made possible the fulfillment of wide programmes of scientific exploration in the Antarctic. The recently concluded Antarctic Treaty [2] provides scope for the extension of this relationship. Accordingly the New Zealand Government wishes to provide whatever assistance it can in connection with the continuing United States operations in Anarctica. I therefore have the honour to propose an agreement between our two Governments in the following terms:

1. The Agreement constituted by the Exchange of Notes of 24 December 1958 shall, subject to the provisions of the present agreement, be regarded as remaining in force for the full period during which the United States personnel, ships and aircraft

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*Citation: 11 UST 2205; TIAS 4591.
[1] TIAS 4151; 9 UST 1502.
[2] Signed at Washington Dec. 1, 1959.

continue in future to be based in New Zealand in connection with United States operations in Antarctica.

2. Each Government will arrange for the earliest possible notification to be given to the other Government, prior to the beginning of each Antarctic season, of the nature and scope of the operations which it is planning for that season.
3. The two Governments agree to consult together at any time, at the request of either, regarding the operation, application or amendment of the present agreement.
4. Either Government may at any time give to the other Government notice of intention to terminate the present agreement. In such case the present agreement shall terminate after the expiration of ninety days from the date on which the notice is received.

If the proposals contained in this note are acceptable to the Government of the United States of America, I have the honour to suggest that this note and your reply thereto, should constitute an agreement between our two Governments, with effect from 1 January 1960.

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

W. NASH
Minister of External Affairs.

His Excellency Mr. Francis H. Russell,
Ambassador of the
United States of America,
Wellington.

The American Ambassador to the New Zealand Minister of External Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Wellington, October 18, 1960.

No. 26

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, the text of which reads as follows:

"I have the honour to refer to the Exchange of Notes constituting an Agreement between the Government of New Zealand and the Government of the United States of America regarding the Provision of Facilities in New Zealand for United States Antarctic Expeditions, which was concluded at Wellington on 24 December 1958. As you know, the Agreement constituted by this Exchange terminated, in accordance with its terms, on 31 December 1959, but discussions have been held between the United States and New Zealand authorities regarding its prolongation.

"Cooperation between the Governments of New Zealand and the United States of America during and since the International Geophysical Year period made possible the fulfilment of wide programmes of scientific exploration in the Antarctic. The recently concluded Antarctic Treaty provides scope for the extension of this

relationship. Accordingly the New Zealand Government wishes to provide whatever assistance it can in connection with the continuing United States operations in Antarctica. I therefore have the honour to propose an agreement between our two Governments in the following terms:

"1. The Agreement constituted by the Exchange of Notes of 24 December 1958 shall, subject to the provisions of the present agreement, be regarded as remaining in force for the full period during which United States personnel, ships and aircraft continue in future to be based in New Zealand in connection with United States operations in Antarctica.

"2. Each Government will arrange for the earliest possible notification to be given to the other Government, prior to the beginning of each Antarctic season, of the nature and scope of the operations which it is planning for that season.

"3. The two Governments agree to consult together at any time, at the request of either, regarding the operation, application or amendment of the present agreement.

"4. Either Government may at any time give to the other Government notice of intention to terminate the present agreement. In such case the present agreement shall terminate after the expiration of ninety days from the date on which the notice is received.

"If the proposals contained in this note are acceptable to the Government of the United States of America, I have the honour to suggest that this note and your reply thereto, should constitute an agreement between our two Governments, with effect from 1 January 1960."

I have the honor to inform you that the Government of the United States of America accepts the proposals contained in your note, and regards your note and my present reply as constituting an agreement between our two Governments.

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

FRANCIS H. RUSSELL

His Excellency
The Right Honorable
WALTER NASH, C.H.,
Minister of External Affairs,
Wellington.

M. POLAND

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M. POLAND

1. ENVIRONMENT

a. Agreement on Cooperation in the Field of Environmental Protection, October 8, 1974*

Signed at Washington October 8, 1974; Entered into force October 8, 1974.

AGREEMENT BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF LAND ECONOMY AND ENVIRONMENT PROTECTION OF THE POLISH PEOPLE'S REPUBLIC ON COOPERATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

In accordance with Article 1 of the Agreement between the Government of the United States of America and the Government of the Polish People's Republic on Cooperation in Science and Technology signed October 31, 1972, and in order to expand and intensify cooperation in the field of environmental protection and in particular in the field of pollution abatement and control, the Environmental Protection Agency of the United States of America and the Ministry of Land Economy and Environment Protection of the Polish People's Republic agree as follows:

ARTICLE I

1. The Environmental Protection Agency and the Ministry of Land Economy and Environment Protection called hereunder the Parties shall cooperate in the field of environmental protection and more particularly in the field of pollution abatement and control, with regard to:

air pollution.
water pollution.
the prevention of environmental degradation of the biosphere.
the effects of pollutants on fauna and flora.
noise abatement and vibration.
protection against harmful effects of transportation.
the effects of ionizing radiation as a pollutant.
protection of urbanized and industrialized environment.
management of municipal and industrial wastes, including recycling.
the effects of pollutants on human health.

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* *Source:* Department of State Release No. 398–F, October 8, 1974; confirmed with Environmental Protection Agency.
Termination Date: October 31, 1977.

35–415—75——56

2. The cooperation may include:
carrying out joint scientific and technical research work.
exchange of specialists.
exchange of scientific and technical information and documentation.
loans of equipment.
making professional literature available.
organization of conferences and symposia, lectures and exhibitions and possible other forms of cooperation, which the Parties consider appropriate.

ARTICLE II

1. Agreements for implementation of each task performed within the framework of this Agreement may be negotiated by the organizational units concerned and shall be signed in the name of the Parties to the present Agreement.
2. Agreements shall describe:
responsibilities of the concerned organizational units.
activities which should be carried out and their duration.
level of funding.
procedures for utilizing results of the activities.
reports that provide progress and final results of the activities and financial data.

ARTICLE III

The tasks involved in the implementing arrangements shall be financed in accordance with Article 3 of the Agreement between the Government of the United States of America and the Government of the Polish People's Republic of October 31, 1972.

ARTICLE IV

In order to promote the effectiveness of the accomplishment of the present Agreement, the Parties shall carry out periodical assessment of performance of the tasks resulting from this Agreement. The above-mentioned assessments shall consider in particular the performance of the implementing arrangements and the establishment of trends and priorities in regard to future cooperation.

ARTICLE V

Nothing herein shall be interpreted as a limit on either Party negotiating cooperative programs with other agencies of the Governments of the United States of America and the Polish People's Republic.

ARTICLE VI

This Agreement shall enter into force upon signature and shall remain in force until October 31, 1977. It may be modified or extended by mutual agreement of the Parties and may be terminated by either Party upon six (6) months notice to the other Party. The termination or expiration of this Agreement shall not affect the implementation of arrangements made under it.

DONE at Washington this eighth day of October, 1974, in duplicate, each in the English and Polish language, both equally authentic.

FOR THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES OF AMERICA:

RUSSELL E. TRAIN,
Administrator of the Environmental Protection Agency.

FOR THE MINISTRY OF LAND ECONOMY AND ENVIRONMENT PROTECTION OF THE POLISH PEOPLE'S REPUBLIC:

WITOLD TRAMPCZYNSKI,
Ambassador.

2. FISHERIES

a. Agreement Regarding Fisheries in the Western Region of the Middle Atlantic Ocean, with Annexes and Agreed Minutes, June 2, 1973 *

Signed at Warsaw June 2, 1973; Entered into force July 1, 1973, with agreed minutes.

The Government of the United States of America and the Government of the Polish People's Republic, continuing to recognize the necessity of conducting fisheries on a rational basis with due regard for the status of stocks of fish and in accordance with the results of scientific research, and taking into account the need for widening and coordinating scientific research in the field of fisheries and for the mutual exchange of the results of such research.

Have agreed on the following provisions as an extension and amendment of the Agreement signed on June 13, 1970 at Washington: [1]

ARTICLE 1

1. The Government of the United States of America and the Government of the Polish People's Republic consider it desirable to expand research pertaining to the species of fish of interest to both Parties. Such research will be conducted according to national programs as well as mutually agreed research programs.

2. The competent agencies of both Governments shall ensure the following:

a. An exchange of scientific and statistical data, publications and the results of fishery research concerning the area covered by this Agreement;

b. To the extent possible, meetings of scientists of both countries as well as the participation of the scientists of one country in fishery research conducted by the vessels of the other country.

3. Each Government shall take the appropriate steps to assure cooperation among appropriate institutions in the field of fishery research.

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* *Citation:* TIAS 7659, TIAS 6890, 7397 ; 21 UST 1335 ; 23 UST 1254.
Termination Date: June 30, 1975.

ARTICLE 2

1. Each Government will take appropriate measures for the purpose of maintaining the fish stocks. For this reason, each Government shall ensure that its citizens and vessels will:

a. Refrain from fishing during the period from January 1 through April 15 in the area bounded by straight lines connecting the following coordinates:

North Latitude	*West Longitude*
40°05′	71°40′
39°50′	71°40′
37°50′	74°00′
37°10′	74°29′
36°30′	74°40′
36°30′	74°48′
37°10′	74°48′
37°50′	74°25′
38°24′	73°44′
39°40′	72°32′

Provided, however, that in this area fishing with pelagic (mid-water) gear will be permitted south of 37°50′ North Latitude;

b. Refrain from conducting specialized fisheries in all instances for scup, flounders, red hake, silver hake, menhaden, black sea bass, river herring, and bluefish in the waters situated west and south of Sub-area 5 of the Area of the International Convention for the Northwest Atlantic Fisheries, signed in Washington on February 8, 1949,[2] and north of the parallel of 34° North Latitude;

c. Limit, in the area specified in sub-paragraph b. of this paragraph, their incidental catch of scup, flounders, red hake, silver hake, menhaden, black sea bass, river herring, and bluefish to a maximum total of one thousand three hundred metric tons per annum, provided that no more than one-third of such incidental above. Incidental catch is that catch taken unintentionally when conducting specialized fisheries for other species.

2. Polish fishing vessels shall:

a. Refrain from engaging in the intentional catching of lobster off the Atlantic coast of the United States north of Cape Hatteras, shall continue to take appropriate measures to minimize incidental catches of lobster in specialized fisheries for other species, and shall return to the sea in a viable condition all lobster taken incidentally insofar as possible;

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[2] TIAS 2089, 5380, 6840, 6841; 1 UST 477; 14 UST 924; 21 UST 567, 576.

b. Refrain from conducting specialized fisheries for yellowtail flounder and red hake off southern New England, bearing in mind the conservation regulations in effect pursuant to the International Convention for the Northwest Atlantic Fisheries.

3. The provisions of paragraph 1 of this Article shall not apply to vessels under 110 feet in length and to vessels fishing for crustacea or molluscs.

ARTICLE 3

Both Governments will take appropriate measures to assure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

ARTICLE 4

Polish fishing vessels may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the areas bounded by straight lines connecting the following coordinates:

a. during the period from November 15 to May 15

North Latitude	*West Longitude*
40°40′55″	72°40′00″
40°42′02″	72°36′16″
40°35′34″	72°36′16″
40°34′31″	72°40′00″

b. during the period from September 15 to May 15

North Latitude	*West Longitude*
39°09′00″	74°32′00″
39°11′30″	74°30′00″
39°08′00″	74°24′00″
39°05′30″	74°26′00″

c. during the period from September 15 to May 15

North Latitude	*West Longitude*
37°26′30″	75°32′00″
37°29′30″	75°30′30″
37°27′30″	75°23′30″
37°24′30″	75°25′00″

Polish fishing vessels may conduct such loading operations with other Polish vessels and vessels of other states with which the United States maintains diplomatic relations, provided that the latter vessels are under charter or contract to a Polish fishing company for such loading operations.

ARTICLE 5

1. Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishing research vessels, and fishery support vessels.

2. The Government of the United States of America will permit the entry of Polish fishing and fishery support vessels into each of the Ports of Baltimore, Camden, Philadelphia, and New York, and the

entry of not more than six such vessels each month into the Port of Boston. In addition, special provisions shall be made as necessary regarding the entry of Polish research vessels which are engaged in a mutually agreed research program in accordance with the terms of Article 1 of this Agreement.

3. Entry into the Ports of Baltimore, Boston, Camden, Philadelphia, and New York, as indicated in paragraph 2 above, shall be permitted subject to four days advance notice of the planned entry to the appropriate authority.

4. The Government of the United States at its Embassy in Warsaw will accept crew lists in application for visas valid for a period of six months for multiple entries into United States ports pursuant to paragraph 2 above. Such a crew list shall be submitted at least fourteen days prior to the first entry of a fishing vessel, and at least seven days prior to the first entry of a fisheries support vessel, into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Polish ports will also be subject to the provisions of this paragraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry under paragraph 3 above shall specify if shore leave is requested under such a multiple entry visa.

5. Entry of all vessels into the ports referred to in paragraph 2 above may be to replenish ships' stores or fresh water, obtain bunkers, provide rest for personnel of such vessels, and obtain minor repairs and other services normally provided in such ports, all in accordance with applicable rules and regulations.

6. Subject to the provisions of this Agreement, it is understood that the entry of Polish vessels into any United States port is subject to the applicable laws and regulations of the United States.

7. In cases where a Polish seaman is evacuated from his vessel to the United States for the purpose of emergency medical treatment, the Polish authorities will ensure that the seaman departs from the United States within fourteen days after his release from the hospital. During the period that the seaman is in the United States, a representative of the Polish side will be responsible for him.

8. Each of the above provisions in this Article may be modified by mutual consent at any time.

Article 6

1. Both Governments consider it useful to arrange:

   a. Regular visits of representatives of the fisheries authorities of the two countries to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of the fishing fleets, and questions arising out of the application of the provisions of this Agreement; such visits shall take place at least every three months, on appropriate vessels of each side or at another mutually agreed location;

   b. Mutual visits of representatives of fishermen's organizations of the two countries of vessels operating in the Western areas of the Middle Atlantic or at another mutually agreed location.

2. Those participating in each visit shall prepare a brief report of their visit in each case and submit it to the appropriate authorities of the two Governments. Visits shall be arranged between the Regional Director of the National Marine Fisheries Service in Gloucester Massachusetts, and the chiefs of the fishing fleets of the Deep Sea Fisheries and Fishery Services Enterprise "DALMOR" in Gdynia, "ORDA" in Swinoujscie, or "GRYF" in Szczecin, as appropriate. Each side will inform the other side at least two weeks before the visit, of subjects it wishes discussed.

ARTICLE 7

1. Subject to compliance with the International Regulations for Preventing Collisions at Sea,[3] all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress. No vessels shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control. Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear, or fishing vessels. As used in this paragraph, the word "vessels" refers to fishing vessels and fishery support vessels.

2. The Government of the United States will, to the fullest extent of its authority and resources, take steps to minimize the possibility of conflict between U.S. lobster fishing gear and mobile fishing gear. This will include the development and use of improved marking, deployment, and notification practices. The United States Government will give notice of concentrations of lobster gear on a timely basis to the Polish fishing fleet. The Government of the Polish People's Republic will, to the maximum extent practicable, give notice of areas of concentration of the Polish fishing fleet to the American authorities.

ARTICLE 8

Both Governments agree to the establishment of the U.S.-Polish Fisheries Conciliation Board set out in Annex I which forms an integral part of this Agreement.

ARTICLE 9

Both Governments agree to implement the voluntary scheme of joint inspection set out in Annex II which forms an integral part of this Agreement.

[3] TIAS 5813; 16 UST 794.

ARTICLE 10

Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to the principle of freedom of fishing on the high seas.

ARTICLE 11

The present Agreement shall enter into force on July 1, 1973 and shall remain in force through June 30, 1975. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement or Annexes thereto. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements. Notwithstanding the above, at any time after May 1, 1974, either Government may communicate to the other Government its intention to denounce the present Agreement, in which case the Agreement shall terminate two months from the date on the communication. An Annex may be terminated in the same manner, without prejudice to the operation of the Agreement. As soon as possible after receipt of such communication, representatives of the two Governments will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement and affixed seals thereto.

DONE in Warsaw, June 2, 1973, in duplicate, in English and Polish, both texts being equally authentic.

For the Government of the United States of America:

Donald L. McKernan [signature]

For the Government of the Polish People's Republic:

Romuald Pietraszek [signature]

ANNEX I

Establishment of a U.S.-Polish Fisheries Conciliation Board

SECTION 1

Establishment of the Board

1. There is hereby established a U.S.-Polish Fisheries Conciliation Board (hereinafter called the Board).

2. The Board shall consist of four members, two appointed by the Government of the United States of America and two appointed by the Government of the Polish People's Republic. At least one of the two members appointed by each Government shall have knowledge of the general principles of international law, particularly those relating to fisheries matters. Each Government-appointed member shall serve at the pleasure of the appointing Government. It is the responsibility of each Government to maintain its full complement of members.

3. Each Government may appoint one non-voting technical adviser to the Board for each matter heard.

4. All decisions of the Board shall be undertaken unanimously by those members present and voting, so long as at least one member appointed by each Government is present.

5. The Board shall normally sit in New York, New York. Insofar as is necessary considering the location of the parties and the availability of evidence, the Board may sit elsewhere.

6. English and Polish shall be the official working languages of the Board. The Governments shall assist the Board in arranging for necessary translations and interpretations.

7. As used in this Annex, the term "national" refers to any vessel or person, natural or juridical, including but not limited to a governmental entity.

SECTION II

Conciliation Functions

1. The Board shall consider claims advanced by a national of either State against a national of the other State regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear.

2. No claim may be brought more than six months after the occurrence of the relevant incident, unless the Board decides unanimously to make an exception for a specific incident occurring during the six weeks prior to the entry into force of the Agreement.

SECTION III

Conciliation Procedures

1. The Board shall establish its procedures in accordance with this Annex.

2. A claim, as referred to in Section II above, shall be brought before the Board by a written request. The request shall be in the form of a sworn statement which shall include, *inter alia*, a detailed account of the incident from which the claim arises, the identity of all persons and vessels involved, the remedy sought (damages claimed), and a list of potential witnesses knowledgeable about the incident. All appropriate documentary evidence supporting the claim shall be forwarded with the claim to the Board.

3. Upon receipt of a claim, the Board shall, as soon as practicable, commence an inquiry into the incident, and inform both Governments. Each Government shall immediately notify any of its nationals against whom a claim is made. Its nationals may in turn file with the Board a sworn statement responding to the claim. The response may contain a counterclaim insofar as the counterclaim arises from the same incident upon which the claim is based. A counterclaim shall be in the same form and contain the same information as a claim. The Board may join claims that arise from the same incident, without prejudice to the right of each party to present evidence with or without counsel.

4. The Board may request further information and documents from the parties to the dispute or from appropriate governmental agencies. All statements, reports, or other documents presented to the Board shall be duly sworn and attested as to their authenticity, insofar as reasonably possible. Official Government reports and documents need not be so authenticated.

5. If either the claimant or the respondent requests a hearing, or if the Board deems it desirable to hold a hearing, the Board shall convene a hearing regarding the incident. The claimant and respondent may appear at the hearing, personally or through a representative, with or without counsel, and may present witnesses. The Board may invite as a witness any person, organization, corporation, or other entity which has a direct interest in or knowledge of the matter. The claimant and respondent shall be permitted to question all persons testifying at the hearing, provided that no person shall be required to respond to any question.

6. The Governments will facilitate the work of the Board.

SECTION IV

Conciliation Report

1. The Board shall prepare a report containing its findings as to:

(a) the facts giving rise to the claim;

(b) the extent of damage or loss;

(c) the degree of respondent's or claimant's responsibility, if any; and

(d) the amount, if any (which should be paid by respondent or claimant as compensation for losses arising from the incident.

2. If the Board does not unanimously adopt the findings, this shall be stated in the report, and the report shall contain separate statements of each Board member's opinion.

3. The Board shall transmit its report to the claimant, to the respondent, and to each of the two Governments no later than sixty days after the completion of the procedures under Section III.

4. Within thirty days after receipt of the Board's report, either the claimant or the respondent may request in writing that the Board reconsider its report. The request shall set forth the reasons for the request and material substantiating the request. The Board may decide to reconsider its report and, if it deems appropriate, receive new evidence or convene a rehearing, or both. Section III procedures will be applicable to the reconsideration.

5. The two Governments undertake to encourage settlement of claims in accordance with the findings of the Board.

6. Within sixty days of receipt of the Board's report each Government shall report to the Board in writing the actions taken by its nationals pursuant to the Board's findings.

7. If one of the parties to a conciliation proceeding refuses to settle in accordance with the findings of the Board, the Board shall encourage the parties to submit their dispute to binding arbitration.

8. The Board's report and the report of each Government shall be published in the form agreed by the Board.

SECTION V

Use of the Board

The two Governments shall encourage their nationals to use in the first instance the Board to settle claims resulting from damage to or loss of fishing gear and vessels. The Governments shall give information about the Board to interested persons.

SECTION VI

Application of Fisheries Agreements

1. At the request of either Government, the Board shall consider questions arising out of the application of the provisions of a bilateral fisheries agreement in force between the two Governments or claims by either Government that vessels flying the flag of the other Government have violated any such provision.

2. Upon receiving from one Government written notice of a question or claim, including details of the incident and the identity of the persons or vessels involved, the Board shall immediately notify the other Government and commence an inquiry into the matter. The Board shall consider such information and documents as the Governments may submit, and may make such requests in this regard as may be necessary. At the request of either Government, the Board shall convene a hearing, at which both Governments shall be represented.

3. Both Governments undertake to facilitate the Board's consideration and investigation of questions and claims.

4. On the basis of its consideration and investigation of the question or claim, the Board shall prepare a report containing its findings as to:

(a) the facts giving rise to the question or claim;

(b) the nature and extent of the violation, if any; and

(c) if appropriate, recommended procedures for avoiding difficulties or violations in the future.

5. If the Board does not unanimously adopt the report, the report shall include one or more statements by the dissenting members.

6. The two Governments will give good faith consideration to the reports of the Board in determining whether remedial action is appropriate and shall report in writing to the Board within three months after the Board's report regarding action taken to implement the findings. In the event either receiving Government is unable to comply with one or more of the Board's recommendations, it shall inform the Board and the other Government of the reasons therefor in its report.

7. The Board may join proceedings under this Section with proceedings under Section III, if the claims and questions arise out of the same incident, without prejudice to the right of each party or Government to present evidence and arguments with or without counsel.

8. The Board's report and the report of each Government shall be published in the form agreed by the Board.

SECTION VII

Applicable Law

In all proceedings under this Annex the Board shall apply:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the two Governments, including bilateral and multilateral agreements between the two Governments dealing with fisheries and maritime matters generally;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by nations;

(d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

SECTION VIII

Other Remedies

1. Nothing in this Annex shall preempt, prejudice, or in any other way affect judicial proceedings, or the right to institute such proceedings, or in any way prejudice or affect the substantive or procedural rights of any person, whether or not such person appears before or participates in the proceedings of the Board.

2. No claim shall be brought the substance of which has been or is being adjudicated or arbitrated between the parties. The Board may refuse to consider a claim on the grounds that it should be joined to an existing judicial proceeding involving substantially the same issues and in which the law applicable to such judicial proceeding appears to permit such joinder.

3. The Board shall immediately suspend conciliation proceedings regarding a claim in respect to which judicial proceedings are instituted, unless the court before which the proceedings are pending determines, in the exercise of its lawful authority, that the parties may continue to proceed before the Board.

4. The Board shall immediately terminate conciliation proceedings regarding a claim in respect to which there is a binding agreement to arbitrate.

SECTION IX

Funding

Each Government shall pay all expenses, including compensation, of the members it appoints to the Board and of any technical advisers it appoints. The two Governments will share equally all the administrative and operational costs of the Board. Such costs do not include expenses related to the presentation or production of evidence or the appearance of witnesses.

SECTION X

Termination

This Annex shall remain in force until the conclusion of conciliation and Section VI proceedings instituted prior to July 1, 1975 or prior to the last day of the two-month termination period specified in Article 11 of the Agreement if the Annex or Agreement is terminated in this manner.

ANNEX II

Scheme of Joint Enforcement Between the United States of America and the Polish People's Republic, Regarding Fisheries in the Westtern Region of the Middle Atlantic Ocean

Pursuant to Article 9 of this Agreement, the following are arrangements for a voluntary joint enforcement scheme for the purpose of ensuring the application of the Agreement.

(1) Control shall be carried out by inspectors of the national fishery services of the two Governments. The names of the inspectors appointed for that purpose by their respective Governments shall be notified to the other Government.

(2) The ships used to carry the inspection officers may be either special inspection vessels or fishing vessels. The name of the ships so used for the time being shall be notified to the other Government.

(3) Each inspector shall carry a document of identity supplied by the authorities of his Government stating that he has authority to act under the arrangements of the Agreement.

(4) A ship carrying an inspector may give the signal from the International Code of Signals requesting permission to come aboard (SQ3) to any vessel of the other country engaged for the time being in fishing for sea fish or in the treatment of sea fish in the area covered by the Agreement. The International Code of Signals should be used in responding either affirmatively (C) or negatively (N). The master shall stop the vessel and facilitate boarding by the inspection team unless actually fishing, shooting, or hauling, in which case he shall stop the vessel and facilitate boarding immediately after it has finished hauling.

(5) On boarding the vessel, an inspector shall produce the document of identity described above. Inspections shall be made so that the vessel suffers minimum interference and inconvenience. An inspector shall limit his inquiries to the ascertainment of the facts in relation to the observance of the Agreement. In making his examination, an inspector may ask the master to make available fishing log books and to furnish such other assistance as he may require. He shall draw up a report of his inspection using the attached form. Inspectors will be furnished with the attached questionnaire in both the English and Polish languages. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations. The master must sign such observations. Copies of the report shall be given to the master of the vessel and to the inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel. Where any infringement of the Agreement is discovered, the inspector should, where possible, inform any inspection ship of the flag state known to be in the vicinity.

(6) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this Annex, but they shall remain under the operational control of their national authorities and shall be responsible to them.

(7) Each Government shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on either Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Each Government shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

(8) The inspector may, subject to any limitations that are imposed by both Governments jointly, carry out such examination of the catch and fishing gear as he deems necessary to establish whether or not the Agreement is being complied with. He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible.

It was agreed that the inspection of fish and fishing gear can be carried out on and below the fishing decks of vessels of each country.

The Scheme of Joint Enforcement will relate to the species of fish which have been enumerated in Article 2 of the Agreement, namely:

English	*Polish*
1. Scup (Stenotomus chrysops)	Skap
2. Flounders: (Paralichthys dentatus-"summer") (Pseudopleuronectes americanus-"winter") Yellowtail (Limand ferruginea)	Pyastugi Zoycica
3. Red Hake (Urophycis chuss)	Mietus czerwony
4. Silver Hake (Merluccius bilinearis)	Morszczuk
5. Menhaden (Brevoortia tyrannus)	Menhaden
6. Black Sea Bass (Centropristes straitus)	Czarny okon morski
7. River Herring (Alosa pseudoharengus-"Alewife") (Alosa aestivalis-"Blue-backs")	Aloza
8. Bluefish (Pomatomus salatrix)	Tasergal
9. Lobster (Homarus americanus)	Homar

REPORT OF VOLUNTARY INSPECTORS

(to be filled in block letters)

Authorized inspector

1. Name and nationality
2. Name and identifying letters and/or number of ship

Information on vessel involved

3. Nationality
4. Vessel's name and registration
5. Master's name
6. Owner's name and address
7. (a) Position as determined by inspector at ——— G.M.T.
   (b) Postion as determined by fishing vessel's master at ——— G.M.T.

Date and times the inspection commenced and finished

8. (a) Date
   (b) Time arrived on board
   (c) Time of departure

Facts resulting from inspection

9. Result of inspection of fish
   (a) List of species
   (b) Approximate weight or percentage of each
10. Result of inspection of fishing gear
11. Comments and/or observations by inspector
12. Statements by witnesses
    Signature of Witnesses_____
    Signature of Authorized Inspector_____
13. Comments and/or observations by the master of the vessel
14. Signature of the Master_____
    (He should be the last to sign. All other people to sign in his presence.)

QUESTIONNAIRE FROM INSPECTOR TO SKIPPER

1. I am an Inspector under the Agreement between the United States of America and the Polish People's Republic. Here is my identity card.
2. Who is the Master of this vessel?
3. Do you understand that this inspection is voluntary?
4. I request your collaboration with the examination of the catch, fishing gear, and documents (nationality paper/fishing log book).
5. Please check that the time is ——— G.M.T.
6. Please show me your vessel's fishing log books, if any.
7. Please give me your name.
8. Please write down the name and address of the owners of your vessel.
9. Are you fishing for industrial purposes?
10. I am recording your position as ———°lat., ———°long. at ———G.M.T. Do you agree?
11. I agree. (Yes)
12. I do not agree. (No)
13. Would you like to check your position with my instruments on board the inspection ship?
14. Do you now agree on your position? If not, you should write your estimated position in Section 7(b) of the Report Form.
15. Are you aware that you are fishing within a closed area?
16. Are you aware that you are fishing within a closed area with the wrong type of gear?
17. Where are your working spaces?
18. Please switch on these lights.
19. I wish to inspect your catch. Have you finished sorting the fish?
20. Will you please lay out those fish.
21. I wish to inspect your gear. Are you using bottom trawl or pelagic (mid-water) gear?
22. I have found no infringement of the Agreement, and I will so report to your flag state.
23. Please certify the photographs listed in the report, by adding the date and signature.
24. Do you have any witnesses who wish to make observations? If so, they may do so in their own language in Section 12 of the Report Form.
25. Do you wish to make any comments and/or observations concerning this inspection? If so, please do so in your own language in Section 13 of the Report Form on which I have set out my findings.
26. Please sign the report in Section 14.
27. I am leaving. Please check that the time is ———G.M.T.
28. Thank you—Bon voyage.

AGREED MINUTES

The representatives of the Government of the United States of America and the Government of the Polish People's Republic have agreed to record the following:

A. Documents relating to the status of stocks and scientific and technical cooperation prepared by the American and Polish scientists[1] are attached to these Minutes.

B. It was understood that both sides shall limit their catches of sea herring and mackerel from the Mid-Atlantic stocks (which migrate between the waters of ICNAF Statistical Sub-area 6 and Georges Bank in Subdivision 5Z of Sub-area 5) so that the aggregate catches of sea herring and mackerel from these stocks shall not exceed the agreed upon ICNAF national allocations and shall comply with applicable ICNAF size limitations; it was further understood that the voluntary scheme of joint inspection under the bilateral Agreement will also apply to catches from these stocks taken by vessels while operating in ICNAF Statistical Sub-area 6.

C. It was understood that Polish fishing vessels will adhere to the provisions of Article 2 of the Agreement concerning menhaden southward to 30° North Latitude.

D. It was understood that the provisions of the Agreement concerning entry of Polish fishing vessels, fishery research vessels, and fishery support vessels to United States ports are without prejudice to further discussions between the two sides concerning port privileges for other types of vessels.

E. Pursuant to applicable United States laws and regulations, the United States Government will attempt to facilitate the issuance of appropriate documents for entry into the United States of a crewman who was included on the crew list visa of a Polish fisheries vessel, but who was transferred to another fisheries vessel at sea, when the latter vessel enters United States ports pursuant to the Agreement. The agent for the vessel should inform the United States Immigration and Naturalization Service of such a transfer as long as possible before entry into the port.

F. It was noted that representatives of the Polish Government desired to discuss further accommodation for access by Polish fisheries vessels to ports along the Atlantic coast of the United States at further meetings of the two Governments.

G. It was noted that representatives of the Polish Government expressed interest in discussing at a future meeting arrangements to facilitate access of Polish fisheries vessels to ports along the Pacific coast of the United States, and it was understood that the nature of any fisheries operations planned by Poland along the Pacific coast of the United States would be discussed by the two Governments prior to their implementation.

WARSAW, JUNE 2, 1973.

For the Delegation of the United States:

DONALD L. MCKERNAN.

For the Delegation of the Polish People's Republic:

_____.

[1] Not printed.

N. ROMANIA

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N. ROMANIA

1. FISHERIES

a. Agreement Regarding Fisheries in the Western Region of the Middle Atlantic Ocean with Related Letter, December 4, 1973*

Signed at Washington December 4, 1973; Entered into force December 4, 1973, with related letter (signed at Washington December 3, 1973).

The Government of the United States of America and the Government of the Socialist Republic of Romania, recognizing the necessity of conducting fisheries on a rational basis with due regard for the status of stocks of fish and in accordance with the results of scientific research, and taking into account the need for widening and coordinating scientific and technical research in the field of fisheries and for the mutual exchange of the results of such research,

Agree as follows:

ARTICLE 1

1. The Government of the United States of America and the Government of the Socialist Republic of Romania consider it desirable to take measures to organize and expand scientific and technical research pertaining to the species of fish of interest to both parties. Such research will be conducted according to national programs as well as mutually agreed research programs.

2. The competent agencies of both Governments shall ensure the following:

a. An exchange of scientific, technical, and statistical data on species and size composition of catch, publications and the results of fishery research concerning the area covered by this Agreement;

b. The facilitation of meetings of scientists and specialists of both countries as well as the participation of the scientists and technicians of one country in fishery research conducted by the vessels of the other country.

3. Each Government shall take the appropriate measures to assure close cooperation among specialized institutions in the field of fishery research.

ARTICLE 2

1. Each Government will take appropriate measures for the purpose of maintaining the fish stocks. For this reason, each Government shall ensure that its citizens and vessels will:

Citation: TIAS 7761.
Termination Date: December 4, 1975.

a. Refrain from fishing during the period from January 1 through April 30 in the area bounded by straight lines connecting the following coordinates:

North Latitude	*West Longitude*
40°05′	71°40′
39°50′	71°40′
37°50′	74°00′
37°10′	74°29′
36°30′	74°40′
36°30′	74°48′
37°10′	74°48′
37°50′	74°25′
38°24′	73°44′
39°40′	72°32′

b. Refrain from conducting specialized fisheries in all instances for scup (Stenotomus chrysops (L.)), bluefish (Pomatomus salatrix (L.)), flounders (Paralichthys dentatus (L.)—"summer"); (Pseudopleuronectes americanus (Walb.)—"winter"); (Limanda ferruginea (Storer)—"yellowtail"), red hake (Urophycis chuss (Walb.)), silver hake (Merluccius) bilinearis (Mitch.)), menhaden (Brevoortia tyrannus (Latrobe)), black sea bass (Centropristes striatus (L.)), and river herring (Alosa pseudoharengus (Wils.)—"alewife"); (Alosa aestivalis (Mitch.)—"blueback") in the waters situated west and south of Sub-area 5 of the Area of the International Convention for the Northwest Atlantic Fisheries, signed in Washington on February 8, 1949,[1] and north of the parallel of 34° North Latitude, except for menhaden where the southern boundary shall be 30° North Latitude.

c. Limit, in the area specified in subparagraph b. of this paragraph, their incidental catch of scup, flounders, bluefish, red hake, silver hake, menhaden, black sea bass and river herring to a maximum total of two hundred metric tons per annum, provided that no more than one-third of such incidental catch shall be of any one of the species mentioned above. Incidental catch is that catch taken unintentionally when conducting specialized fisheries for other species.

d. If necessary, the competent authorities of the two contracting parties may agree to modify the above-mentioned areas.

2. The provisions of this Article shall not apply to vessels under 110 feet (33.5 meters) in length and to vessels fishing for crustacea or molluscs.

ARTICLE 3

In order to avoid excess catches of bottom fish, when such species tend to concentrate in coastal areas, the competent authorities of Romania will limit the fishing operations of Romanian vessels to mid-water trawling, using mid-water trawl doors incapable of being fished on the bottom, during the period from June 1 through December 31 in the area adjacent to the United States coast north of 38°24′ North Latitude and west of a line connecting the following coordinates:

[1] TIAS 2089; 1 UST 477.

North Latitude	*West Longitude*
38°24′	73°44′
39°40′	72°32′
40°05′	71°40′
41°00′	71°40′

ARTICLE 4

Romanian fishing vessels shall refrain from engaging in the intentional catching of lobster along the coast of the United States north of Cape Hatteras, shall take appropriate measures to minimize incidental catches of lobster in specialized fisheries for other species, and shall return to the sea in a viable condition all lobsters taken incidentally insofar as possible.

ARTICLE 5

Both Governments will take appropriate measures to assure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

ARTICLE 6

Romanian fishing vessels may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the areas bounded by straight lines connecting the following coordinates:

a. During the period from November 15 to May 15

North Latitude	*West Longitude*
40°40′55″	72°40′00″
40°34′31″	72°40′00″
40°33′28″	72°43′44″
40°39′48″	72°43′44″

b. During the period from September 15 to May 15

North Latitude	*West Longitude*
39°09′00″	74°32′00″
39°11′30″	74°30′00″
39°08′00″	74°24′00″
39°05′30″	74°26′00″

If necessary, the competent authorities of the two parties may agree to modify the above-mentioned areas. Romanian fishing vessels may conduct such loading operations with other Romanian vessels and vessels of other states with which the United States maintains diplomatic relations, provided that the latter vessels are under charter or contract to a Romanian fishing company for such loading operations.

ARTICLE 7

Romanian fishing or support vessels shall notify the United States Coast Guard Radio Station Boston call sign NMF or Portsmouth call sign NMN before entry into a loading area provided for in Article 6.

In case that a vessel chartered by the Marine Fishing Enterprise Navrom Tulcea would enter a loading area, similar notification shall be given at least three days in advance.

ARTICLE 8

Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the folowing:

1. The entry of not more than three Romanian fishing, fishery research, of fishery support vessels each month into each of the Ports of Baltimore, New York, and Philadelphia. In addition, special provisions shall be made as necessary regarding the entry of Romanian research vessels which are engaged in a mutually agreed research program in accordance with the terms of Article 1 of this Agreement.

2. Entry into the Ports of Baltimore, New York, and Philadelphia as indicated in paragraph 1 above, shall be permitted subject to four days' advance notice of the planned entry to the appropriate authority.

3. The Government of the United States of America at its Embassy in Bucharest will accept crew lists in application for visas valid for a period of six months for multiple entries into United States ports pursuant to paragraph 1 above. Such a crew list shall be submitted at least 14 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Romanian ports will also be subject to the provisions of this paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry shall specify if shore leave is requested under such a multiple entry visa.

4. Entry of all vessels into the ports referred to above may be to replenish ships stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, and obtain repairs arising out of damages or malfunctions occurring at sea during the voyage and other services normally provided in such ports, all in accordance with applicable rules and regulations.

5. The exchange of Romanian vessel crews in the Port of New York shall be permitted subject to:

a. Submission to the United States Embassy in Bucharest of applications for individual transit visas and crewman visas for replacement crewmen. Applications shall be submitted 14 days in advance of the date of their arrival in the United States and shall indicate the names, date and place of birth, the purpose of the visit, the vessel to which assigned and the mode and date of arrival. Individual passports or seaman's documents shall accompany each application. The United States Embassy will affix transit and crewman visas to each passport or seaman's document before it is returned; and

b. Submission to the Department of State, 14 days in advance of arrival, of the name of the vessel and the date of its expected arrival, a list of the names, date and place of birth for those crewmen to be paroled into the United States for repatriation to Romania and the date and manner of their departure from the United States.

Each Romanian vessel operating within the area of the Agreement shall be permitted to exchange its entire crew once each year that the Agreement remains in effect.

6. The Government of the United States will facilitate the establishment in the Port of New York of a Romanian fisheries agent who shall be authorized to receive service of process.

7. Subject to the provisions of this Agreement, it is understood that the entry of Romanian vessels into any United States port is subject to the applicable laws and regulations of the United States.

8. In cases where a Romanian seaman is evacuated from his vessel to the United States for the purpose of emergency medical treatment, the Romanian authorities will ensure that the seaman departs from the United States within seven days after his release from the hospital. During the period that the seaman is in the United States, he shall remain under the supervision of a local agent for the Romanian fishing company.

Article 9

The Scheme of Joint Enforcement in effect under the 1949 International Convention for the Northwest Atlantic Fisheries shall apply on a voluntary basis to enforcement of the provisions of this Agreement. The Scheme of Joint Enforcement will also be applied on a voluntary basis to enforcement of regulations in effect under the Convention in Statistical Area 6 until the Scheme becomes effective in that Area for both Governments. Each Government will inform the other of the date on which it is able to apply the Scheme on a mandatory basis to enforcement of regulations in effect under the Convention in Statistical Area 6. Nothing in this paragraph is intended to modify the mandatory application of the Scheme of Joint Enforcement under the 1949 International Convention for the Northwest Atlantic Fisheries to conservation regulations under that Convention, or the system of enforcement applicable to the nine-mile fishing zone contiguous to the territorial sea of the United States.

Article 10

In order to avoid concentrations of yellowtail flounder (Limanda ferruginea (Storer)), Romanian vessels will refrain from fishing in an area bounded by straight lines connecting the following coordinates from June 1 through December 31:

North Latitude	*West Longitude*
41°00′	71°40′
39°50′	71°40′
39°50′	69°00′
41°00′	69°00′

and shall limit fishing operations to mid-water trawling, using mid-water trawl doors incapable of being fished on the bottom, in an area bounded by straight lines connecting the following coordinates:

North Latitude	*West Longitude*
40°20′	69°00′
41°00′	67°00′
41°30′	67°00′
41°10′	68°00′
41°00′	69°00′

ARTICLE 11

Both Governments consider it useful to arrange for visits of fisheries specialists of the two countries to each other's fishing vessels operating in the area covered by this Agreement. Such visits may be arranged as mutually agreed in each particular case by the Regional Director of the United States National Marine Fisheries Service in Gloucester, Massachusetts and the Director of the fishing fleet as well as the Director of the Marine Fishing Enterprise, Navrom Tulcea.

ARTICLE 12

Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to the freedom of fishing on the high seas.

ARTICLE 13

1. The present Agreement shall enter into force on the date of signature.

2. The present Agreement shall remain in force for a period of one year and shall remain in force for one additional year unless either of the parties denounces it.

3. At the request of the competent authorities of either Government, representatives of the competent authorities of the two parties will meet at a mutually convenient time with a view to modifying the present Agreement. Notwithstanding the above, at any time either Government may communicate to the other Government its intention to denounce the present Agreement, in which case the Agreement shall terminate one month from the date on the communication. As soon as possible after receipt of such communication, representatives of the competent authorities of the two parties will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose have signed this Agreement.

Done in Washington, December 4, 1973, in duplicate, in English and Romanian, both texts being equally authentic.

For the Government of the United States of America:

(Signed) HENRY A. KISSINGER.

For the Government of the Socialist Republic of Romania:

(Signed) GEORGE MACOVESCU.

[RELATED LETTER]

DEPARTMENT OF STATE,
Washington, D.C., December 3, 1973.

DEAR MR. CHAIRMAN: Under the Agreement to be signed tomorrow for our two Governments on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean, notification of a visit to the U.S. ports of Baltimore, New York, and Philadelphia must be received at least four days in advance of port entry. Notice of visits of fishing vessels and fishery support vessels shall be forwarded to the U.S. Coast Guard Headquarters, Washington, D.C., from a shipping agent (either (1) via Telex using address, "Commandant, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C., Telex number: 89–2427"; or (2) by TWX using address, "Coast Guard Headquarters, 6th & D Streets, S.W., Washington, D.C., TWX number: 202–965–0660"; or (3) via Western Union using either of the above addresses). Notice of visits of fishery research vessels shall be forwarded to the United States Department of State, Washington, D.C., through diplomatic channels.

Sincerely yours,

DONALD L. MCKERNAN,
Chairman of the Delegation of the United States of America.

Mr. GHEORGHE BALASOIU,
Chairman of the Delegation of the Socialist Republic of Romania.

O. SAUDI ARABIA

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O. SAUDI ARABIA

1. DESALINATION

a. Agreement Relating to the Construction of a Water Desalting Electric Power Plant in the Jeddah Area, November 11 and 19, 1965*

Effected by exchange of notes Signed at Jidda November 11 and 19, 1965; Entered into force November 19, 1965.

The American Chargé d'Affaires ad interim to the Saudi Arabian Deputy Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 362 *Jidda, November 11, 1965.*

EXCELLENCY:

I have the honor to refer to recent discussions concerning the plans of the Saudi Arabian Government to construct a water desalting and electric power plant in the Jeddah area.

I have been instructed by my Government to confirm that, pursuant to the request of the Saudi Arabian Government and subject to the provisions hereof, the United States Government shall assume responsibility for negotiating contracts on behalf of the Saudi Arabian Government with a United States firm or firms for the architectural and engineering study and design, and with all qualified firms for supply of equipment, construction, installation, and initial operations of the project. The installations and their operation shall be based generally on the report of June 1964, submitted to the Saudi Arabian Government by Stewart L. Udall, Secretary of the Interior, entitled "Preliminary Appraisal Report on Combination Sea Water Desalting and Electric Power Plant for Jidda, Saudi Arabia", a copy of which is appended hereto (Appendix I).[1] Contracts shall be awarded by the United States Government on behalf of the Saudi Arabian Government after solicitation of proposals from firms to be selected by the United States Department of the Interior subject to Saudi Arabian Government approval. The Department of the Interior, through its Office of Saline Water, shall be responsible for United States Government functions except when otherwise noted in this Agreement. The Department of the Interior shall utilize its contracting procedures

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**Citation:* 16 UST 1952; TIAS 5932.

[1] Not printed. The English and Arabic tests of the Report are filed in the archives of the Department of State where they are available for reference.

and contract forms with such modifications or adaptations as it in its discretion deems desirable.

The obligations undertaken by the United States Government and the United States Department of the Interior are understood to be subject to the following terms and conditions:

1. (a) In the interest of allowing the work undertaken by the Department of the Interior to proceed as expeditiously as possible, the Saudi Arabian Government shall establish within thirty (30) days after its acceptance of the terms of this note an irrevocable letter of credit to cover the entire estimated cost of the project to be paid by the Saudi Arabian Government, in the amount of Fourteen Million Dollars ($14,000,000). The project's estimated cost includes the expense of site selection and proconstruction planning, design, plans and specifications, construction, installation, initial operations, training of Saudi Arabian personnel, and completion of documentary. The estimated cost also includes the expenses of the Department of the Interior with the exception of (1) salaries of employees of the Department assigned to the project, (2) cost of providing an architectural and engineering study and design for the desalting plant, and (3) field supervision of the construction of the desalting plant.

(b) The letter of credit shall be payable through a bank in the United States and shall be in the form attached hereto as Appendix II [1] or in the approved format of the issuing bank. The Department of the Interior will draw upon the letter of credit by the submission of demand drafts on the paying bank for obligations actually incurred by the Department of the Interior. The Department of the Interior will provide at three-month intervals to the Saudi Arabian Government an accounting of the funds so expended, in such format and detail as may be mutually agreed upon by the Department of the Interior and the Saudi Arabian Government. The Saudi Arabian Government shall be advised of the amount of unexpended balances remaining upon final completion of and accounting for the work involved.

(c) Appeals in disputes arising out of contracts of the United States Government made in furtherance of this Agreement shall be heard and decided, pursuant to the "Disputes" clause contained in such contracts, by the Secretary of the Interior through the Department of the Interior Board of Contract Appeals. The Saudi Arabian Government agrees to make such additional funds available as may be necessary to cover the payment of successful claims.

2. (a) The Saudi Arabian Government shall make available in a timely manner, consistent with construction phasing, all lands, easements, and rights-of-way required for the entire project. In addition, the Saudi Arabian Government shall timely construct necessary access roads to the plant site, fuel supply lines and facilities, fresh water lines, pumping stations and reservoirs and electric transmission and distribution lines and substations, in accordance with the design of the project.

(b) The Saudi Arabian Government shall make arrangements for fuel of the type for which the project is designed in adequate

[1] Not printed.

quantity and of adequate quality for use in connection with the construction, testing, and initial operation of the project.

(c) The Saudi Arabian Government shall also furnish, and the Department of the Interior will accept, personnel of the Saudi Arabian Government, to observe the initial operation of the project; and such personnel shall be trained by or at the direction of the Department of the Interior as competent plant operators and maintenance employees. The number and kinds of such personnel and their training location shall be mutually determined.

3. (a) Personnel of the Department of the Interior, when in residence in the Kingdom of Saudi Arabia as special representatives of the Department pursuant to this Agreement, will be entitled to the same privileges and immunities as personnel of comparable rank and status of the Embassy of the United States of America in the Kingdom of Saudi Arabia.

(b) The Saudi Arabian Government shall bear the costs of taxes of all non-Saudi Arabian personnel of public or private organizations present in the Kingdom of Saudi Arabia to perform work in connection with this Agreement. Such taxes shall include property taxes on personal property intended for their own use, and any tariff or duty upon personal or household goods brought into the Kingdom of Saudi Arabia for the personal use of themselves and members of their families. Such reimbursement for any tariff or duty shall not apply to such personal or household goods as may be sold by any such personnel in the Kingdom of Saudi Arabia. It is further understood that whenever such personnel shall undertake work outside the limits of the project to be performed in accordance with this Agreement, they shall be subject to the regulations of the Saudi Arabian Government with respect to taxes and duties.

4. All property, material, equipment, services, and supplies brought into the Kingdom of Saudi Arabia by the Department of the Interior or its contractors to carry out the functions contemplated by this Agreement shall not be subject to import and export duties, licenses, excises, imposts, bonds, deposits, and any other charges except for services requested and rendered, provided they will be reexported upon completion of the work. Property, materials, equipment, and supplies belonging to the Department of the Interior or its contractors that do not become a part of the completed works shall remain the property of the Department of the Interior or its contractors and may at any time be removed from or disposed of in the Kingdom of Saudi Arabia free of any restrictions or any claims which may arise by virtue of such removal or disposal, provided that the duty thereon shall be paid in the event of their sale or disposal in the Kingdom of Saudi Arabia.

5. (a) The Saudi Arabian Government agrees that the United States Government, its officers and its employees, will be held harmless from causes of action, suits at law or equity, or from any liability or damages in any way growing out of:

(i) the performance of the functions covered by this Agreement, or

(ii) the construction, operation, and maintenance of project facilities.

(b) In order to effect the proper indemnification of the United States Government, its officers and its employees, as indicated in subparagraph (a) hereof, the Saudi Arabian Government further agrees that it will post sufficient sureties as may be mutually agreed upon with the United States Government to idemnify the United States Government for any final judgments or final decisions of administrative tribunals, which judgments or decisions require payment by the United States Government for any liability arising from the performance of the functions covered by this Agreement or from the construction, operation and maintenance of the project facilities.

6. (a) The United States and Saudi Arabian Governments will consult, upon request of either of them, regarding any matter relating to the terms of this Agreement, and will endeavor jointly in the spirit of cooperation and mutual trust to resolve any difficulties or misunderstandings that may arise.

(b) The Kingdom of Saudi Arabia shall designate an Authority to act finally for the Government of Saudi Arabia in connection with all project matters that may proprely be referred to it by the Contracting Officer, who will be appointed by the Department of the Interior and identified to the Saudi Arabian Government. The Contracting Officer shall establish and maintain constant liaison with such Authority and shall keep it constantly advised with respect to the progress of work undertaken by the Department of the Interior hereunder. It is contemplated by both Governments that the proposed project work will be in two phases, that is, the preconstruction phase and the construction and initial operation phase. The Contracting Officer shall consult with, and obtain the approval of, the Authority prior to taking any of the following actions:

(i) With respect to Phase I:
   a. giving instructions to the Contractor to perform preconstruction work and preparation of plans and specifications, or to make basic alterations in performance of the contract;
   b. giving approval to the final plans and specifications to be included in the proposal to the Contractor;
   c. giving instructions to terminate the performance of the contract, in whole or in part, unless the reason for the termination notice shall be lack of funds to meet contractual commitments.

(ii) With respect to Phase II:
   a. giving instructions to the Contractor to introduce changes in the design parameters of the proposed plant, or with respect to any change of a basic feature of the proposed plant;
   b. giving final acceptance to the Contractor for the completed installation;
   c. giving instructions to terminate the performance of the contract, in whole or in part, unless the reason for the termination notice shall be lack of funds to meet contractual commitments.

(c) The Contracting Officer shall give notice to the Authority at any time when he has reason to believe that available funds are

insufficient to complete the work. The Authority shall take such action as may be required to promptly supplement the funds or to notify the Contracting Officer that no further funds shall be made available.

7. The Agreement set forth herein will be binding upon both Governments until completion and acceptance of the project and until the final accounting of all funds involved has been made. In the event of a change of circumstances, making it necessary or desirable to terminate the arrangement agreed to herein, either Government may give 60 days' notice in writing of its intention to terminate those arrangements. Thereafter, the United States and Saudi Arabian Governments shall consult together with the aim, insofar as possible, of fixing mutually satisfactory termination date and procedures. Further, insofar as possible, the termination date shall be fixed sufficiently in advance so that the Department of the Interior may make personnel and other adjustments in their operations in light of such termination.

8. Upon completion of the project, the Department of the Interior will arrange for the removal of its property and the Contractor's property as expeditiously as possible, and will deliver to the Saudi Arabian Government the project in an operable condition. For the purpose of developing data and information which may be of significance in further research and development in the field of saline water conversion, the United States, for a period of five (5) years following the completion and acceptance of the project by the Saudi Arabian Government, will inspect the project and observe its operation through such technical and other personnel as may be required. For the same purpose the United States Government shall be allowed to examine production records for cost of operation and maintenance, and to conduct such tests as it may desire—as long as such tests do not materially interfere with normal project activities.

9. The United States and Saudi Arabian Governments agree as follows concerning the disposition of patent rights to inventions arising out of any engineering, design and development work under contracts on work on the Jeddah water desalting and electric power plant. This disposition of patent rights to inventions is to meet the legal objectives of both countries in this area.

(a) The United States Government shall acquire title in the United States to any invention made arising out of such engineering, design and development work, regardless of where the invention is made.

(b) The Saudi Arabian Government shall receive a royalty-free, nonexclusive, irrevocable license to practice such invention in the United States with the right to issue sublicenses.

(c) The United States Government shall have the right to file a patent application in any foreign country on such inventions and acquire title thereto.

(d) The Saudi Arabian Government shall receive a royalty-free, nonexclusive license with the right to issue sublicenses under any foreign patent that may issue as a result of foreign filing by the United States Government.

(e) Where the United States Government does not file for a patent in any foreign country the Contractor may receive authoriza-

tion to do so from the United States Government and shall acquire title therein, subject to the reservation in the United States and Saudi Arabian Governments of a royalty-free, nonexclusive, irrevocable license with the right to issue sublicenses to any foreign government pursuant to a treaty or agreement said foreign government has with the United States or Saudi Arabian Government.

I have the honor to inform Your Excellency that if the foregoing conditions are acceptable to the Government of Saudi Arabia, the Government of the United States of America will consider this note, together with your note in reply concurring with the above, as constituting agreement between the two Governments with respect to this matter, such agreement to enter into force on the date of your note in reply.

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

TALCOTT W. SEELYE
Charge d'Affaires, ad interim

Enclosures: [1]
1. Report of June 1964
2. Form of letter of credit.

His Excellency
SAYYID OMAR SAKKAF,
Deputy Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Jidda.

Translation

KINGDOM OF SAUDI ARABIA
MINISTRY OF FOREIGN AFFAIRS
7/25/85 Hijra

No. 90/15/1/9356/2 *corresponding to:* [11/19/65.]

MR. CHARGÉ D'AFFAIRES OF THE UNITED STATES:

I have the pleasure to inform you that I have received your note No. 362, dated 11/11/65, concerning the desire of His Majesty's Government to construct a water desalting and electric power plant in the Jeddah area and your reference to the assumption by your Honorable Government of responsibility for negotiating contracts on behalf of His Majesty's Government with qualified American firms for the architectural and engineering study and design and for the supply of construction and installation equipment, required by the project, in accordance with the obligations set forth in your aforementioned note.

I have the pleasure to inform you of the approval of the Kingdom's competent authorities to carry out the project in accordance with the terms and provisions set forth in your aforementioned note.

Therefore, His Majesty's Government agrees to consider your aforementioned note and our present reply thereto as an agreement between our two Governments.

Please accept the assurances of our highest consideration.

OMAR SAKKAF

[1] See footnote *ante*, pp. 899–900.

1. AMENDMENT, OCTOBER 13, 1969, AND JANUARY 20, 1970*

Effected by exchange of notes Signed at Jidda October 13, 1969 and January 20, 1970; Entered into force January 20, 1970.

The American Chargé d'Affaires ad interim to the Deputy Minister of Foreign Affairs of Saudi Arabia

No. 605

JIDDA, *October 13, 1969.*

EXCELLENCY:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia effected by an exchange of notes signed at Jidda November 11 and 19, 1965, [1] concerning the construction of a water desalting and power plant in the Jidda area, and to recent discussions between officers of our respective Governments charged with the implementation of the Agreement regarding the training program contemplated by paragraph 2(c) of the Agreement. As a result of these discussions, the Saudi Arabian Government expressed the desire to eliminate these training requirements since it now intends to acquire experienced and qualified personnel to operate and maintain the plant at Jidda.

On this basis, and upon the request of my Government, I have the honor to propose that the aforementioned Agreement be amended by deleting the present provisions of paragraph 2(c) in their entirety and substituting the following:

"2(c): The Saudi Arabian Government shall furnish sufficient personnel to:

(i) Observe the final stages of construction, assist with the start-up and initial operation of the plant; and

(ii) thereafter operate and maintain in a proper manner all of the plant facilities for a period of at least five (5) years."

If the foregoing is acceptable to the Government of Saudi Arabia, I have the honor to propose that this note and Your Excellency's reply concurring therein shall constitute an amendment to the above Agreement between our two Governments which shall enter into force on the date of Your Excellency's reply.

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

WILLIAM A. STOLTZFUS, Jr.
Charge d'Affaires ad interim

His Excellency
SHAIKH MUHAMMAD IBRAHIM MAS'UD,
Deputy Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Jidda.

**Citation:* 21 UST 6; TIAS 6814.
[1] TIAS 5932; 16 UST 1952.

Translation

No. 90/15/1/13572
11/11/89

KINGDOM OF SAUDI ARABIA
MINISTRY OF FOREIGN AFFAIRS

EXCELLENCY:

With reference to note No. 605 of October 13, 1965, from the Chargé d'Affaires ad interim, Mr. William A. Stolzfus, Jr. concerning the amendment of the agreement concluded between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia in the matter of the construction of a water desalting and electric power generating plant in the city of Jidda:

It gives me pleasure to convey to Your Excellency the agreement of the Government of the Kingdom of Saudi Arabia to the amendments contained in the note of His Excellency the Chargé d'Affaires ad interim referred to above.

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

MUHAMMAD IBRAHIM MAS'UD
Deputy Minister of Foreign Affairs

JIDDA, 11/11/1389
[*January 20, 1970*]

His Excellency HERMANN FREDERICK EILTS,
Ambassador of the United States of America
in Jidda.

P. SPAIN

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(1) Desalination:

(*a*) Agreement Relating to a Gift to Spain of Facilities for Producing Potable Water to Supply the Needs of the People of the Towns of Palomares and Vilaricos (Almeria), and Other Communities, June 25, 1968 ---------- 909

P. SPAIN

1. DESALINATION

a. Agreement Relating to a Gift to Spain of Facilities for Producing Potable Water to Supply the Needs of the People of the Towns of Palomares and Villaricos (Almeria), and Other Communities, June 25, 1968*

Effected by exchange of notes, Signed at Madrid June 25, 1968; Entered into force, June 25, 1968.

The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs of Spain

No. 1073 MADRID, *June 25, 1968.*

EXCELLENCY:

I have the honor, on behalf of the people and the Government of the United States of America, to offer to the people and the Government of Spain a gift of facilities for producing potable water to supply the needs of the people of the towns of Palomares and Villaricos (Almeria).

This gift is offered as a mark of appreciation and admiration of the spirit of helpfulness and compassion displayed by the people in and near Palomares on the occasion of the tragic aviation accident in which seven United States Airmen lost their lives in the line of duty on January 17, 1966. My Government wishes in particular to express deep gratitude for the selfless efforts made by residents of this area to rescue survivors of the accident on land and sea.

It is understood that the Spanish Government wishes at the same time to finance the construction of additional capacity in the proposed water desalting plant and appropriate conduction and distribution systems to supply fresh water to other nearby communities in addition to those of Palomares and Villaricos.

To accomplish these purposes, my Government proposes to your Excellency's Government the following arrangements:

1. The United States Government gift will total $150,000 U.S. currency of which $105,000 will be considered as providing for the U.S. share of the desalting plant and $45,000 will be considered as providing for the conduction and distribution facilities for Palomares and Villaricos. The Spanish Government will provide funds which will be considered to cover its share of the desalting plant, the cost of Spanish labor, materials, and services for the work referred to in Paragraph 3 B below, and the remaining costs of the conduction and distribution

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*Citation: 19 UST 5200; TIAS 6514.

systems which will supply, in addition to Palomares and Villaricos, other communities, possibly Vera, Garrucha and Mojacar.

2. To avoid unnecessary transfer of funds, actual payments will be made as follows: the entire United States Government gift of $150,000 U.S. currency will be applied toward the desalting plant contract mentioned in Paragraph 3; the Spanish Government will completely finance the conduction and distribution system mentioned in Paragraph 4; and the Spanish Government will transfer funds to the United States Government by means of a letter of credit, or other mutually agreeable means, in the amount of the difference between the total amount of the desalting plant contract and the United States Government gift of $150,000 prior to the signing of that contract. This transfer of funds will be in U.S. dollars except as provided in Paragraph 3 B below. By this arrangement of payments, the Government of Spain pays for the construction of the storage, conduction and distribution facilities for Palomares and Villaricos considered to cost $45,000 and the United States Government increases its payment toward the desalting plant contract by $45,000 to a total of $150,000.

3. The United States Government will contract with a United States firm to manufacture and install a U.S.-made desalting plant after consultation with Spanish Government officials regarding the terms of the contract. The contractor, who should have a proven record of successful experience in the manufacture and installation of desalting plants of appropriate nature, will be responsible for:

A. The installation at an agreed site in the township of Palomares of a vapor compression type desalting facility which will reliably produce at least 70,000 U.S. gallons of desalted water per day.

B. The installation of the foundations and appropriate shelter for the desalting plant and associated equipment and the seawater intake and outfall facilities. Costs of Spanish labor, material and services used by the contractor in this element of the construction will be paid in pesetas from the Government of Spain's contribution to the project.

C. Connection of the plant to the product water pipe and electric power service line at the site which will be provided by the Spanish Government. The product water from the plant will be at an agreed pressure, sufficient to fill the nearby storage facility provided by the Spanish Government.

D. The initial operation of the plant for thirty days, excluding any prior test period, during which time the contractor will also provide for the appropriate training in operation and maintenance of the plant to individuals selected by the Spanish Government as operation and maintenance personnel for the plant.

At the end of the initial operation period, and after the agency of the United States Government responsible for the procurement of the plant is satisfied that the terms of the contract have been fulfilled, full title to and responsibility for the plant would be transferred to the agency designated by the Spanish Government.

E. The United States Government will undertake to provide to the agency of the Government of Spain to which title and responsibility for the finished plant will be transferred, reasonable opportunity to consult with the responsible United States Government agency and the contractor during design and construction.

4. The Spanish Government will arrange for the design and construction of the entire potable water conduction and distribution system including adequate storage capacity from the desalting plant to the communities of Palomares, Villaricos and other communities, possibly Vera, Garrucha and Mojacar. The system will include at least one distribution point conveniently placed in each community. Because of its interest in the distribution of water to Palomares and Villaricos, the United States Government will be provided and opportunity to examine the design of the conduction and distribution system prior to its construction.

5. The Spanish Government will take the necessary measures to provide, without cost to the United States Government, the land, rights of way, and other property rights needed for installation and operation of the desalting plant, the conduction and distribution system and storage facilities. The Spanish Government will grant full exemption from all Spanish taxes and duties upon the importation and installation of equipment and materials for the plant and the desalting plant contractor personnel and their personal effects while working on the contract.

6. The Spanish Government will be responsible or will delegate responsibility to a designated agency, public or private, for receipt, operation and maintenance of the plant and water supply system at no further cost to the United States Government. The Spanish Government will give assurances that, in the continuing operation of the water desalting plant and the distribution facilities, the people of the communities of Palomares and Villaricos will receive fresh water in quantities which will at least satisfy the requirements for fresh water for domestic use in those communities, and should additional quantities of fresh water be available, that the people of the communities of Palomares and Villaricos will have available to them amounts of water, on a per capita basis, not less than the amounts on a per capita basis available to any of the other communities served by the desalting plant.

7. The Spanish Government and the United States Government, in publicly describing the jointly financed desalting and water supply system, will describe the participation of the United States Government as having the special purpose of providing potable water to the people of the communities of Palomares and Villaricos for the reasons set forth in the first two paragraphs of this note.

8. Further communications covering the technical details of this joint project will be between the designated agencies of the two Governments.

If the foregoing proposals meet with your approval, I have the honor to propose that this Note and your reply to that effect shall

constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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

WILLIAM W. WALKER
Chargé d'Affaires, ad interim

His Excellency
FERNANDO MARIA CASTIELLA Y MAIZ,
Minister of Foreign Affairs,
Madrid.

The Minister of Foreign Affairs of Spain to the American Chargé d'Affaires ad interim

MADRID, *June 25, 1968*

Translation

SIR:

I have the honor to acknowledge receipt of your note dated the 25th of this month, the text of which, translated into Spanish, reads as follows:

[For the English language text of the note, see p. 909.]

In communicating to you the Spanish Government's agreement to the foregoing, I beg you, Sir, to accept the assurances of my high consideration.

FERNANDO CASTIELLA

MR. WILLIAM W. WALKER,
Chargé d' Affaires ad interim
of the United States of America,
Madrid.

Q. TUNISIA

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(*a*) **Agreement Relating to the Establishment and Operation of a Mediterranean Marine Sorting Center in Tunisia, September 26, 1966**_____ 915

Q. TUNISIA

1. OCEANOGRAPHIC RESEARCH AND EXPLORATION

a. Agreement Relating to the Establishment and Operation of a Mediterranean Marine Sorting Center in Tunisia, September 26, 1966*

Effected by exchange of notes signed at Tunis September 26, 1966; Entered into force September 26, 1966

The American Ambassador to the Tunisian Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 581

September 26, 1966

EXCELLENCY:

I have the honor to refer to discussions between representatives of the Government of the United States and the Government of the Republic of Tunisia in which it appeared that both governments share an interest in the establishment and operation of a Mediterranean Marine Sorting Center and that both governments recognize the great scientific importance that such a Center can have for basic oceanographic research and for man's intelligent use of the products of the sea.

In the light of these discussions the United States Government proposes an agreement with the Government of the Republic of Tunisia for cooperative establishment and operation of a Mediterranean Marine Sorting Center, as follows:

1. The Government of the United States through the Smithsonian Institution will furnish as may be required for the project, United States and other non-Tunisian personnel, equipment and supplies, international transportation of such personnel, equipment, and supplies and support of such personnel while in Tunisia as well as Tunisian personnel all in an amount not to exceed $175,000, in dollars and Tunisian dinars, for the first year. Subsequent years' support will be determined on the basis of the first year's operation;

2. The Government of the United States proposes that the Director of the Sorting Center be an American, the first to be David Damkaer, Oceanographer of the Smithsonian Institution, who will receive general guidance from an international Advisory Board, the first Chairman of which would be Dr. Zakaria Ben Mustapha, Director of the *Institut National Scientifique et Technique d'Oceanographie et de Peche;*

**Citation:* 17 UST 1412; TIAS 6101.

3. The Government of the Republic of Tunisia will facilitate the establishment and operation of the Sorting Center including but not necessarily limited to equipment and supplies, transportation, laboratory, and living accommodations, and will assist in the recruitment of Tunisian personnel including two or more assistant supervisors;

4. The Government of the Republic of Tunisia will permit and facilitate shipments free of custom duties and all other taxes on all specimens to and from the Sorting Center. Given the fragile and special nature of the specimens, the Government of Tunisia will permit their immediate clearance through customs;

5. The Government of the Republic of Tunisia shall exempt from all custom duties and all other taxes shipments into and out of Tunisia of all supplies and equipment intended for use at the Sorting Center; and

6. The Government of the Republic of Tunisia shall accord the American Director and his non-Tunisian associates:

a) Free entry into and out of Tunisia for all personal property introduced into Tunisia for their own use within a period of six months from the date of their assignment to the Sorting Center;

b) Temporary free entry of one automobile per family during the period of their assignment to the Sorting Center;

c) Exemption from the payment of Tunisian income taxes and other direct taxes on income derived from activities related to the Sorting Center.

If your Government agrees with the above proposal, I propose that this note and your affirmative reply to that effect constitute an agreement effective on the date of your reply.

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

FRANCIS H. RUSSELL

His Excellency
HABIB BOURGUIBA, Jr.,
Minister of Foreign Affairs,
Tunis.

The Tunisian Director of International Cooperation to the American Ambassador

RÉPUBLIQUE TUNISIENNE

AUX AFFAIRE ÉTRANGÈRES
SECRÉTARIAT D'ÉTAT

TUNIS, *September 26, 1966*

EXCELLENCY:

I have the honor to refer to your note of September 26, 1966, the terms of which are as follows:

"I have the honor to refer to discussions between representatives of the Government of the United States and the Government of the Republic of Tunisia in which it appeared that both governments share an interest in the establishment and operation of a Mediterranean Marine Sorting Center and that both governments recognize the great scientific importance that such a Center can have for basic

oceanographic research and for man's intelligent use of the products of the sea.

In the light of these discussions the United States Government proposes an agreement with the Government of the Republic of Tunisia for cooperative establishment and operation of a Mediterranean Marine Sorting Center, as follows:

1. The Government of the United States through the Smithsonian Institution will furnish as may be required for the project, United States and other non-Tunisian personnel, equipment and supplies, international transportation of such personnel, equipment, and supplies and support of such personnel while in Tunisia as well as Tunisian personnel all in an amount not to exceed $175,000, in dollars and Tunisian dinars, for the first year. Subsequent years' support will be determined on the basis of the first year's operation;

2. The Government of the United States proposes that the Director of the Sorting Center be an American, the first to be David Damkaer, Oceanographer of the Smithsonian Institution, who will receive general guidance from an international Advisory Board, the first Chairman of which would be Dr. Zakaria Ben Mustapha, Director of the *Institut National Scientifique et Technique d'Oceanographie et de Peche;*

3. The Government of the Republic of Tunisia will facilitate the establishment and operation of the Sorting Center including but not necessarily limited to equipment and supplies, transportation, laboratory, and living accommodations, and will assist in the recruitment of Tunisian personnel including two or more assistant supervisors;

4. The Government of the Republic of Tunisia will permit and facilitate shipments free of custom duties and all other taxes on all specimens to and from the Sorting Center. Given the fragile and special nature of the specimens, the Government of Tunisia will permit their immediate clearance through customs;

5. The Government of the Republic of Tunisia shall exempt from all custom duties and all other taxes shipments into and out of Tunisia of all supplies and equipment intended for use at the Sorting Center;

6. The Government of the Republic of Tunisia shall accord the American Director and his non-Tunisian associates:

a) Free entry into and out of Tunisia for all personal property introduced into Tunisia for their own use within a period of six months from the date of their assignment to the Sorting Center;

b) Temporary free entry of one automobile per family during the period of their assignment to the Sorting Center;

c) Exemption from the payment of Tunisian income taxes and other direct taxes on income derived from activities related to the Sorting Center.

If your Government agrees with the above proposal, I propose that this note and your affirmative reply to that effect constitute an agreement effective on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration."

35-415—75——59

I have the honor to confirm the agreement of the Government of Tunisia to the above understanding.

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

P.r Le Directeur de la Coopération
Internationale
HAMED AMMAR [SEAL]

His Excellency
THE AMBASSADOR OF THE
UNITED STATES OF AMERICA,
Tunis.

R. UNION OF SOVIET SOCIALIST REPUBLICS

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R. UNION OF SOVIET SOCIALIST REPUBLICS

1. ALASKA

a. Convention Ceding Alaska, March 30, 1867*

Concluded March 30, 1867; Ratification advised by the Senate April 9, 1867; Ratified by the President May 28, 1867; Ratifications exchanged June 20, 1867; Proclaimed by the President June 20, 1867.

ARTICLES

I. Territory ceded; boundaries.
II. Public property ceded.
III. Citizenship of inhabitants; uncivilized tribes.
IV. Formal delivery.
V. Withdrawal of troops.
VI. Payment; effect of cession.
VII. Ratification.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the

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* *Citation:* 15 Stat. 539; II Malloy 1521; 11 Bevans 1216.

point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

Article II

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States, but an authenti-

cated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

Article III

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States, may from time to time, adopt in regard to aboriginal tribes of that country.

Article IV

His Majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Article V

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the Territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Article VI

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

Article VII

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

[seal.] Edouard de Stoeckl,
[seal.] William H. Seward,

2. ENVIRONMENT

a. Agreement on Cooperation in the Field of Environmental Protection, May 23, 1972*

Signed at Moscow May 23, 1972; Entered into force May 23, 1972.

The United States of America and the Union of Soviet Socialist Republics;

Attaching great importance to the problems of environmental protection;

Proceeding on the assumption that the proper utilization of contemporary scientific, technical and managerial achievements can, with appropriate control of their undesirable consequences, make possible the improvement of the interrelationship between man and nature;

Considering that the development of mutual cooperation in the field of environmental protection, taking into account the experience of countries with different social and economic systems, will be beneficial to the United States of America and the Union of Soviet Socialist Republics, as well as to other countries;

Considering that economic and social development for the benefit of future generations requires the protection and enhancement of the human environment today;

Desiring to facilitate the establishment of closer and long-term cooperation between interested organizations of the two countries in this field;

In accordance with the Agreement between the United States of America and the Union of Soviet Socialist Republics on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural, and Other Fields in 1972–1973, signed April 11, 1972,[1] and developing further the principles of mutually beneficial cooperation between the two countries;

Have agreed as follows:

ARTICLE 1

The Parties will develop cooperation in the field of environmental protection on the basis of equality, reciprocity, and mutual benefit.

ARTICLE 2

This cooperation will be aimed at solving the most important aspects of the problems of the environment and will be devoted to working out measures to prevent pollution, to study pollution and its effect on the environment, and to develop the basis for controlling the impact of human activities on nature.

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*Citation: 23 UST 845; TIAS 7345.

[1] TIAS 7343; 23 UST.

It will be implemented, in particular, in the following areas:

air pollution;

water pollution;

environmental pollution associated with agricultural production;

enhancement of the urban environment;

preservation of nature and the organization of preserves;

Marine pollution;

biological and genetic consequences of environmental pollution;

influence of environmental changes on climate;

earthquake prediction;

arctic and subarctic ecological systems;

legal and administrative measures for protecting environmental quality.

In the course of this cooperation the Parties will devote special attention to joint efforts improving existing technologies and developing new technologies which do not pollute the environment, to the introduction of these new technologies into everyday use, and to the study of their economic aspects.

The Parties declare that, upon mutual agreement, they will share the results of such cooperation with other countries.

Article 3

The Parties will conduct cooperative activities in the field of environmental protection by the following means:

exchange of scientists, experts and research scholars;

organization of bilateral conferences, symposia and meetings of experts;

exchange of scientific and technical information and documentation, and the results of research on environment;

joint development and implementation of programs and projects in the field of basic and applied sciences;

other forms of cooperation which may be agreed upon in the course of the implementation of this Agreement.

Article 4

Proceeding from the aims of this Agreement the Parties will encourage and facilitate, as appropriate, the establishment and development of direct contacts and cooperation between institutions and organizations, governmental, public and private, of the two countries, and the conclusion, where appropriate, of separate agreements and contracts.

Article 5

For the implementation of this Agreement a US-USSR Joint Committee on Cooperation in the Field of Environmental Protection shall be established. As a rule this Joint Committee shall meet once a year in Washington and Moscow, alternately. The Joint Committee shall approve concrete measures and programs of cooperation, designate the participating organizations responsible for the realization of these

programs and make recommendations, as appropriate, to the two Governments.

Each Party shall designate a coordinator. These coordinators, between sessions of the Joint Committee, shall maintain contact between the United States and Soviet parts, supervise the implementation of the pertinent cooperative programs, specify the individual sections of these programs, and coordinate the activities of organizations participating in environmental cooperation in accordance with this Agreement.

ARTICLE 6

Nothing in this Agreement shall be construed to prejudice other agreements concluded between the two Parties.

ARTICLE 7

This Agreement shall enter into force upon signature and shall remain in force for five years after which it will be extended for successive five year periods unless one Party notifies the other of the termination thereof not less than six months prior to its expiration.

The termination of this Agreement shall not affect the validity of agreements and contracts between interested institutions and organizations of the two countries concluded on the basis of this Agreement.

Done on May 23, 1972 at Moscow in duplicate, in the English and Russian languages, both texts being equally authentic.

For the United States of America:

(Signed) RICHARD NIXON.

President of the United States of America.

For the Union of Soviet Socialist Republics:

(Signed) N. V. PODGORNY,

Chairman of the Presidium of the Supreme Soviet of the U.S.S.R.

3. FISHERIES

a. Convention Regarding Navigation, Fishing and Trading on the Pacific Ocean and Along the Northwest Coast of America, April 17, 1824*

Concluded April 17, 1824; Ratification advised by the Senate January 5, 1825; Ratified by the President January 7, 1825; Ratifications exchanged January 11, 1825; Proclaimed January 12, 1825. [*Article 3 obsolete by virtue of Alaska cession treaty; article 4 expired April 17, 1834.*]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a Convention between the United States of America, and His Majesty the Emperor of all the Russias, was concluded and signed at St. Petersburg on the fifth–seventeenth day of April in the year of our Lord one thousand eight hundred and twenty-four; which Convention being in the French Language, is word for word as follows, a Translation of the same being hereto annexed.

[Translation from the original, which is in the French language.]

In the Name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, Henry Middleton a Citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of foreign Affairs, actual Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the first Class, Knight of that of the white Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of

*Citation: 8 Stat. 302; TS 298; II Malloy 1512; 11 Bevans 1205.

Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual Counsellor of State, Knight of the order of St. Anne of the first Class, and Grand Cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations.

ARTICLE 1

It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South-Sea, the respective Citizens or Subjects of the high contracting Powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the Natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE 2

With a view of preventing the rights of navigation and of fishing, exercised upon the Great Ocean by the Citizens and Subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed, that the Citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the Subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

ARTICLE 3

It is moreover agreed, that hereafter there shall not be formed by the Citizens of the United States, or under the authority of the said States, any establishment upon the North West Coast of America, nor in any of the Islands adjacent, *to the north* of fifty four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian Subjects or under the authority of Russia *south* of the same parallel.

ARTICLE 4

It is nevertheless understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their Citizens or Subjects respectively, may reciprocally frequent without any hindrance whatever, the interior seas, gulfs, harbours and creeks upon the Coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

ARTICLE 5

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding Article, and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the Natives

by their respective Citizens and Subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fines, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment, in case of the contravention of this Article by their respective Citizens or Subjects.

ARTICLE 6

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the Seals of their Arms.

Done at St. Petersburg the 17/5 April, of the year of Grace one thousand eight hundred and twenty four.

[L. S.]
(Signed) HENRY MIDDLETON.
[L. S.]
Le Comte CHARLES DE NESSELRODE.
[L. S.]
PIERRE DE POLETICA.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh day of the present month, by John Quincy Adams, Secretary of State of the United States, and the Baron de Tuyll, Envoy Extraordinary and Minister Plenipotentiary of His Imperial Majesty, on the part of their respective governments.

Now, therefore, be it known that I, James Monroe, President of the United States, have caused the said Convention to be made public; to the end that the same, and every clause and Article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington this twelfth day of January in the year of our Lord one thousand eight hundred and twenty-
[SEAL] five, and of the Independence of the United States, the forty-ninth.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State

b. Agreement Relating to Fishing Operations in the Northeastern Pacific Ocean, February 21, 1973*

Signed at Moscow February 21, 1973; Entered into force February 21, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually concerned that fishing operations in the northeastern Pacific Ocean carried on by the fishermen of the two countries be conducted with due consideration for the interests of both Parties,

Considering it desirable to take measures for the prevention of damage to the fishing gear used by the fishermen of both countries,

Considering it desirable also to provide for appropriate contacts between representatives of both Parties on questions related to the conduct of the fisheries,

Have agreed on the following measures:

1. The Parties will take measures to emphasize to their officials, fishing industry organizations and fishermen the importance of special efforts to protect fishing gear belonging to each side from damage by vessels and fishing gear of the other side, when conducting fishing operations in the northeastern Pacific Ocean. Each Party will encourage the use by its officials, fishing industry organizations and fishermen of devices, detectable both day and night to mark the location of fixed fishing gear. The Parties will inform each other of the devices and the manner in which they are used. Each Party will promote the exercise of necessary caution on the part of persons responsible for the operation of vessels and gear so as to aid to the maximum extent practicable in timely detection of the vessels and gear of the other Party and prevention of damage thereto.

2. In the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States fishing operations using mobile fishing gear will not be conducted during the periods specified below in the six areas off Kodiak Island bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed:

**Citation:* 24 UST 617; TIAS 7572.
Termination Date: February 21, 1975; extended by notes of December 31, 1974. See p. 963.

a. From August 15 to April 30 inclusive:

	North Latitude	*West Longitude*
(1)	57°15′	154°51′
	56°57′	154°34′
	56°21′	155°40′
	56°26′	155°55′
	57°15′	154°51′
(2)	56°27′	154°06′
	55°46′	155°27′
	55°40′	155°17′
	55°48′	155°00′
	55°54′	154°55′
	56°03′	154°36′
	56°03′	153°45′
	56°30′	153°45′
	56°30′	153°49′
	56°27′	154°06′
(3)	57°05′	152°52′
	56°54′	152°52′
	56°46′	152°37′
	56°46′	152°20′
	57°19′	152°20′
	57°05′	152°52′
(4)	56°30′	153°49′
	56°30′	153°00′
	56°44′	153°00′
	56°57′	153°15′
	56°45′	153°45′
	56°30′	153°49′

b. From August 15 to January 15 inclusive:

	North Latitude	*West Longitude*
(1)	57°35′	152°03′
	57°11′	151°14′
	57°19′	150°57′
	57°48′	152°00′
	57°35′	152°03′
(2)	58°00′	152°00′
	58°00′	150°00′
	58°12′	150°00′
	58°19′	151°29′
	58°00′	152°00′

3. The provisions of paragraph 2 shall not apply to small shrimp craft conducting trawling operations in such a way as not to interfere with fixed gear in the above areas, or to United States vessels engaged in scallop fishing operations.

4. It is understood that the right of fishermen of the Soviet Union to fish does not extend to waters within 12 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

5. It is understood that some vessels are likely to operate fixed gear outside the areas described in paragraph 2. Each Party will take special measures to promote the use by persons operating such vessels of means of marking such gear in addition to those ordinarily used. In order to inform the trawling fleet of the locations of such fixed gear, officials of the Alaska Department of Fish and Game, or of the United States National Marine Fisheries Service, and the Chief of the Joint Expedition of the Main Administration of DALRYBA will, if the necessity arises, transmit timely information to each other on the location of such vessels and fishing gear. Arrangements for such transmissions, including the designation of working frequencies and times of transmission, will be agreed upon between the above-mentioned officials. The persons responsible for the operation of trawlers will be given specific instructions regarding extraordinary precautionary measures to be taken when operating in the vicinity of fixed gear the positions of which have been reported, or other fixed gear which is detected.

6. The United States will carry out further research designed to develop a more effective and practical method for marking the location of fixed gear. Soviet technicians will cooperate with those of the United States in this effort, particularly in connection with the testing of the effectiveness of new gear markers.

7. This Agreement is without prejudice to the views and rights of either Party with respect to the conduct of fishing operations on the high seas.

8. The Parties consider it desirable to expand contacts between government officials, representatives of the fishing industry, and fishery scientific workers of both countries for the discussion of questions of mutual interest and the achievement of greater mutual understanding.

9. This Agreement shall replace the Agreement of December 14, 1964 between the two Governments relating to fishing operations in the northeastern Pacific Ocean, as amended by the Agreements of January 31, 1969, and of February 12, 1971, the latter having been extended by an exchange of notes dated December 31, 1972.[1] This Agreement shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

In witness whereof the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Moscow, February 21, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government of the United States of America:

(Signed) Donald L. McKernan.

For the Government of the Union of Soviet Socialist Republics:

(Signed) V. M. Kamentsev.

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[1] TIAS 5703, 6637, 7045, 7541; 15 UST 2179; 20 UST 358; 22 UST 132; 23 UST.

c. Agreement on Certain Fisheries Problems in the Northeastern Part of the Pacific Ocean Off the Coast of the United States, February 21, 1973*

Signed at Moscow February 21, 1973; Entered into force February 21, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually interested in having the fisheries in the northeastern part of the Pacific Ocean off the coast of the United States conducted with due attention to their respective interests, and

Considering it desirable that the fisheries in the said area be conducted with due regard to the conservation of fish stocks, and that measures be taken to prevent damage to the fishing gear used by fishermen of the two countries,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

a. An exchange of scientific and statistical data, published works and the results of fishery research;

b. Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for research vessels of the other Government engaged in joint research. Fishery research vessels of the Soviet Union with participating scientists of the United States on board may conduct cooperative research within the nine-mile zone contiguous to the territorial sea of the United States off the California, Oregon, and Washington coasts.

2. Fishing vessels of the Soviet Union may fish and conduct loading operations within the nine-mile zone contiguous to the territorial sea of the United States in the following areas:

a. In the Gulf of Alaska between 140°30′ West Longitude and 142°30′ West Longitude.

b. Off the Bering Sea coast of the Aleutian Islands:

(1) between 169° and 172° West Longitude;

**Citation:* 24 UST 631; TIAS 7573.
Termination Date: February 21, 1975; extended by notes of December 31, 1974. See p. 963.

(2) from May 1 to December 31 inclusive, west of 176° West Longitude;

(3) from February 16 to September 14 inclusive, between 165° and 169° West Longitude;

(4) from July 1 to October 31 inclusive, between 172° and 176° West Longitude.

c. Off the Pacific Ocean coast of the Aleutian Islands:

(1) between 169° and 172° West Longitude;

(2) from May 1 to December 31 inclusive, west of 178°30′ West Longitude;

(3) from July 1 to October 31 inclusive, between 172° and 178°30′ West Longitude.

Fishing effort in these areas will not exceed 1966 levels. In this connection, statistics on fishing effort and catches by species in these areas will be provided on a regular basis.

3. In addition, fishing vessels of the Soviet Union may conduct loading operations in the following areas within the nine-mile zone contiguous to the territorial sea of the United States:

a. On the north side of Nunivak Island in the Bering Sea between 166°39′ and 166°51′ West Longitude, and on the south side of Nunivak Island between 165°49′ and 166°01′ West Longitude.

b. On the north side of St. Matthew Island in the Bering Sea between 172°29′ and 172°46′ West Longitude and on the south side of St. Matthew Island between 172°17′ and 172°35′ West Longitude and between 172°54′ and 173°04′ West Longitude.

c. On the north side of Unalaska Island between 167°30′ and 167°35′ West Longitude.

d. On the west side of Sanak Island in the waters bounded on the north by 54°36′ North Latitude, on the south by 54°26′ North Latitude, on the west by 163°05′ West Longitude, and on the east by 162°40′ West Longitude.

e. North of Marmot Island in the Gulf of Alaska between 151°42′ and 151°52′ West Longitude.

f. On the east side of Kayak Island in the Gulf of Alaska between 59°52′ and 59°56′ North Latitude west of 143°53′ West Longitude, and on the west side of Kayak Island between 59°56′ and 60°00′ North Latitude.

g. Near Forrester Island in the waters bounded on the north by 54°54′ North Latitude, on the east by 133°16′ West Longitude, and on the south by 54°44′ North Latitude.

h. On the south side of Unalaska Island in the waters between 167°18′ West Longitude and 167°40′ West Longitude.

4. The Government of the Soviet Union will adopt the measures necessary to ensure that nationals and vessels of the Soviet Union:

a. Refrain from fishing in the waters off the Pacific coast of the United States between 46°14′ and 46°56′ North Latitude landward of the isobath of 110 meters.

b. Refrain from concentrating fishing vessels during the period from June 15 to September 15 inclusive between 47°54′ and 48°28′ North Latitude east of 125°06′ West Longitude.

c. During the period from three and three-fourths days before the opening hour of the halibut fishing season to three and one-half days after such opening hour, refrain from fishing in the following areas:

(1) The area enclosed by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
59°28′	150°00′
59°28′	147°41′
58°30′	148°30′
58°42′	150°20′
59°28′	150°00′

(2) The area enclosed by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
58°05′	150°27′
58°05′	148°47′
57°40′	150°05′
58°05′	150°27′

(3) The waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
56°24′	156°30′
56°18′	155°48′
55°31′	156°04′
55°30′	156°31′
56°24′	156°30′

Information as to the opening dates of the halibut fishing season shall be provided no less than one month in advance to the Government of the Union of Soviet Socialist Republics by the Government of the United States of America.

d. During the period September 15 to February 15 inclusive, refrain from trawling in the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
54°10′	163°04′
53°28′	166°00′
54°00′	166°00′
54°00′	165°00′
54°33′	164°00′
54°33′	163°04′
54°10′	163°04′

It is agreed that in the above area west of 164°45′ West Longitude trawling may be conducted during the said period of time at depths of 200 meters or greater.

e. Restrict its total catch of flatfish, including yellowfin flounder, in the eastern Bering Sea to a level not exceeding the average of the 1969, 1970 and 1971 catches (100,000 metric tons) during 1973 and 1974.

f. Limit the catch level of Pacific hake to the 1971 level (150,000 metric tons) during the 1973 and 1974 fishing seasons.

5. Both Governments will take appropriate measures to ensure that their nationals and vessels refrain from:

a. Conducting bottom trawl fishing along the coast of the United States of America in the northeastern Pacific Ocean between the isobaths of 200 and 600 meters during the period December 15 to April 30 inclusive in the following areas:

(1) 48°10′ to 47°35′ North Latitude
(2) 47°00′ to 46°08′ North Latitude
(3) 45°50′ to 45°35′ North Latitude
(4) 45°09′ to 44°41′ North Latitude
(5) 44°10′ to 43°37′ North Latitude
(6) 42°00′ to 41°15′ North Latitude

b. Conducting a specialized fishery for rockfish in the waters south of 50°30′ North Latitude. In this connection, the annual incidental catch of rockfish by nationals and vessels of the two countries in waters south of 48°10′ North Latitude shall not exceed the 1969 level, and the masters of fishing vessels will be instructed to avoid conducting fishing operations in areas of rockfish concentrations. For purposes of this Agreement, the term "incidental catch" means a catch taken unintentionally in the course of conducting a specialized fishery for other species.

c. Conducting a specialized fishery for flounders and soles south of 48°10′ North Latitude.

The provisions of this paragraph shall not apply to vessels under 110 feet in length.

6. The two Governments will take effective measures to prevent the use by their nationals and vessels of liners of such mesh size as to retain immature fish in trawling for bottom fish, and will also take all measures necessary to ensure the use in fishing for hake of bottom trawls with a mesh size in any of the parts no less than 60 to 70 millimeters or 2.4 to 2.8 inches, stretched mesh, including one knot (two bars). It is agreed that there will be no marked change in the manner in which bottom trawl gear is rigged and operated in 1973 and 1974.

7. The two Governments will take appropriate measures to ensure that their nationals and vessels refrain from fishing with mobile gear during the period from three and three-fourths days before the opening hour of the halibut season to three and one-half days after such opening hour at depths between 200 and 1000 meters and, bearing in mind the provisions of paragraph 9 of the Agreement, take additional precautions to avoid gear conflicts during the next seven days in the

three areas enclosed by straight lines connecting the following coordinates in the order listed:

a. *North Latitude*	*West Longitude*
55°04′	167°18′
54°44′	166°14′
54°30′	166°24′
54°34′	167°14′
54°50′	167°38′
55°04′	167°18′

b. *North Latitude*	*West Longitude*
56°18′	170°24′
56°20′	169°03′
56°12′	168°46′
55°56′	169°10′
55°56′	170°24′
56°18′	170°24′

c. *North Latitude*	*West Longitude*
58°32′	174°52′
58°40′	174°20′
57°02′	173°00′
56°52′	173°44′
58°32′	174°52′

Information as to the opening dates of the halibut fishing season shall be provided no less than one month in advance to the Government of the Union of Soviet Socialist Republics by the Government of the United States of America.

8. Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the following:

a. The entry of Soviet fishing, fishery research, and fishery support vessels into the ports of Seattle, Washington; Portland, Oregon; and Honolulu, Hawaii. Entry into these three ports shall be permitted subject to four days' advance notice to the appropriate authority. In addition, special provisions shall be made when necessary regarding the entry into these and certain other U.S. ports of Soviet research vessels which are engaged in mutually agreed research programs.

b. The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of this paragraph. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list

visa. Notification of entry under subparagraph a of this paragraph shall specify whether shore leave is requested under such a multiple entry visa.

c. Entry of all vessels into the ports referred to in subparagraph a of this paragraph will be to replenish ship stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, and obtain minor repairs and other services normally provided in such ports, all in accordance with applicable rules and regulations.

d. Subject to the provisions of this Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

e. Each of the above provisions of this paragraph may be modified by mutual consent at any time.

9. Each Government will take appropriate measures with regard to areas of heavy concentration of fishing operations of both countries directed at prevention of damage to fishing gear, including:

a. Measures leading to improvement of the means for marking fixed fishing gear and for reciprocal notification of areas in which fixed gear is concentrated;

b. Measures to ensure that fixed gear is set with due regard for the operation of mobile gear;

c. Measures to ensure that vessels operating with mobile gear will pass clearly marked fixed gear at a distance of not less than 400 meters from the nearest marker.

10. Both Governments will take appropriate measures to ensure that except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear, fishing vessels, or marine mammals. United States fishery authorities and Soviet fishing fleet commanders will inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations on common fishing grounds.

11. Both Governments consider it useful to arrange:

a. That representatives of the fishing fleets of the United States and the Soviet Union meet at least twice each fishing session in the Alaska area and at least twice each fishing season in the California, Oregon, and Washington area. At least one meeting in each area will be at a site to be selected by the appropriate Regional Director of the U.S. National Marine Fisheries Service and at least one meeting in each area at a site to be selected by the Soviet Fleet Commander.

b. That each side will inform the other side, at least one month before the visit, of subjects it wishes to discuss. Those participating shall prepare a brief report of each visit and submit it to the appropriate authorities of the two Governments. These visits will be to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of fishing fleets, and questions arising out of the application of the provisions of this Agreement.

c. In addition, mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the

northeastern part of the Pacific Ocean. Such visits may be arranged on mutually agreed terms determined in each particular case by the appropriate Regional Director of the U.S. National Marine Fisheries Service and the Chief of the Joint Expedition of the Main Administration of DALRYBA.

12. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

13. This Agreement shall replace the Agreement of February 13, 1967, between the two Governments on certain fishery problems in the northeastern Pacific Ocean, as extended December 18, 1967, and as amended and extended by the Agreements of January 31, 1969, and of February 12, 1971 which in turn was extended by an exchange of notes dated December 31, 1972.[1] This Agreement shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements. Notwithstanding the above, at any time subsequent to one year after signature, either Government may communicate to the other Government its intention to denounce this Agreement, in which case this Agreement shall terminate one month from the date of the communication. As soon as possible after receipt of such communication, representatives of the two Governments will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being only authorized for this purpose, have signed this Agreement.

Done at Moscow, February 21, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government of the United States of America:

(Signed) DONALD L. MCKERNAN.

For the Government of the Union of Soviet Socialist Republics:

(Signed) V. M. KAMENTSEV.

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[1] TIAS 6218, 6409, 6636, 7046, 7541; 18 UST 190, 3162; 20 UST 340; 22 UST 143; 23 UST.

d. Agreement Relating to Fishing for King and Tanner Crab, with Appendix, February 21, 1973 *

Signed at Moscow February 21, 1973; Entered into force February 21, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Having considered in a spirit of mutual understanding their problems relating to the king and tanner crab fisheries on the continental shelf in light of their ratifications of the Convention on the Continental Shelf adopted at Geneva, 1958,[1]

Taking into account the existing fishery of the Soviet Union for King and tanner crab in the eastern Bering Sea, and

Desiring to adopt the necessary measures for conserving the stocks of king crab and tanner crab in the fisheries areas provided for by the Agreement,

Have agreed as follows:

1. The king crab and tanner crab are natural resources of the continental shelf over which the coastal state exercises sovereign rights for the purposes of exploration and exploitation in accordance with the provisions of Article 2 of the Convention on the Continental Shelf.

2. Nationals and vessels of the Soviet Union may continue to carry out fishing for king crab and tanner crab on the continental shelf of the United States for a period of two years in that area of the eastern Bering Sea described in the Appendix to this Agreement, provided that the annual commercial catch of king crab and tanner crab by Soviet nationals and vessels in such area shall not exceed 260,000 king crabs and 4.2 million tanner crabs each in 1973 and 1974.

3. Each Government will apply the measures specified in paragraphs 3 and 4 of the Appendix to this Agreement to its nationals and vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. Either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement of the provisions of this Agreement and for that purpose shall permit duly authorized officers of the other Government to board its vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. These officers will make a report on the results of their observations; the report will be forwarded to the flag Government for appropriate action, if such action should be necessary.

4. The two Governments will continue and intensify their study of the king and tanner crab resources in the eastern Bering Sea and will exchange annually by November 30 the data resulting from such study including also, to the extent possible, an estimate of the maximum

*Citation: 24 UST 603; TIAS 7571.
Termination Date: February 21, 1975; extended by notes of December 31, 1974. See p. 963.
[1] TIAS 5578; 15 UST 471.

sustainable yield of the resources. The data to be furnished by each Government may be prepared in accordance with its own methodology and shall include, but not be limited to, the categories of data described in the Appendix to this Agreement. The two Governments will also provide for the exchange of scientific personnel engaged in the study of the king crab and tanner crab resources.

5. This Agreement shall replace the Agreement of February 5, 1965 between the two Governments relating to fishing for king crab, as amended and extended by the Agreements of February 13, 1967; January 31, 1969; and February 12, 1971; and extended by an exchange of notes dated December 31, 1972.[2] It shall enter in force upon signature and shall remain in force for two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of the Agreement and to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Moscow, February 21, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government of the United States of America:
(Signed) DONALD L. MCKERNAN.

For the Government of the Union of Soviet Socialist Republics:
(Signed) V. M. KAMENTSEV.

APPENDIX

1. The area referred to in paragraph 2 of the Agreement is that portion of the southeastern Bering Sea lying seaward of the nine-mile zone contiguous to the territorial sea of the United States west of 160° West Longitude.

2. The annual commercial catch of king crab and tanner crab by Soviet nationals and vessels referred to in paragraph 2 of the Agreement shall not exceed:

a. 100,000 king crabs and 1.8 million tanner crabs in the area lying within the following designated boundaries: a line running from Cape Newenham on the Bering Sea coast of western Alaska, southwest to position 57°00′ North Latitude, 168°00′ West Longitude, thence due south to position 54°36′ North Latitude, 168°00′ West Longitude, and thence east to Cape Sarichef on the west coast of Unimak Island, Alaska.

b. 160,000 king crabs and 2.4 million tanner crabs in the area adjacent to the coast of the United States north and west of the area designated in subparagraph a.

3. a. Female king and tanner crabs, king crabs less than 15.8 cms. in maximum carapace width, and soft-shelled king and tanner crabs shall not be retained and used. Any such crabs taken incidentally, any king crabs taken in excess of the agreed quotas in each of the areas,

[2] TIAS 5752, 6217, 6635, 7044, 7541; 16 UST 24; 18 UST 183; 20 UST 334; 22 UST 119; 23 UST.

and any tanner crabs taken in excess of the agreed quotas in each of the areas shall be returned immediately to the sea with a minimum of injury.

b. King crabs and tanner crabs shall not be taken by means of fishing gear other than pots.

4. Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs and tanner crabs for commercial purposes and no trawling may be conducted for other species in that area lying seaward of the nine-mile zone contiguous to the territorial sea of the United States within the following boundaries: a line running from a point on the Bering Sea coast of the Alaska peninsula due west along 55°54′ North Latitude to its intersection with a line connecting two points 56°20′ North Latitude, 163°00′ West Longitude, and 55°16′ North Latitude, 166°10′ West Longitude, thence southwesterly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55°16′ North Latitude, 166°10′ West Longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.

5. The data referred to in paragraph 4 of the Agreement are:

a. Biological Data.

(1) Tag returns: tag number and/or tag; date and location of capture (latitude and longitude); sex, length, width, and weight of crab; condition of shell.

(2) Life history data: length, width, weight, and age of crab by sex; moult data; breeding habits, feeding habits, migration habits.

(3) Publications dealing with king crabs and tanner crabs in the Bering Sea and North Pacific.

b. Catch Statistics.

Total annual and monthly catches by 1° of longitude.

c. Effort Statistics.

(1) Description of pots; number of pot lifts per month by 1° of longitude.

(2) Number of fleets operated by dates of operations; number of pot boats.

d. Production Statistics.

(1) Canned crab: number of cases, number of crabs per case, quantity of meat per case.

(2) Frozen crab: description of units and number of units; number of crabs.

e. Agreement Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, with Annex and Protocol, February 21, 1973*

Signed at Moscow February 21, 1973; Entered into force February 21, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, wishing to facilitate the settlement of claims advanced by a national of one country against a national of the other country as a result of financial loss arising from damage to fishing vessels or fishing gear and to prevent fishing conflicts between fishing vessels of both countries carrying out fishing operations in the same areas,

Have agreed on the following:

Article I

1. There are established two American-Soviet Fisheries Claims Boards, one in Washington and one in Moscow.

2. Each Board shall consist of four members, two appointed by the Government of the United States of America and two appointed by the Government of the Union of Soviet Socialist Republics. Each Government shall inform the other of the names of the persons it appoints to each Board.

3. Each Government may appoint one non-voting technical expert to a Board for each matter heard, and may also designate advisers to the members of a Board whom it has appointed.

4. All decisions of a Board shall require a unanimous vote of its members present and voting, so long as one member appointed by each Government is present.

5. Insofar as is necessary, considering the location of the parties and the availability of evidence, a Board may decide to meet in a place other than its permanent site.

6. English and Russian shall be the official and working languages of the Boards. The appropriate authorities of the two Governments shall assist the Boards in arranging for translation and interpretation.

7. For purposes of this Agreement, the term "national" refers to any person, natural or juridical.

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*Citation: 24 UST 669; TIAS 7575.

Article II

1. A Board shall consider claims advanced by a national of one country against a national of the other country regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear.

2. No claim may be brought more than one year after the occurrence of the relevant incident except that, in the case of incidents occurring during the two years immediately preceding the entry into force of this Agreement, claims may be brought within two years of the incident, or within one year of the entry into force of this Agreement, whichever is longer.

Article III

1. A Board shall establish its procedures for conciliation in accordance with this Agreement.

2. A claimant shall determine at his own discretion in which Board his case is to be examined.

3. A claim, as referred to in Article II of this Agreement, shall be brought before the Board by a written request. The request shall include, insofar as is known by the claimant, *inter alia*, a detailed account of the incident from which the claim arises, the identity of all persons and vessels involved, the compensation sought, and a list of those who are knowledgeable about the incident. All appropriate evidence supporting the claim shall be forwarded with the claim to the Board.

4. Upon receipt of a claim, the Board shall, as soon as practicable, commence an inquiry into the incident. The Board shall immediately notify any national against whom a claim is made. The respondent may in turn file with the Board a written statement responding to the claim and any other evidence he deems advisable. The respondent's statement may contain a counterclaim, insofar as the counterclaim arises from the same incident upon which the claim is based. A counterclaim shall be in the same form as a claim. The Board may simultaneously consider claims that arise from the same incident, without prejudice to the right of each party to present evidence.

5. A Board may request further information and documents from the parties to the dispute or from the appropriate authorities of the two countries.

6. If either the claimant or the respondent so requests or if the Board deems it desirable, the Board shall convene a hearing regarding the incident. The claimant and respondent may appear at the hearing, personally or through a representative, with or without counsel, may testify, and may present others to testify. The Board may invite to testify any person, organization, corporation, or other entity, as it deems desirable. The claimant and respondent shall be permitted to question all persons testifying at the hearing, provided that no person shall be required to respond to any question.

7. The Board shall act as an intermediary between the claimant and the respondent and, at any stage of its considerations of a claim, may approach the claimant and the respondent to try to bring about a conciliation.

8. The appropriate authorities of the two Governments shall facilitate the work of the Board.

Article IV

1. On the basis of the evidence submitted and heard and of its discussions thereof, the Board shall prepare a report containing its findings as to:

(a) the facts giving rise to the claim;

(b) the extent of damage and loss;

(c) the degree of respondent's and claimant's responsibility, if any; and

(d) the amount, if any, which should be paid by respondent or claimant as compensation for damage and loss arising from the incident.

2. If the Board has not unanimously adopted the findings, this shall be stated in the report, along with a detailed account of each Board member's opinion.

3. The Board shall reach a decision on the claim within sixty days after it has collected all the evidence it deems necessary and then shall without delay transmit its report to the claimant, the respondent, and the appropriate authorities of the two Governments. If the Board is of the opinion that one of the parties should pay compensation, the Board shall address a recommendation to that effect to the party concerned.

4. Within thirty days after receipt of the Board's report, either the claimant or the respondent may request in writing that the Board reconsider its report. The request shall set forth the reasons for the request and material substantiating the request. The Board may decide to reconsider its report and, if it deems appropriate, receive new evidence or convene a rehearing, or both. Article III procedures will be applicable to the reconsideration.

5. The appropriate authorities of the two Governments undertake to encourage settlement of claims and to facilitate payments thereof in accordance with the findings of the Board and with the applicable domestic laws.

6. Within sixty days of receipt of the Board's report, the appropriate authorities of each Government shall inform the Board of the actions taken by the claimant or the respondent pursuant to the Board's findings.

7. If the Board has not arrived at a unanimous finding, if one of the parties to the conciliation proceeding refuses to settle in accordance with the findings of the Board, or if conciliation is not possible, the Board shall encourage the parties to submit the dispute to arbitration.

Article V

1. At the request of both parties to a dispute, a Board may arbitrate instead of conciliate a claim advanced by a national of one country against a national of the other country regarding financial loss result-

ing from damage to or loss of the national's fishing vessel or fishing gear, pursuant to a signed written agreement between such nationals to submit such claim to the Board for arbitration.

2. The following Articles or Paragraphs of this Agreement shall not apply to arbitration proceedings unless the arbitration agreement provides otherwise: Article I(3), Article I(4), Article II, Article III, Article IV, Article VI, Article VIII, Article IX, Article X(2), Article X(3), and Article XII.

Article VI

Each Board shall, as soon as possible after the end of a calendar year, send to the two Governments a short report concerning the claims it has handled and of the results which have been obtained.

Article VII

The appropriate authorities of the two Governments will encourage their nationals to use, in the first instance, the Board to settle claims resulting from damage to fishing vessels and fishing gear.

Article VIII

1. In considering those claims which arise subsequent to the entry into force of this Agreement, the Board shall be guided by the provisions of the rules set forth in the Annex or Annexes hereof. The Annex or Annexes form an integral part of this Agreement.

2. The two Governments shall encourage their fishermen to follow, insofar as practicable, the rules set forth in the Annex or Annexes.

3. The competent authorities of one Government may notify the competent authorities of the other Government of concentrations or probable concentrations known to them of fishing vessels or fishing gear. A competent authority receiving such notification shall take such steps as are practicable to inform vessels flying the flag of its country of such concentrations.

4. Within areas in which one of the Governments has jurisdiction over fisheries, it may make special rules and exemptions from rules dealing with identification and marking of fishing vessels and gear, with signals to be used by fishing vessels, with the marking of nets, lines and other gear, and with rules governing the operation of vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of the other country. Before making rules and exemptions hereunder in respect to areas in which vessels of the other country operate, the Government shall inform the other Government of its intentions and consult if the other Government so wishes.

5. At the request of either Government, representatives of the two Governments shall meet to review the operation of an Annex or of any provision of an Annex and to consider proposals for revision. The provisions of an Annex may be modified at any time by mutual consent.

Article IX

In considering claims under this Agreement, the Board shall also apply:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the two States, including bilateral and multilateral agreements between the two Governments dealing with fisheries and maritime matters; and

(b) international custom, as evidence of a general practice accepted as law.

Article X

1. Without prejudice to an agreement for binding arbitration under Article V and subject to Article VII, nothing in this Agreement shall preempt, prejudice, or in any other way affect judicial proceedings, or the right to institute such proceedings, or in any way prejudice or affect the substantive or procedural rights of any person, whether or not such person appears before or participates in the proceedings of the Board.

2. No claim shall be brought between the parties the substance of which has been or is being adjudicated or arbitrated, nor shall the Board continue conciliation proceedings regarding a claim in respect to which judicial proceedings are instituted. The Board may also refuse to consider a claim for other reasons.

3. The Board shall immediately terminate conciliation proceedings regarding a claim in respect to which there is a binding agreement to arbitrate.

Article XI

Each Government shall pay all the expenses, including compensation, of the members it appoints to the Board and of any technical experts it appoints, and advisers it designates. The two Governments will share equally all the administrative and operational costs of the Board. Such costs do not include expenses related to the presentation or production of evidence or the appearance of witnesses.

Article XII

At the request of either Government, representatives of the two Governments shall meet to review the operation of this Agreement and to consider proposals for revision.

Article XIII

This Agreement shall enter into force upon signature. It shall remain in force for two years, and thereafter until the sixtieth day following the day on which one Government gives the other Government notice of termination, provided that the effect of this Agreement shall in any event continue until the conclusion of conciliation proceedings and arbitrations instituted prior to its termination, unless otherwise agreed by the two Governments.

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done, in duplicate, in the English and Russian languages, both equally authentic, at Moscow this 21st day February 1973.

For the Government of the United States of America:

(Signed) DONALD L. MCKERNAN.

For the Government of the Union of Soviet Socialist Republics:

(Signed) V. M. KAMENTSEV.

ANNEX

MEASURES TO PREVENT FISHING CONFLICT IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN INCLUDING THE EASTERN BERING SEA OFF THE COAST OF THE UNITED STATES OF AMERICA

1. a. This Annex applies to the waters of the northeastern part of the Pacific Ocean including the eastern Bering Sea off the coast of the United States of America.

b. For purposes of this Annex,

"fishing vessel" means any vessel engaged in the business of catching fish;

"vessel" means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

2. a. Fishing vessels shall be registered and marked in order to ensure their proper identification at sea in accordance with the regulations of each Government. The competent authorities of each Government shall inform the competent authorities of the other Government of the system of registration and marking used.

b. Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

c. Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

d. The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

3. In addition to complying with the rules relating to signals as prescribed in the International Rules for Preventing Collisions at Sea, the fishing vessels of each Government shall comply with the rules set out below in this paragraph. No other additional light signals than those provided herein shall be used. The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m.) apart but at a lower level

than the lights prescribed in Rule 9(c) (i) and (d) of the International Regulations for Preventing Collisions at Sea 1960.[1] They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9(b) of the above Regulations.

a. (1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

(i) when shooting their nets: two white lights in a vertical line one over the other;

(ii) when hauling their nets: one white light over one red light in a vertical line one over the other;

(iii) when the net has come fast upon an obstruction: two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

(i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;

(ii) by night: a searchlight shone foreward and in the direction of the other fishing vessel of the pair;

(iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.

(4) The rules of this subparagraph need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Government likely to be concerned.

b. (1) Fishing vessels engaged in fishing with purse seines shall show two amber colored lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown when the vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) The rule of this subparagraph need not be applied to fishing vessels of less than 85 feet (25.90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Government likely to be concerned.

c. No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

4. With respect to the nets, lines and other gear anchored in the sea, the fishing vessels of each Government shall comply with the rules set out below in this paragraph.

a. The ends of halibut longlines and black cod longlines, whether hooks or pots are attached to the ground line shall be fitted with a

[1] TIAS 5813; 16 UST 802.

flag and a white light. The flagpole of each buoy shall have a height of at least 2 meters above the buoy.

b. Each king or tanner crab pot shall be marked by at least two brightly colored buoys approximately 50 inches (1.25 m.) in diameter, each buoy having painted on it the registration number assigned by the appropriate authorities.

5. a. Subject to compliance with the International Regulations for Prevention of Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

b. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

c. No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

d. Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

e. No vessel shall use or have on board explosives intended for the catching of fish.

f. In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

g. (1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases in which the two preceding subparagraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

Protocol to the Agreement Between the Government of the United States of America

and

The Government of the Union of Soviet Socialist Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering that a common understanding is desirable on the application of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, hereinafter referred to as the Agreement,

Noting the discussion of this matter during the meeting of the representatives of the two Governments in Moscow in January-February, 1973,

Have agreed to the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics agree that the two American-Soviet Fisheries Claims Boards established under the Agreement shall consider only claims arising in the northeastern Pacific Ocean.

2. The application of the Agreement may be extended to other areas at any time by mutual agreement of the two Governments.

3. The two Governments understand that the Annex attached to the Agreement contains interim rules which are subject to modification by mutual agreement. It is further understood that representatives of the two Governments shall consider more specific rules for fixed gear within six months following the signing of this Protocol.

4. The above provisions shall form an integral part of the Agreement.

5. This Protocol shall enter into force on signature, and shall remain in force during the period of validity of the Agreement, subject to the provisions of Articles XII and XIII thereof.

In witness whereof the undersigned, being duly authorized for this purpose, have signed this Protocol.

Done in Moscow, February 21, 1973, in duplicate, in English and Russian, both texts being equally authentic.

For the Government of the United States of America:

(Signed) Donald L. McKernan.

For the Government of the Union of Soviet Socialist Republics:

(Signed) V. M. Kamentsev.

1. PROTOCOL, WITH ANNEX, JUNE 21, 1973*

Signed at Copenhagen June 21, 1973; Entered into force June 21, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics.

Considering that a common understanding is desirable on the application of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, done at Moscow on February 21, 1973.[1] hereinafter referred to as the Agreement.

Noting the discussion of this matter during meetings of the representatives of the two Governments in Moscow in January–February, 1973 and in Copenhagen in June, 1973.

Have agreed to the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics agree that the two American-Soviet Fisheries Claims Boards established under the Agreement shall consider claims arising in the Western areas of the Atlantic Ocean in addition to their consideration of claims arising in the northeastern Pacific Ocean.

2. The two Governments agree that the Annex attached to this Protocol shall constitute Annex II to the Agreement Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, and shall form an integral part of that Agreement.

3. The two Governments understand that the Claims Board mentioned in paragraph 1 above shall be guided by the criteria set forth in Annex II in their consideration of those claims which arise in the Western areas of the Atlantic Ocean subsequent to the entry into force of this Protocol. The two Governments shall encourage their fishermen to follow, insofar as practicable, the rules set out in this Annex.

4. The two Governments understand that the Annex attached to this Protocol contains interim rules which are subject to modification or termination by mutual agreement at any time. It is further understood that representatives of the two Governments shall consider more specific rules for fixed gear within six months following the signing of this Protocol.

5. The above provisions shall form an integral part of the Agreement.

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*Citation: 24 UST 1588; TIAS 7663.

[1] TIAS 7575; 24 UST.

35–415—75——62

6. This Protocol shall enter into force on signature, and shall remain in force during the period of validity of the Agreement, subject to the provisions of Articles XII and XIII thereof.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Protocol.

Done in Copenhagen, June 21, 1973, in duplicate, in English and Russian, both texts being equally authentic.

For the Government of the United States of America:

(Signed) DONALD L. MCKERNAN.

For the Government of the Union of Soviet Socialist Republics:

(Signed) VLADIMIR M. KAMENTSEV.

ANNEX II

MEASURES TO PREVENT FISHING CONFLICT IN THE WESTERN AREAS OF THE ATLANTIC OCEAN OFF THE COAST OF NORTH AMERICA

1. a. This Annex applies to the waters of the Atlantic Ocean off the coast of North America.

b. For purposes of this Annex,

"fishing vessel" means any vessel engaged in the business of catching fish;

"vessel" means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

2. a. Fishing vessels shall be registered and marked in order to ensure their proper identification at sea in accordance with the regulations of each Government. The competent authorities of each Government shall inform the competent authorities of the other Government of the system of registration and marking used.

b. Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

c. Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

d. The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

3. a. Subject to compliance with the International Regulations for Prevention of Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

b. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

c. No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

d. Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

e. No vessel shall use or have on board explosives intended for the catching of fish.

f. In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

g. (1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding subparagraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

4. With respect to nets, lines and other gear anchored in the sea, fishing vessels shall comply with the rules set out below in this paragraph.

a. Gear shall be marked sufficiently to indicate its position and extent. The ends of lines to which lobster pots are attached should be marked with buoys. The westernmost (meaning the half compass circle from south through west to and including north) end buoy should be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy should be fitted with one flag or a radar reflector. The westernmost end buoy may be fitted with one or two white lights, and the easternmost end buoy may be fitted with one white light. On lobster gear extending more than 1½ miles additional buoys should be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more is left unmarked. Each additional buoy should be fitted with a flag or a radar reflector and may be fitted with one white light. The flagpole of each buoy should have a height of at least 2 meters above the buoy. Each buoy should be marked so that ownership may be determined.

b. Fishing vessels operating gear anchored in the sea shall, when they are present, notify approaching vessels of the position and extent of gear.

c. Fishing vessels using mobile gear shall:

(1) maintain a continuous visual and radar watch for markers indicating the position and extent of gear anchored in the sea.

(2) Avoid areas where gear is known to be anchored in the sea during periods of reduced visibility and hours of darkness.

5. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics will take steps to minimize the possibility of conflict between gear anchored in the sea and mobile fishing gear. This will include:

a. For the American side, with respect to lobster gear,

(1) Development and use of improved marking, deployment, and notification practices,

(2) Timely notice to the Soviet fishing fleet of known locations of gear, and

(3) Notice to the Soviet fishing fleet of markings in use.

b. For both sides, development and use of improved radio communications between individual vessels of both countries.

c. For the Soviet side, notice to American authorities of areas of concentration of the Soviet fishing fleet.

f. Agreement on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean with Related Letter, June 21, 1973*

Signed at Copenhagen June 21, 1973; Entered into force July 1, 1973, with related letter.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the Western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interests, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and coordinating scientific research in the field of fisheries and the exchange of scientific data.

Have agreed on the following:

1. a. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent authorities of both Governments shall ensure the following, at least on an annual basis:

(i) An exchange of scientific and statistical data, published works, and the results of fishery research; and

(ii) Meetings of scientists.

b. The competent authorities of the two Governments shall also ensure the mutual exchange of regular visits of scientists to fisheries research vessels for varying periods of time in order to enhance scientific collaboration. Each exchange shall generally include two visiting scientists. Such collaboration may continue through the analyses of data, samples, and other results of the research.

c. Each Government will take the necessary steps to ensure that its competent authorities conduct the corresponding fishery research and develop the most rational fishing technology, in accordance with a coordinated program which has been developed

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**Citation:* 24 UST 1603; TIAS 7664.
Termination Date: December 31, 1974; extended by notes of December 31, 1974. See p. 963.

by the scientists of both countries. The exchange of scientific and statistical data shall include, *inter alia*, information on methods of analysis and data on by-catches.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

a. Refrain from fishing during the period from January 1 through April 15, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°05′	71°40′
39°50′	71°40′
37°50′	74°00′
37°50′	74°25′
38°24′	73°44′
39°40′	72°32′

b. Refrain from increasing the catch of scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries [1] and north of 34° North Latitude;

c. Refrain, in the waters specified in sub-paragraph b of this paragraph, from conducting specialized fisheries for scup, flounders, bluefish, and river herring in all instances, and from increasing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;

d. Refrain, in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 30° North Latitude, from fishing menhaden during the period from January 1 through April 30, and from increasing the incidental catch of this species;

e. Limit their catches of silver hake, red hake, and flounders (other than yellowtail) from the southern New England stocks so that the aggregate catches of silver hake, red hake, and flounders (other than yellowtail) from these stocks shall not exceed the national allocations agreed upon in the International Commission for the Northwest Atlantic Fisheries (ICNAF);

f. Limit their catches of sea herring and mackerel from the Mid-Atlantic stocks so that the aggregate catches of sea herring and mackerel from these stocks shall not exceed the agreed upon ICNAF national allocations and shall comply with applicable ICNAF size limitations;

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[1] TIAS 2089, 6840, 6841, 7432; 1 UST 488; 21 UST 567, 576; 23 UST 1504.

g. The provisions of sub-paragraphs a, b, and c of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Fishing vessels of the Union of the Soviet Socialist Republics shall refrain from engaging in the intentional catching of lobster off the coast of the United States north of Cape Hatteras, shall take appropriate measures to minimize incidental catches of lobster in specialized fisheries for other species, and shall return to the sea in a viable condition all lobster taken incidentally insofar as possible.

4. Considering the necessity to conserve the stocks of yellowtail flounder inhabiting the shallow waters in the southern New England and northern Mid-Atlantic areas, taking into account that these stocks migrate in these areas, and realizing that conservation measures may be effective ones only if applied to a stock as a whole, the Government of the Union of Soviet Socialist Republics agrees to limit the fishing operations of the vessels of the Union of Soviet Socialist Republics more than 145 feet in length to mid-water trawling, using mid-water trawl doors, during the period from July 1 through December 31 in the area adjacent to the United States coast north of 40°20′N and south of 43°17′ N, and west of the line drawn between the points 68°15′W, 40°20′N and 70°00′W, 43°17′N. Representatives of both Governments will meet prior to the expiration of the period of validity of this Agreement, with a view to considering further conservation measures for yellowtail flounder stocks. The implementation of this paragraph of the Agreement shall not result in an increase in fishing vessel units in the shallow water areas on Georges Bank.

5. Both Governments shall take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

6. Fishing vessels and fishery support vessels under the flag of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

a. During the period from November 15 through May 15:

North Latitude	*West Longitude*
40°44′00″	72°27′00″
40°38′00″	72°27′00″
40°34′31″	72°40′00″
40°32′41″	72°46′26″
40°32′32″	72°53′26″
40°36′54″	72°53′26″
40°40′55″	72°40′00″

b. During the period from September 15 through May 15:

North Latitude	*West Longitude*
39°40′00″	74°00′00″
39°37′00″	73°54′00″
39°32′30″	73°57′18″
39°35′30″	74°04′00″

7. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°40′55″	72°40′00″
40°34′31″	72°40′00″
40°32′41″	72°46′26″
40°32′32″	72°53′26″
40°36′54″	72°53′26″

8. Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the following:

a. The entry of not more than four Soviet fishing, fishery research, and fishery support vessels each month into each of the Ports of Baltimore, Philadelphia, New York, and Boston. In addition, special provisions shall be made as necessary regarding the entry of Soviet research vessels which are engaged in a mutually agreed research program in accordance with the terms of paragraph 1 of this Agreement.

b. Entry into the Ports of Baltimore, Philadelphia, and New York, as indicated in sub-paragraph a above, shall be permitted subject to four days' advance notice of the planned entry to the appropriate authority.

c. The Government of the United States of America will accept applications for entry into the Port of Boston either at the American Embassy in Moscow or at the Department of State in Washington at least seven days prior to entry. Such applications may be made in Washington either by the Soviet Embassy or by a commercial shipping agent designated by the appropriate Soviet authorities.

d. The Government of the United States of America at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months for multiple entries into United States ports pursuant to sub-paragraph a above. Such a crew list shall be submitted at least 14 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this sub-paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry or an application for entry under sub-paragraph b or c above shall specify if shore leave is requested under such a multiple entry visa.

e. Entry of all vessels into the ports referred to in subparagraph a above may be to replenish ships stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such

vessels, and obtain minor repairs and other services normally provided in such ports, all in accordance with applicable rules and regulations.

f. Subject to the provisions of this Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

g. Each of the above provisions in this paragraph may be modified by mutual consent at any time.

9. Under conditions of *force majeure*, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing, fishery research, and fishery support vessels into its respective open ports after appropriate notification has been given.

10. Both Governments consider it useful to arrange:

a. Regular visits of representatives of the fisheries authorities of the two countries to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of the fishing fleets, and questions arising out of the application of the provisions of this Agreement; such visits shall take place at least every three months, on appropriate vessels of each side; and

b. Mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the Western areas of the Middle Atlantic.

Those participating in each visit shall prepare a brief report of their visit in each case and submit it to the appropriate authorities of the two Governments. Visits shall be arranged between the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts, and the chiefs of the joint fleet expeditions of the Main Administration "ZAPRYBA" or "SEVRYBA" as appropriate. Each side will inform the other side, at least two weeks before the visit, of subjects it wishes disscussed.

11. The Scheme of Joint Enforcement in effect under the 1949 International Convention for the Northwest Atlantic Fisheries shall apply on a voluntary basis to enforcement of the provisions of this Agreement. The Scheme of Joint Enforcement will also be applied on a voluntary basis to enforcement of regulations in effect under the Convention in Statistical Area 6 until the Scheme becomes effective in that Area for both Governments. Each Government will inform the other of the date on which it is able to apply the Scheme on a mandatory basis to enforcement of regulations in effect under the Convention in Statistical Area 6. Nothing in this paragraph is intended to modify the mandatory application of the Scheme of Joint Enforcement under the 1949 International Convention for the Northwest Atlantic Fisheries to conservation regulations under that Convention, or the system of enforcement applicable to the nine-mile fishing zone contiguous to the territorial sea of the United States.

12. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

13. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the

United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on December 11, 1970.

The present Agreement shall enter into force on July 1, 1973 and shall remain in force through December 31, 1974. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements. Notwithstanding the above, at any time after March 31, 1974, either Government may communicate to the other Government its intention to denounce the present Agreement, in which case the Agreement shall terminate one month from the date on the comunication. As soon as possible after receipt of such communication, representatives of the two Governments will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done in Copenhagen, June 21, 1973, in duplicate, in English and Russian, both texts being equally authentic.

For the Government of the United States of America:

(Signed) DONALD L. MCKERNAN.

For the Government of the Union of Soviet Socialist Republics:

(Signed) VLADIMIR M. KAMENTSEV.

1. EXTENSION, DECEMBER 31, 1974*

Effected by exchange of notes Signed at Washington, D.C. December 31, 1974; Entered into force December 31, 1974.

THE EMBASSY OF THE
UNION OF SOVIET SOCIALIST
REPUBLICS

No. 143

The Embassy of the Union of Soviet Socialist Republics calls the attention of the Department of State of the United States of America to the following bilateral agreements concluded between the U.S.S.R. and the U.S.:

1. Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on certain fishery problems on the high seas in the western areas of the middle Atlantic Ocean, signed in Copenhagen June 21, 1973;

2. Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on certain fisheries problems in the northeastern part of the Pacific Ocean off the coast of the United States, signed in Moscow February 21, 1973;

3. Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America relating to fishing operations in the northeastern Pacific Ocean, signed in Moscow February 21, 1973;

4. Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America relating to fishing for king and tanner crab, signed in Moscow February 21, 1973.

Referring to the above-mentioned agreements, the Embassy proposes to the Department of State to consider their validity extended until the conclusion of the Soviet-American negotiations on these agreements, which are scheduled for February 1975.

**Source:* Department of State.
Termination Date: Extended until the conclusion of negotiations in February 1975.

The reply note of the Department of State indicating acceptability of this proposal to the American side, shall constitute an understanding between the sides concerning the extended validity of the agreements mentioned above.

WASHINGTON, D.C., *December 31, 1974.*

TO THE
DEPARTMENT OF STATE OF THE
UNITED STATES OF AMERICA
WASHINGTON, D.C.
(*initialed* A.D.)

The Department of State acknowledges receipt of note number 143 of December 31, 1974, from the Embassy of the Union of Soviet Socialist Republics which in English reads as follows:

"The Embassy of the Union of Soviet Socialist Republics calls the attention of the Department of State of the United States of America to the following bilateral agreements concluded between the U.S.S.R. and the U.S.:

"1. Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean, signed in Copenhagen June 21, 1973;

"2. Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on Certain Fisheries Problems in the Northeastern Part of the Pacific Ocean off the Coast of the United States, signed in Moscow February 21, 1973;

"3. Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Relating to Fishing Operations in the Northeastern Pacific Ocean, signed in Moscow February 21, 1973;

"4. Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Relating to Fishing for King and Tanner Crab, signed in Moscow February 21, 1973.

"Referring to the above-mentioned agreements, the Embassy proposes to the Department of State to consider their validity extended until the conclusion of the Soviet-American negotiations on these agreements, which are scheduled for February 1975.

"The reply note of the Department of State indicating acceptability of this proposal to the American side, shall constitute an understanding between the sides concerning the extended validity of the agreements mentioned above."

The Department of State concurs with the Embassy of the Union of Soviet Socialist Republics that the aforesaid agreements be extended through the conclusion of the meetings called for the purpose of negotiations on the agreements in February 1975, and agrees that this note and the Embassy's note constitute an agreement between the two governments to that effect as of this date.

DEPARTMENT OF STATE,
Washington, December 31, 1974.

[RELATED LETTER]

COPENHAGEN, *June 21, 1973.*

DEAR MR. MINISTER: Under the Agreement signed today for our two Governments on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean, notification of a visit to the U.S. ports of Baltimore, New York, and Philadelphia must be received at least four days in advance of port entry. Notice of visits of fishing vessels and fishery support vessels shall be forwarded to U.S. Coast Guard Headquarters, Washington, D.C., from a shipping agent (either (1) via Telex using address, "Commandant, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C., Telex number: 89–2427"; or (2) by TWX using address, "Coast Guard Headquarters, 6th & D Streets, S.W., Washington, D.C., TWX number: 202–965–0660"; or (3) via Western Union using either of the above addresses). Notice of visits of fishery research vessels shall be forwarded to the United States Department of State, Washington, D.C., through diplomatic channels.

Applications for entry into the Port of Boston shall be made as specified in the Agreement.

Sincerely yours,

DONALD L. MCKERNAN,
Chairman of the Delegation of the United States of America.

VLADIMIR M. KAMENTSEV,
Chairman of the Delegation of the Union of Soviet Socialist Republics.

4. OCEANOGRAPHY

a. Agreement on Cooperation in Studies of the World Ocean, June 19, 1973*

Signed at Washington June 19, 1973; Entered into force June 19, 1973.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics;

Recognizing the importance of comprehensive studies of the World Ocean for peaceful purposes and for the well-being of mankind;

Striving for more complete knowledge and rational utilization of the World Ocean by all nations through broad international cooperation in oceanographic investigation and research;

Aware of the capabilities and resources of both countries for studies of the World Ocean and extensive history and successful results of previous cooperation between them;

Desiring to combine their efforts in the further investigation of the World Ocean and to use the results for the benefit of the peoples of both countries and of all mankind; and

In pursuance and further development of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Fields of Science and Technology of May 24, 1972, [1] and in accordance with the Agreement on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields of April 11, 1972,[2] and in accordance with the Agreement on Cooperation in the Field of Environmental Protection of May 23, 1972;[3]

Have agreed as follows:

ARTICLE 1

The Parties will develop and carry out cooperation in studies of the World Ocean on the basis of equality, reciprocity and mutual benefit.

ARTICLE 2

In their studies of the World Ocean, the Parties will direct cooperative efforts to the investigation and solution of important basic and applied research problems. Initially, cooperation will be implemented in the following areas:

Citation: 24 UST 1452; TIAS 7651.
Termination Date: June 19, 1978.
[1] TIAS 7346; 23 UST 856.
[2] TIAS 7343; 23 UST 790.
[3] TIAS 7345; 23 UST 845.

a. Large-scale ocean-atmosphere interaction, including laboratory studies, oceanic experiments, and mathematical modeling of the ocean-atmosphere system.

b. Ocean currents of planetary scale and other questions of ocean dynamics.

c. Geochemistry and marine chemistry of the World Ocean.

d. Geological and geophysical investigations of the World Ocean, including deep sea drilling for scientific purposes.

e. Biological productivity of the World Ocean and the biochemistry of the functioning of individual organisms and whole biological communities in the World Ocean.

f. Intercalibration and standardization of oceanographic instrumentation and methods.

Other areas of cooperation may be added by mutual agreement.

ARTICLE 3

Cooperation provided for in the preceding Articles may take the following forms:

a. Joint planning, development, and implementation of research projects and programs;

b. Exchange of scientists, specialists, and advanced students;

c. Exchange of scientific and technical information, documentation, and experience, including the results of national oceanographic studies;

d. Convening of joint conferences, meetings, and seminars of specialists;

e. Appropriate participation by both countries in multilateral cooperative activities sponsored by international scientific organizations;

f. Facilitation by both Parties, in accordance with laws, rules and regulations of each country and relevant bilateral agreements, of use of appropriate port facilities of the two countries for ships' services and supplies, including provision for rest and changes of ships' personnel, in connection with carrying out cooperative activities.

Other forms of cooperation may be added by mutual agreement.

ARTICLE 4

In furtherance of the aims of this Agreement, the Parties will, as appropriate, encourage, facilitate and monitor the development of cooperation and direct contacts between agencies, organizations and firms of the two countries, including the conclusion, as appropriate, of implementing agreements for carrying out specific projects and programs under this Agreement.

ARTICLE 5

1. For implementation of this Agreement, there shall be established a US–USSR Joint Committee on Cooperation in World Ocean Studies.

This Joint Committee shall meet, as a rule, once a year, alternately in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee shall take such action as is necessary for effective implementation of this Agreement including, but not limited to, approval of specific projects and programs of cooperation; designation of appropriate agencies and organizations to be responsible for carrying out cooperative activities; and making recommendations, as appropriate, to the Parties.

3. Each Party shall designate its Executive Agent which will be responsible for carrying out this Agreement. During the period between meetings of the Joint Committee, the Executive Agents shall maintain contact with each other and coordinate and supervise the development and implementation of cooperative activities conducted under this Agreement.

ARTICLE 6

Nothing in this Agreement shall be interpreted to prejudice other agreements between the Parties or commitments of either Party to other international oceanographic programs.

ARTICLE 7

Each Party, with the consent of the other Party, may invite third countries to participate in cooperative activities engaged in under this Agreement.

ARTICLE 8

1. This Agreement shall enter into force upon signature and remain in force for five years. It may be modified or extended by mutual agreement of the Parties.

2. The termination of the Agreement shall not affect the validity of implementing agreements concluded under this Agreement between interested agencies, organizations and firms of the two countries.

Done at Washington, this 19th day of June, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government of the United States of America:

(Signed) WILLIAM P. ROGERS.

For the Government of the Union of Soviet Socialist Republics:

(Signed) A. GROMYKO.

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