Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the two agreements, the three conventions, and the optional protocol on the Executive Calendar be considered en bloc; that the understanding relating to Executive L be also considered and voted on with the other matters en bloc; that a yeas-and-nay vote be taken upon the question of the whole, and consenting to Executive V, and that the resolutions, with the accompanying understanding, advising and consenting to the ratification of the conventions, agreements, and optional protocol be deemed to have been agreed to by the same vote.

The PRESIDING OFFICER (Mr. McCarthy in the chair). Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider, en bloc, the following agreements, conventions, and optional protocols, which were severally read the second time.

EXECUTIVE V

AGREEMENT FOR FACILITATING THE INTERNATIONAL CIRCULATION OF VISUAL AND AUDITORY MATERIALS OF AN EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER; A CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE; A CONVENTION ON THE HIGH SEAS; AN AGREEMENT ENTITLED "CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS"; A CONVENTION ON THE CONTIGUAL SHELF; AND AN OPTIONAL PROTOCOL OF SIGNATURES CONCERNING THE COMMISSION ON SEAS AND DISPUTES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the two agreements, the three conventions, and the optional protocol on the Executive Calendar be considered en bloc; that the understanding relating to Executive L be also considered and voted on with the other matters en bloc; that a yeas-and-nay vote be taken upon the question of the whole, and consenting to Executive V, and that the resolutions, with the accompanying understanding, advising and consenting to the ratification of the conventions, agreements, and optional protocol be deemed to have been agreed to by the same vote.

The PRESIDING OFFICER (Mr. McCarthy in the chair). Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider, en bloc, the following agreements, conventions, and optional protocols, which were severally read the second time.

ARTICLE I

The present Agreement shall apply to visual and auditory materials of the types specified in Article II which are of an educational, scientific, or cultural character.

(a) When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, that purpose or effect is such as to maintain, increase or diffuse knowledge, and augment international understanding and good will; and

(b) When the materials are representative, authentic, and accurate; and

(c) When the technical quality is such that it does not interfere with the use made of the material.

ARTICLE II

The provisions of the preceding article shall apply to visual and auditory materials of the following types and forms:

(a) Films, filmstrips and microfilm in either negative form, exposed and developed, or positive form developed;

(b) Bound recordings of all types and forms;

(c) Glass slides: models, static and moving: wall charts, maps and posters.

These materials are hereinafter referred to as "material."

ARTICLE III

1. Each of the contracting States shall accord, within the period the coming into force of the present agreement with respect to that State, exemption from all the laws, regulations, or restrictions in respect of visual and auditory materials of the types and forms specified in article II which are of an educational, scientific or cultural character, any other provisions to the contrary notwithstanding, of material originating in the territory of any of the other contracting States.

2. Nothing in this Agreement shall exempt material from those taxes, charges or exactions which are imposed on the import of all articles without exception and without regard to their nature and origin, even though such articles are exempt from customs duties; such taxes, fees and exactions shall include, among others, import, export, transit and other fees and duties.

3. Material entitled to the privileges provided for by paragraph 1 of this article shall be exempt, in the territory of the country of entry, from all internal taxes, fees, charges or exactions other or higher than those imposed on like products of that country, and shall be accorded treatment no less favorable than that accorded like products of that country in respect of all internal laws, regulations or restrictions, affecting its sale, transportation or distribution or affecting its processing, exhibition or other use.

4. Nothing in this Agreement shall require any contracting State to grant the treatment provided for in this article to like material of an educational, scientific or cultural character originating in any State not a party to this Agreement in any case in which the denial of such treatment would be contrary to an international obligation or to the commercial policy of such contracting State.

ARTICLE IV

To obtain the exemption, provided under the present Agreement for material for which admission into the territory of a contracting State is sought, a certificate that the material to the Government of the other State into which entry is sought.

1. If, by request, the appropriate governmental agency of the contracting State in which entry is sought, is satisfied that the certificate relates to material of an educational, scientific or cultural character, the Government of the State which certified the material, or UNESCO as the case may be, shall be notified prior to any final decision in order that it may make friendly representations in support of the exemption of that material to the Government of the other State into which entry is sought.

2. Nothing in this Agreement shall require any contracting State to grant the treatment provided for in article III, paragraph 4 of this Agreement to visual and auditory materials which are deemed to have been granted the privileges provided for in article III, paragraph 1, to material benefiting from the legal protection of the United Nations Educational, Scientific and Cultural Organization.

3. The present Agreement shall come into force upon the deposit of the third instrument of ratification, accession, or acceptance by the United Nations Educational, Scientific and Cultural Organization, which shall inform the contracting States of the date of such entry into force.

4. The contracting States undertake jointly to ensure the execution of the provisions of the present Agreement without the restrictions that are not removed by the present Agreement which might interfere with the international circulation of the material referred to in article I.

ARTICLE VII

Each contracting State shall communicate to the United Nations Educational, Scientific and Cultural Organization this information to all contracting States and shall maintain and publish in English and French catalogues of material showing all the certifications and decisions made in respect of them.

The contracting States undertake jointly to ensure the execution of the provisions of the present Agreement which might interfere with the international circulation of the material referred to in article I.

ARTICLE VIII

Each contracting State shall communicate to the United Nations Educational, Scientific and Cultural Organization, within the period of six months following the coming into force of the present Agreement, the measures taken in their respective territories to ensure the execution of the provisions of the present Agreement.

The United Nations Educational, Scientific and Cultural Organization shall communicate this information as it receives it to all contracting States.
ARTICLE IX
1. All disputes arising out of the interpretation or application of the present Agreement between States which are both parties to the Convention for the Pacific Settlement of Disputes, in an agreement case it is agreed by the parties to have recourse to another mode of settlement.
2. If the contracting States between which a dispute arises are not parties or any one of them is not party to the Convention of the International Court of Justice, the dispute shall, if the States concerned so desire, be submitted, in accordance with the constitutional rules of each of them, to an arbitral tribunal or to any other body established in conformity with the Convention for the Pacific Settlement of International Disputes signed at The Hague on 18 October 1907, or to any other arbitral tribunal.

ARTICLE X
The present Agreement is open to acceptance by the signatory States. The instrument of acceptance shall be deposited with the Secretary-General of the United Nations who shall notify all the Members of the United Nations of each deposit and the date thereof.

ARTICLE XI
1. On or after 1 January 1960 any Member of the United Nations not a signatory to the present Agreement, and any non-member States to which a certified copy of the present Agreement has been communicated by the Secretary-General of the United Nations, may accede to it.
2. The instrument of accession shall be deposited with the Secretary-General of the United Nations, who shall notify all the Members of the United Nations and the non-member States, referred to in the preceding paragraph, of each deposit and the date thereof.

ARTICLE XII
1. The present Agreement shall come into force ninety days after the Secretary-General of the United Nations has received at least ten instruments of acceptance or accession in accordance with article X or article XI. As soon as possible thereafter the Secretary-General shall draw up a protocol specifying the date on which, in accordance with this paragraph, the present Agreement shall have entered into force.
2. In respect of each State on behalf of which an instrument of acceptance or accession is subsequently deposited, the present Agreement shall enter into force ninety days after the date of the deposit of such instrument.
3. The present Agreement shall be registered with the Secretary-General of the United Nations on the day of its entry into force in accordance with Article 102 of the Charter and the regulations made thereunder by the General Assembly.

ARTICLE XIII
1. The present Agreement may be denounced by any contracting State after the expiration of a period of three years from the date on which it comes into force in respect of that particular State.
2. The denunciation of the Agreement by any contracting State shall be effected by a written notification addressed by that State to the Secretary-General of the United Nations who shall notify all the Members of the United Nations and all non-member States referred to in article XI of each notification and the date of the receipt thereof.
3. The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations.

ARTICLE XIV
1. Any contracting State may declare, at the time of signature, acceptance, or accession, that in accepting the present Agreement it is not assuming any obligation in respect of all or any territories, for which such contracting State has international obligations. The present Agreement shall, in that case, not be applicable to the territories named in the declaration.
2. The contracting States in accepting the present Agreement do not assume responsibility in respect of any or all Non-Self-Governing Territories for which they are responsible, but may notify the acceptance of the Agreement by any or all of such territories at the time of acceptance by such contracting States or at any time thereafter. The present Agreement shall, in such cases, apply to all the territories named in the declaration ninety days after the receipt thereof by the Secretary-General of the United Nations.
3. Any contracting State may at any time after the expiration of the period of three years provided for in article XIII declare that it desires the present Agreement to cease to apply to all or any territories for which such contracting State has international obligations or to any or all Non-Self-Governing Territories for which it is responsible. The present Agreement shall, in that case, cease to apply to the territories named in the declaration six months after the receipt thereof by the Secretary-General of the United Nations.
4. The Secretary-General of the United Nations shall communicate to all the Members of the United Nations and to all non-member States referred to in article XI the declarations received in virtue of the present article, together with the dates of the receipt thereof.

ARTICLE XV
Nothing in this Agreement shall be deemed to prohibit the contracting States from entering into agreements or arrangements with the United Nations or any of its specialized agencies which would provide for facilities, exemptions, privileges or immunities with respect to material emanating from or sponsored by the United Nations or by any of its specialized agencies.

ARTICLE XVI
The original of the present Agreement shall be deposited in the archives of the United Nations and shall be opened for signature at Lake Success on 15 July 1949 where it shall remain open for signature until 31 December 1949. Certified copies of the present Agreement shall be furnished by the Secretary-General of the United Nations to each of the Members of the United Nations and to the States referred to in article XI. The Agreement shall be designated by agreement between the Economic and Social Council of the United Nations and the Executive Board of the United Nations Educational, Scientific, and Cultural Organization.

In witness whereof, the undersigned plenipotentiaries, having deposited their full powers found to be in due and proper form, sign the present Agreement in the English and French languages, each being equally authentic, on behalf of their respective Governments, on the dates appearing opposite their respective signatures.

For Afghanistan: Abdul Hamid Aziz, 29 December 1949.
For Argentina:
For Australia:
For Austria:
For Belgium:
For Bolivia:
For Brazil: ad referendum, Joao Carlos Muniz, 15 de Septembro de 1949.
For the Union of Burma:
For the Byelorussian Soviet Socialist Republic:
For Canada: ad referendum, Andrew G. L. McNaughton, 17 December 1949.

PROTOCOL OF SIGNATURE
At the moment of signing the Agreement to Facilitate the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, the undersigned plenipotentiaries have agreed as follows:
1. The Secretary-General of the United Nations shall attach to the original text of the Agreement the model forms of certificates referred to in article IV which are being submitted for approval to the States members of the United Nations Educational, Scientific and Cultural Organization, as soon as they are transmitted to him for that purpose by the Director-General of this Organization. The Secretary-General shall then draw up a procès-verbal to that effect.

For Chile:
For China:
For Colombia:
For Costa Rica:
For Cuba:
For Czechoslovakia:
For Denmark: subject to ratification, William Burg, December 25th 1949.
For the Dominican Republic: Max Henriquez Urena, August 5, 1949.
For Egypt:
For Ethiopia:
For France:
For Guatemala:
For Haiti: S. M. Alexis, 2 December 1949.
For Honduras:
For Hungary:
For Iceland:
For India:
For Iran: Nasrollah Entezam, December 31, 1949.
For Iraq:
For Israel:
For Italy:
For Lebanon: Charles Malik, December 30, 1949.
For Liberia:
For the Grand Duchy of Luxembourg:
For Mexico:
For Monaco:
For the Kingdom of the Netherlands, subject to the reservation contained in the procès-verbal of signature drawn up prior to this signature: H. Riemen, December 30, 1949.
For New Zealand:
For Nicaragua:
For the King of Norway: Arne Sunde, December 20, 1949.
For Pakistan:
For Panama:
For Paraguay:
For Peru:
For the Philippines, subject to ratification, Carlos P. Rómulo, December 31, 1949.
For Poland:
For Saudi Arabia:
For Sweden:
For Switzerland:
For Syria:
For Thailand:
For Turkey:
For the Ukrainian Soviet Socialist Republic:
For the Union of South Africa:
For the Union of Soviet Socialist Republics:
For the United Kingdom of Great Britain and Northern Ireland:
For the United States of America: Warren B. Austin, September 15, 1949.
For Venezuela:
For Yemen:
For Yugoslavia:

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and shall communicate to the Governments of the States concerned a copy of the procured model forms of certificates transmitted to him.

2. Pending the conclusion of the agreement referred to in article XVI, the Secretary-General shall transmit certified true copies of the Agreement to the non-member States designated by the Executive Board of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the plenipotentiaries have signed the present Protocol in the English and French languages, each being equally authentic, on the dates appearing opposite their respective signatures.

For Afghanistan: Abdul Hamid Asa, 29 Décembre 1949.
For Argentina: Rodolfo L. McLaughlin, 17 December 1949.
For Brazil, ad referendum: Jobo Carlos Pereira, August 5th, 1949.
For Bulgaria: Simeon Kerscho, Assistant Secretary-General in charge of the Legal Department.
For Canada, ad referendum: Andrew G. L. McNaughton, August 5th, 1949.
For Chile: Carlos P. Rémulo, December 31, 1949.
For the Dominican Republic: Max Higueras, August 5th, 1949.
For Guatemala: For Haiti: S. M. Alexis, 2 December 1949.
For New Zealand: For Nicaragua: For the Kingdom of Norway: Arne Sunde, December 24, 1949.
For Pakistan: For Panama: For Paraguay: For Peru: For the Philippines, subject to ratification: César D. B. Domingo, December 31, 1949.
For Poland: For Portugal: For Brazil, ad referendum: Andrew G. L. McNaughton, August 5th, 1949.
For Russia: For Sweden: For Switzerland: For Syria: For Thailand: For Turkey: For the Ukrainian Soviet Socialist Republic:
For the Union of South Africa: For the Union of Soviet Socialist Republics:
For Venezuela: For Yemen: For Yugoslavia: Certified true copy.
For the Secretary-General:

May 28

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 as indicated by the provisions of articles 4 to 13.

Article 7

1. This article relates only to bays of the water full in which is rocky, and which are not accessible by ships, and which would otherwise be situated wholly or partly outside the limit of the territorial sea, as determined by the provisions of article 4.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of delimiting areas of the territorial sea, such area should be used as the base for determining 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 13

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 the extension by reason of historical 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.

Section III. Right of Innocent Passage

Subsection A. Rules Applicable to All Ships

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 proceeding to, or leaving, international waters, or of making for the high seas from internal waters.

3. Passage includes stopping and anchoring, but only insofar 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 enact 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 adequate 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 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 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 the provisions of this Convention and other rules of international law and, in particular, with such laws and regulations relating to transportation as may be binding on the coastal State.

Subsection 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.

(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 such 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 case provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consul of the country of the ship.

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 debts incurred or incurred by the ship itself in the course of 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 for the purpose of any penal proceedings, a foreign ship leaving the territorial sea after leaving internal waters.

Subsection C. Rules Applicable to Government Ships Other Than Warships

Article 21

The rules contained in subsections A and B shall also apply to government ships operated for commercial purpose.

Article 22

1. The rules contained in subsection A and in article 18 shall apply to government ships operated for noncommercial 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.

Subsection D. Rules 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 does not observe the special rules applicable to warships which may be made on 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 12 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 sea 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 1956, 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 or accession, the Convention shall enter into force for that State 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 the 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 Members of the United Nations and the other States referred to in article 30 of:
(a) Of signature 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 30.

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 May, 1958.

For Ceylon: C. Corea, 30/X/58.
For Chile: Lu Chien, Yu-Chi Haushe.
For Colombia: Juan Uribe Holguin, Jos&333; Joaquin Cisneros Castilla.
For Czechoslovakia, with the following reservations:
“In view of the fact that the Conference had not adopted a special article concerning the passage of foreign ships through its territorial waters, the Government of the Czechoslovakia Republic considers that the rules contained in Sub-Section 23 cannot in any sense be interpreted as establishing a right of innocent passage for warships through its territorial waters.”
Jose Joaquin Cisneros Castilla.
For Costa Rica: Ra&337;ul Trejos Flores.
For Cuba: P. V. Garcia Amador.
For Denmark: Max Sorensen, T. Oldenboy.
For the Dominican Republic: A. Alvarez Aybar.
For Ecuador: P. Demeur, 30/4/58.
For Ethiopia: P. Jimenez, 30/X/58.
For Finland: A. A. Grenberg, 27 October 1958.
For France: Karel Kurku, 30 October 1958.
For Germany: Max Sorensen, T. Oldenboy.
For the Dominican Republic: A. Alvarez Aybar.
For Ghana: Richard Quarshie, K. B. Asante.
For Guatemala: L. Aymirena Salazar.
For Haiti: Rigal.
For the Holy See: P. Demeur, 30/4/58.
For Honduras: J. Quintero, 28 October 1958.
For Hungary, subject to reservations at attended to articles 14, 23, and 21: Dr. Szt&332; J&332;nos, 31.X/58. (C. Corea, 30/X/58.
For Iceland: H. G. Andersen.
For India: Shabali Roseme.
For Iran, subject to reservations: Dr. A. Motamed-Dastour, May 28, 1958.
For Israel: Shabtai Rosenne.
For Italy: Shabali Roseme.
For Japan: Shabali Roseme.
For the Hashemite Kingdom of Jordan: Shabali Roseme.
For the Kingdom of the Netherlands: C. Schurmann, 31 October 1958.
For Nicaragua: Shabali Roseme.
For Pakistan: A. Khan, 31 October 1958.
For Panama: Carlos Sucre C, 2.5.1958.
For Paraguay: J. Guzm&334;n, 30 October 1958.
For Peru: Shabali Roseme.
For the Philippines: V. P. Rajak, 28 October 1958.
For Poland: Shabali Roseme.
For Portugal, translation, subject to rati-
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 bearing the name appointed 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 disciplinary matters, the State which has issued a master's certificate or a certificate of competence or license 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, concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or any other person in the service of the ship, may, in a penal or disciplinary proceeding, be instituted against such persons except before the judicial or administrative tribunals of the flag State or of the State of which such person is a national.

4. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or license 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.

5. No arrest or detention of the ship, even as a measure of investigation, concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or any other person in the service of the ship, may, in a penal or disciplinary proceeding, be instituted against such persons except before the judicial or administrative tribunals of the flag State or of the State of which such person is a national.

6. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or license 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.

**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, to:

   a. Render assistance to any person found at sea in danger of being lost;

   b. 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 owner or the master of the ship, in whose port it was registered, of the nature and the place of 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 any 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 authorised 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.
Piracy consists of any of the following acts:

1. Any illegal acts of violence, detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and

2. Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

3. 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;

4. Any act of inciting or of intentionally facilitating an act described in subparagraph 1 or subparagraph 2 of this article.

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied or taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

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.

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 the persons who seized the persons and seize the property on board. The courts of the State which carried out the seizure may decide on the legal formalities 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.

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.

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.

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 subparagraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag and may, if the ship has an anchor, a net or any other fishing gear, cause a break in or injury to another cable or pipeline beneath the high seas, subject to its jurisdiction who are the owners of the cable or pipeline or injury caused 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 obstruction caused by persons acting with the legitimate object of saving their lives or their ships, after having taken all reasonable precautions to avoid such break or injury.

Every State shall have the right 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 prescribe such measures for the protection of which the Convention on the Territorial Sea and the Contiguous Zone, as defined in article 24 of this Convention, may only be carried on outside the territorial sea or the contiguous zone if the pursuit pursues under the authority of the State, for the purposes of an enquiry ordered to stop and pursued a ship or aircraft of the coastal State, sum-

The aircraft giving the order to stop shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

3. 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.

Where hot pursuit is effected by an aircraft:

(a) The provisions of paragraphs 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, sum-

mamoned by the aircraft, arrives to take over the pursuit of the ship after arrest; or an officer or a suspect officer, 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.

The release of a ship arrested within the jurisdiction of a State and escorted to a port the ship, on the high seas, is not justified in boarding her unless the captain or the officers or persons in charge thereof have 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.

In the cases provided for in subparagraphs (a), (b) and (c) above, the aircraft may proceed to verify the ship's right to fly its flag and may, if the ship has an anchor, a net or any other fishing gear, cause a break in or injury to another power cable or pipelines under the high seas, subject to its jurisdiction who are the owners of the power cable or pipelines, or injury caused 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 obstruction caused by persons subject to its jurisdiction who are the owners of the cable or pipeline or injury caused 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 obstruction caused by persons acting in good faith.

This Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.
11179

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.

3. After the expiration of a period of five years from the date on which this Convention shall come 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.

4. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

5. 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 33.

6. At the request of a State, documents of the Convention shall be forwarded to that State by airmail, if so requested by the requesting State.

7. The original of this Convention, of which copies shall be distributed to each of the contracting parties, shall be deposited with the Secretary-General of the United Nations, who will transmit certified copies thereof to all States referred to in article 31.

8. Done at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

For Albania: A. Lesure.
For Argentina: L. Swart.
For Austria: Dr. Franz Maisch, October 27, 1958.
For the United Kingdom: Dr. C. E. Nield, 30 October 1958.
For Canada: P. A. Drew.
For China: W. C. Lin.
For the Czechoslovak Republic: V. Kolar.
For Denmark: Dr. Erik H. Christiansen, 30 November 1958.
For Egypt: A. S. Sabri.
For Ethiopia: G. J. Bilba.
For Finland: E. Johansson.
For France: P. G. Brice.
For Germany: W. Kamp.
For Greece: G. Poukoulis.
For Guatemala: E. del Pozo.
For Haiti: J. J. Mathieu.
For Hungary: J. Horvath.
For Iceland: H. G. Andersen.
For India: A. V. Ramaswami.
For Indonesia: Ahmad Soebardojo, 8 May 1958.
For Iran: Y. Farmanfar.
For Iraq: G. Aljani.
For Ireland: F. H. O'Callaghan.
For Italy: M. Donzelli.
For Japan: T. Kimura.
For Jordan: A. I. Al-Assar.
For Kenya: E. M. Kariuki.
For the Kingdom of the Netherlands: J. S. Peper.
For Korea: W. J. Kim.
For Kuwait: M. K. Al Sabah.
For Lebanon: N. Saab.
For Liberia: A. W. Weeks.
For Libya: Z. Abiad.
For Luxembourg: J. Stassen.
For Mexico: L. A. Cervantes.
For the Netherlands: P. J. Elferink.
For Nepal: R. P. Rana.
For New Zealand: H. J. Young.
For Nepal: R. P. Rana.
For Pakistan: M. H. Khan.
For Peru: H. H. Conde.
For Philippines: M. M. Magsaysay.
For Poland: A. W. Zielinski.
For Portugal: J. M. S. de Sequeira.
For Romania: C. P. H. Stefan.
For Russia: L. P. Pilipetskii.
For Spain: M. A. Ortega.
For Sweden: H. O. Linder.
For Switzerland: H. H. de Surmont.
For the United Kingdom: J. J. Horvath.
For the United States of America: D. B. Hume.
For the Union of the Soviet Socialist Republics: A. V. M. Gorkin.
For USSR: A. V. M. Gorkin.
For Venezuela: J. J. Malpiede.
For Yugoslavia: J. T. Veselinovic.
For China: Liu Chieh, Yu-Chi Hsueh.
For Costa Rica: Ratil Trejos Flores.
For Ethiopia: G. J. Bilba.
For France: P. G. Brice.
For Germany: W. Kamp.
For Greece: G. Poukoulis.
For Guatemala: E. del Pozo.
For Haiti: J. J. Mathieu.
For Hungary: J. Horvath.
For Iceland: H. G. Andersen.
For India: A. V. Ramaswami.
For Indonesia: Ahmad Soebardojo, 8 May 1958.
For Iran: Y. Farmanfar.
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For Yugoslavia: J. T. Veselinovic.
For China: Liu Chieh, Yu-Chi Hsueh.
For Costa Rica: Ratil Trejos Flores.
For Ethiopia: G. J. Bilba.

Declaration: "The Government of the Romanov People's Republic considers that the definition of piracy as given in article 15 of the Convention on the High Seas does not cover certain acts which under contemporary international law should be considered as acts of piracy."

For San Marino: For the Argentine Republic:

For Costa Rica: For Spain:


For Thailand: Luang Chakrapan Sriasti-vudan, with a reservation to article 9 and a declaration; texts of both attached: L. Palamarchuk, Maj. Gen. Dr. jur. Ambhorn Sirijanya, Chakkorn Sreshthaputra.

For Tunisia: Mongi Slim, 30 octobre 1958.

For Turkey:

For the Soviet Ukrainian Socialist Republic (translation by the United Nations Secretariat), with a reservation to article 9 and a declaration; texts of both attached: L. Palamarchuk, 30 October 1958.

Text of the reservation:

To article 9 "The Government of the Soviet Ukrainian Socialist Republic considers that the definition of piracy given in the Convention does not cover certain acts which under contemporary international law should be considered as acts of piracy and does not serve to ensure freedom of navigation on international sea routes."


For Venezuela: Ad referendam, Carlos Sosa Rodríguez, October 30, 1958.

For Viet Nam:

For Yemen:

For Yugoslavia (translation), subject to ratification: Milan Bartos, V. Popovic.

EXECUTIVE

ANNEX III—CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The State Parties to this Convention, Considering that the development of modern techniques for the exploitation of the living resources of the high seas, 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 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 fishing in any area of the high seas subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided in articles 3 and 4 of the Convention and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States may engage in fishing, 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 measures rendering possible the optimum sustainable yield from those resources so as to secure a 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 in any stocks 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 that are necessary for the preservation 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 of the high seas, the 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 in that area.

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 one of the States engage in fishing in the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the 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 notifying State.

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 be provisional 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 adjacent to its territorial sea.

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 agreeing international measures necessary for the conservation of the living resources of the high seas in that area.

4. If a State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State does not accept the measures so agreed, or fails to co-operate 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 the 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 9 of article 6, grants may, with a view to the maintenance of the productivity of living resources of the sea, adopt unilateral measures or ensure that such measures are appropriate to any stock of fish or other marine resources in any areas of the high seas adjacent to their territorial sea. 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.

If the measures are 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 be provisional pending the decision of the special commission.

The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Contiguous Zone 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 adjacent to its territorial sea, 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 1 and 2, respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

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 parties under articles 4, 5 and 6, at the request of any of the parties, shall be submitted to a special commission of five members, unless the parties...
agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.

2. The members of the commission, one of whom shall be designated as chairman, shall be appointed 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 months of such request. In consultation with the States in dispute and with the President of the International Court of Justice and the Secretary-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 in the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of the members of 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.

4. The commission shall determine its own程序 and expenses. Each party to the proceedings shall bear its own expenses and the 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 a dispute to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its decisions, 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 disputing articles, 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:

(i) Common to the determination of disputes arising under articles 4, 5 and 6 are the requirements:
(a) That scientific findings demonstrate the necessity of conservation measures;
(b) That the specific measures are based on scientific findings and are practicable;
(c) That the measures do not discriminate, in form or in fact, against fishermen of other States.

(ii) Aligned to the determination of disputes arising under article 8 is the requirement that scientific findings demonstrate the necessity of conservation measures, or that the conservation programme is adequate, as the case may be.

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 articles 7, the measures shall only be suspended when it is apparent to the commission on the basis of prima facie evidence that the need for the urgent application of such measures does not exist.

ARTICLE 11

1. 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 decision is reached by any of the recommendations, they shall receive the greatest possible consideration.

ARTICLE 12

1. If the factual basis of the award of the special commission is impaired by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in the economic conditions of 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 in accordance with any decisions of the commission where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities. Any national fishing with non-nationals except in areas where such fishermen have by long use 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 floor of the sea, which gear is left and removed on the same site.

ARTICLE 14

1. 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

1. 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 any 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 date of deposit of 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, 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, 19, paragraph 2.
(b) Of the date on which this Convention will come into force, in accordance with article 16:
(c) Of requests for revisions 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 October, one thousand nine hundred and fifty-eight.

For Afghanistan: A. R. Pashwak.
For Albania: V. S. Gjika.
For Algeria: Saad Boudiaf.
For Algeria: Abdelkader Boudiaf.
For Argentina: Juan Delegate.
For Argentina: Roberto Aybar.
For Argentina: Joaquin Caicedo Castilla.
For Australia: E. Ronald Walker.
For Austria: A. Anderl.
For Austria: Joachim Krenn.
For Bulgaria: V. D. Nenov.
For Brazil: Decio de Souza.
For Brazil: Jose Guedes.
For Canada: George A. Drew.
For Ceylon: C. Cores.
For China: Lu Chiel.
For China: Yu-Chi Hau.
For Colombia: Juan Uribe Holguin.
For Colombia: Joaquin Calcedo Castillo.
For Costa Rica: Rafael Trujillo Flores.
For Cuba: F. V. Garcia Amador.
For Czechoslovakia: Max Sorensen.
For Denmark: T. Oldenburg.
For Dominican Republic: A. Alvarez Aybar.
For Ecuador: Luis El Salvador.
For Ethiopia: Joaquin Calcedo Castillo.
For Finland: G. A. Grendberg.
For the Federation of Malaya: Aybar.
For the Union of Burma: Aybar.
For the Byelorussian Soviet Socialist Republic: Aybar.
For Cambodia: Aybar.
For Canada: G. A. Drew.
For Ceylon: C. Cores.
For China: Lu Chiel.
For China: Yu-Chi Hau.
For Colombia: Juan Uribe Holguin.
For Colombia: Joaquin Calcedo Castillo.
For Costa Rica: Rafael Trujillo Flores.
For Cuba: F. V. Garcia Amador.
For Czechoslovakia: Max Sorensen.
For Denmark: T. Oldenburg.
For Dominican Republic: A. Alvarez Aybar.
For Ecuador: Luis El Salvador.
For Ethiopia: Joaquin Calcedo Castillo.
For Finland: G. A. Grendberg.
For the Federation of Malaya: Aybar.
For the Union of Burma: Aybar.
For the Byelorussian Soviet Socialist Republic: Aybar.
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 and 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 wild animal or vegetable species, which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in close physical contact with the seabed or the subsoil.

ARTICLE 3
1. The rights of the coastal State over the continental shelf do not affect the legal status of the supraregion waters as high seas, or that of the airspace above those waters.

ARTICLE 4
1. Subject to its right to take reasonable measures for the exploration of the continental shelf and exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cables 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 lay down or operate on 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 measure 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 agencies.

8. The consent of the coastal States 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 research 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 provisions of the coastal State, which is to 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 States shall be determined by agreement between them. In the absence of agreement, unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principles of equidistance from the nearest points of the baselines 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 shall 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 twentieth-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 any of the provisions of this 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 date of deposit of the instruments of ratification or accession, in accordance with articles 8, 9 and 10;
(b) of the date on which this Convention will enter 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 English, French, Russian, Spanish and Italian 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 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.

For Albania: A. Lesure.
For Austria: Federation of Malaya:
For the Union of South Africa:
For the United Arab Republic:
For the Union of Soviet Socialist Republic:
For the United Kingdom of Great Britain and Northern Ireland: F. E. Johnston, 9 September 1958.
For Uruguay: Carlos Carbajal.
For Venezuela (translation by the United Nations Secretariat): "In signing the present Convention, the Republic of Venezuela declares with reference to article 6 that there are special circumstances to be taken into consideration in the following areas: the Gulf of Paria, in so far as the boundary is not determined by existing agreements, and in any adjacent thereto area between the coast of Venezuela and the island of Aruba; and the Gulf of Venezuela." Ad referendum: Carlos Sosa Rodriguez, October 30, 1958.
For Vietnam:
For Yemen:
For Yugoslavia (translation), subject to ratification: Milan Bartos, V. Popovic.

EXECUTIVE N

ANNEX V—OPTIONAL PROTOCOL OF SIGNATURE CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

The States Parties to this Protocol and to any one or more of the Conventions on the Law of the Sea except the Convention on Fishing and the Protection 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 I
Disputes arising out of the interpretation or application of any of the Conventions on the Law of the Sea shall be submitted either 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 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 the Protection 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 acceptance, to submit to 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 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.
ARTICLE V

This Protocol shall remain open for signature by all States which 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 which 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, Russian and Spanish texts are equally authentic, shall be deposited by the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

Done at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight. For Colombia:
José Joaquín Calcedo Castilla.

For the Breton delegation of Colombia reserves the obligation of the signatory States.

For the Conference:
Juan Urive Holguin.

Explanation annexed:

The delegation of Colombia reserves the obligation concerning the peaceful settlement of disputes which Colombia may ratify. The delegation of Colombia reserves the obligation concerning the peaceful settlement of disputes which Colombia may ratify. The delegation of Colombia reserves the obligation concerning the peaceful settlement of disputes which Colombia may ratify.
First Committee (Territorial Sea and Contiguous Zone): Chairman: Mr. K. E. Bailey (Australia); Vice-Chairman: Mr. S. Gutiérrez Olios (Chile); Rapporteur: Mr. Vladimir Koretsky (USSR) (Spanish and English).

Second Committee (High Seas: General Regime): Chairman: Mr. R. N. H. Norrbye (Sweden); Vice-Chairman: Mr. Elwin Glaser (Romania); Rapporteur: Mr. José Madelena Rodrigues (Portugal).

The Conference (High Seas: Fishing; the Conservation of Living Resources): Chairman, Mr. Carlos Sucer (Panama); Vice-Chairman, Mr. Krispis (Greece); Rapporteur, Mr. N. K. Pannikar (India).

Fourth Committee (Continental Shelf): Chairman, Mr. J. Perez (El Salvador); Vice-Chairman, Mr. R. A. Quashie (Ghana); Rapporteur, Mr. L. Diaz González (Venezuela).

Fifth Committee (Question of Free Access to the Sea of Land-Locked Countries): Chairman, Mr. J. Zorek (Czechoslovakia); Rapporteur, Mr. A. H. Tabibi (Afghanistan).

Drafting Committee: Chairman, Mr. J. A. Cortes (Ecuador).

Credentials Committee: Chairman, Mr. M. Wershof (Canada).

The Secretary-General of the United Nations was represented by Mr. C. A. Stavropoulos, the Legal Counsel. Mr. Yuen-li Liang, Director of the Codification Division of the Office of Legal Affairs of the United Nations, was appointed Executive Secretary.

10. The General Assembly, by its resolution convening the Conference, referred to the Conference the report of the International Law Commission covering the work of the Committee of Experts, and in connexion with article 46 of the Convention on the Law of the Sea, called upon the Conference the verbatim records of the relevant debates in the General Assembly, for consideration by the Conference in conjunction with the Commission's report.

11. The Conference also had before it the comments by Governments on the articles concerning the law of the sea prepared by the International Law Commission, the memorandum submitted by the preliminary Consultations of Governments, and the report of the Committee of Experts, in connexion with article 46 of the Convention on the Law of the Sea.

12. The Conference also adopted the following resolutions (annex V):

13. On the basis of the deliberations, as recorded in the summary records and reports of the plenary meetings, the Conference prepared and opened for signature the following Conventions (annexes I to IV):

Convention on the Territorial Sea and the Contiguous Zone (adopted on 27 April 1958, on the report of the First Committee);

Convention on the High Seas (adopted on 27 April 1958, on the report of the Second Committee);

Convention on Fishing and Conservation of the Living Resources of the High Seas (adopted on 26 April 1958, on the report of the Third Committee);

Convention on the Continental Shelf (adopted on 26 April 1958, on the report of the Fourth Committee).

The Conference also adopted the following Provisions (annex V):


In addition, the Conference adopted the following resolutions (annex VI):

Motion to delete the high seas (resolution adopted on 27 April 1958, on the report of the Second Committee, in connexion with article 2 of the Convention on the High Seas);

Pollution of the high seas by radio-active materials (resolution adopted on 27 April 1958, on the report of the Second Committee, relating to article 25 of the Convention on the High Seas);

International fishery conservation conventions (resolution adopted on 25 April 1958, on the report of the Third Committee);

Co-operation in conservation measures (resolution adopted on 25 April 1958, on the report of the Third Committee);

Special situations relating to coastal fishing (resolution adopted on 25 April 1958, on the report of the Third Committee);

Convention of a second United Nations Conference on the Law of the Sea (resolution adopted by the Conference on 27 April 1958);

Tribute to the International Law Commission (resolution adopted by the Conference on 27 April 1958).

In witness whereof the representatives have signed this Act.

DONE at Geneva this twenty-ninth day of April, 1958.

In witness whereof the representatives have signed this Act.

Done at Geneva this twenty-ninth day of April, one thousand nine hundred and fifty-eight, in a Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

The original texts shall be deposited in the archives of the United Nations Secretariat.

Wan Waithayakorn, President.

Yuen-li Liang, Executive Secretary.

For Afghanistan: Dr. Abdul H. Tabibi.

For Albania: H. Bere.

For Argentina: A. Lescure.

For Australia: K. H. Bailey.

For Austria: Johannes Wörndl.

For Bolivia: C. Salamanca.

For Brazil: G. Amado.

For Bulgaria: P. Grigorov.

For the Byelorussias Soviet Socialist Republic: I. E. Geromin.

For Cambodia: M. Phiek-Cahat.

For Canada: J. A. Drew.

For Ceylon: N. T. D. Kanakaratne.

For Chile: Luis Melo Lebrón.

For China: B. L. Gutteridge.

For Colombia: Juan Uribe Holguín, José Joaquín Caicedo Castilla.

For Costa Rica: E. Trejos Flores.

For Cuba: F. V. García Amador.

For Czechoslovakia: Jan Obildal, Dr. Jaroslav Zorek.

For Denmark: Max Screnson, T. Oldenburg.

For the Dominican Republic: A. Álvarez Aybar.

For Ecuador: José V. Trujillo, José A. Correa, Enrique Ponce y Corba.


For Finland: T. Tikkanenraa.

For France: F. Lignon.

For the Federal Republic of Germany: Peter H. Pfeiffer.

For Ghana: Richard Quashie, K. B. Asante.

For Greece: P. Kiriakou, G. Benazis.

For Guatemala: L. Aycicena Salazar.

For Haiti: Rigal.

For the Holy See: P. Demeur, 54.4.1958.

For Honduras: F. José Durón.

For Hungary: Dr. János Szita.

For Iceland: H. G. Brevborg.

For India: E. A. Jirad.

For Indonesia: Ahmad Soehardjo, 8 May 1958.

For Iran: Prof. Dr. A. Matine-Dafary.

For Iraq: Hassan Zakiyya, 30 April 1958.

For Israel: Shaul Rosenne.

For Italy: Roberto Agnelli.


For Lebanon: N. Sadaka, 23 May 1958.

For Liberia: Nathan Barnes, Rocheforte L. Weeks.

For Libya: Fuad Czabati.

For Mexico: Pablo Campos Ortiz, A. Garcia Robles.

For Monaco: C. Solamito, J. Raimbault.

For Morocco: Nasser Bel Lardi.

For Nepal: Rishikesh Shaha.

For the Kingdom of the Netherlands: J. H. W. Verzel.

For New Zealand: G. L. O'Halloran.

For Nicaragua: I. Portocarrero.

For Pakistan: Edward Snelson.

For Panama: Carlos Seguere C.

For Peru: Alberto Ulio.

For Poland: T. O'Clochynski.

For Portugal: Tovar.

For the Republic of South Africa: A. B. Vee.

For Spain: Marqués de Miraflores.

For Switzerland: Paul Ruegger, A. Schaller.

For Thailand: Luang Chakkaphan Silalihvudth.

For Tunisia: M. Abdesselem.

For Turkey: Neemitma Tuncel.

For the Ukrainian Soviet Socialist Republic: V. Koretsky.

For the Union of South Africa: L. H. Wessels.

For the United Arab Republic: Omar Loutfi.

For the United Kingdom of Great Britain and Northern Ireland: G. C. Fitzmaurice, Joseph C. Gutteridge.

For the United States of America: Raymond T. Yingling, Marjorie M. Whiteman.

For Uruguay: Carlos Carbaljaz.

For Venezuela: Ramón Cerino.

For Yugoslavia: Milan Bartoš, V. Popovic.

ANNEX VI—RESOLUTIONS ADOPTED BY THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

NUCLEAR TESTS ON THE HIGH SEAS

Resolution adopted on 27 April 1958, on the report of the Second Committee, in connexion with article 2 of the Convention on the High Seas.

The United Nations Conference on the Law of the Sea, recognizing that the Conference has been convening with a view to reaching an agreement relating to the question of nuclear testing and production is still under review by the General Assembly under various resolutions on the subject and by the Disarmament Commission, and is at present under constant review and discussion by the Governments concerned, decides to refer this matter to the General Assembly of the United Nations for appropriate action.

FOLLOW-UP OF THE HIGH SEAS BY RADIO-ACTIVE MATERIALS

Resolution adopted on 27 April 1958, on the report of the Second Committee, relating to article 25 of the Convention on the High Seas.

The United Nations Conference on the Law of the Sea, recognizing the need for international action in the field of disposal of radio-active waste in the sea, taking into account action which has been proposed by various national and international bodies and studies which have been published on the subject,
Noting that the International Commission on Nuclear Safety, at its recent session, has made recommendations regarding the maximum permissible concentration of radio-isotopes in the discharge or release of radioactive materials to the sea, the maximum permissible concentration in air and water, 

Recommends that the International Atomic Energy Agency, in consultation with existing groups and established organs having acknowledged competence in the field of radiological protection, should pursue with due expedition and take whatever action is necessary to assist States in controlling the discharge or release of radio-active matter, especially in the form of aerosols, that may be capable of concentration in air and water, or from their disposal into the human body and the maximum permissible concentration of radio-active matter in foods, and in drawing up internationally acceptable regulations to prevent pollution of the sea by radio-active substances, which would adversely affect man and his marine resources.

INTERNATIONAL FISHERY CONSERVATION CONVENTIONS

(Resolution Adopted on 25 April 1958, on the Report of the Third Committee)

The United Nations Conference on the Law of the Sea,

Taking note of the opinion of the International Technical Conference on the Conservation of the Living Resources of the Sea, held in Rome in April/May 1955, and as expressed in paragraph 43 of its report, as to the efficacy of international conservation organizations for the furthering of the conservation of the living resources of the sea,

Believing that such organizations are valuable instruments for the co-ordination of scientific effort upon the problem of fisheries and for the making of agreements upon conservation measures,

Recommend

1. That States concerned should cooperate in establishing the necessary conservation machinery through the medium of such organizations covering particular areas of the high seas or species of living marine resources and conforming in other respects with the recommendations contained in the report of the International Technical Conference on the Conservation of the Living Resources of the Sea;

2. That these organizations should be used so far as practicable for the conduct of the research referred to in paragraphs 42(a), 54 and 67 of the Convention on Fishing and Conservation of the Living Resources of the Sea, for the resolution of any disagreements and for the implementation of agreed measures of conservation.

CO-OPERATION IN CONSERVATION MEASURES

(Resolution Adopted on 25 April 1958, on the Report of the Third Committee)

The United Nations Conference on the Law of the Sea,

Taking note of the opinion of the International Technical Conference on the Conservation of the Living Resources of the Sea, held in Rome in April/May 1955, as reported in paragraphs 43(a), 54 and other parts of its report, that any effective conservation management system must have the participation of all States engaged in substantial exploitation of high seas or stocks of fish in the high seas, and of such organizations as are the object of the conservation management system or having a special interest in the conservation of that stock or stocks,

Recommends to the coastal States that, in the cases where a stock or stocks of fish or other living marine resources inhabit both the fishing areas under their jurisdiction and areas of the adjacent high seas, they should cooperate, with such international conservation organizations as may be responsible for the development and application of conservation measures in such high seas, in the adoption and enforcement, as far as practicable, of the necessary conservation measures on fishing areas under their jurisdiction.

HUMANE KILLING OF MARINE LIFE

(Resolution Adopted on 25 April 1958, on the Report of the Third Committee)

The United Nations Conference on the Law of the Sea,

Requests States to prescribe, by all means available to them, those methods for the capture and killing of marine life, especially of whales and seals, which will spare them suffering to the greatest possible extent.

SPECIAL SITUATIONS RELATING TO COASTAL FISHERIES

(Resolution Adopted on 26 April 1958, on the Report of the Third Committee)

The United Nations Conference on the Law of the Sea,

Having considered the situation of countries or territories whose people are overwhelmingly dependent upon coastal fisheries for their livelihood or economic development, and having considered also the situation of countries whose coastal population depends primarily on coastal fisheries for the animal protein of its diet and whose fishing methods are mainly limited to local fishing from small boats,

Recognizing that such situations call for exceptional measures befitting particular needs,

Considering that, because of the limited scope and exceptional nature of those situations, any measures adopted to meet them would be complementary to provisions incorporated in a universal system of international law;

Believing that States should cooperate to secure just treatment of such situations by regional agreements or by other means of international co-operation,

Recommend

1. That where, for the purpose of conservation, it becomes necessary to limit the catch of a particular species or species of fish on an area of the high seas adjacent to the territorial sea of a coastal State, any other States fishing in that area should collaborate with the coastal State to secure just treatment of such situations, by establishing agreed measures which shall recognize any preferential requirements of the coastal State resulting from its dependence upon the fishing concerned while having regard to the interests of the other States affected;

2. That appropriate conciliation and arbitral procedures shall be established for the settlement of any disagreement.

MARINE OF HISTORIC WATERS

(Resolution Adopted on 26 April 1958, on the Report of the First Committee)

The United Nations Conference on the Law of the Sea,

Considering that the International Law Commission has not provided for the regime of historic waters, including historic bays, and the regulating rules of historic waters, including historic bays, including historic bays, which is deposited with the Secretary-General, is commonly referred to as the Historic Waters Agreement;

Recognizing the importance of the judicial status of such areas;

Decides to request the General Assembly of the United Nations to arrange for the study of the juridical regime of historic waters, including historic bays, including historic bays, for the publication of a report to the General Assembly relating to the results of such study to all States Members of the United Nations.

CONVENCING OF A SECOND UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

Resolution Adopted by the Conference on 27 April 1958

The United Nations Conference on the Law of the Sea,

Considering that, on the basis of the report prepared by the International Law Commission, it has approved agreements and other instruments on the regime applicable to fishing and the conservation of the living resources of the high seas, the exploration of its natural resources and other matters pertaining to the general regime of the high seas and to the free access of land-locked States to the sea,

Considering that it has not been possible to reach agreement on questions of the international law of the sea, which have been left unsettled,

Resolves to request the General Assembly of the United Nations to study, at its thirteenth session, the advisability of convening a second international conference on pianopteron

Tribute to the International Law Commendation

Resolution Adopted by the Conference on 27 April 1958

The United Nations Conference on the Law of the Sea, on the conclusion of its process of codification of international law, and has now turned to the consideration of the elaboration of international law, in the form of various drafts and commentaries of great juridical value.

I hereby certify that the foregoing text is a true copy of the Final Act and Resolutions adopted by the United Nations Conference on the Law of the Sea, held at the European Office of the United Nations at Geneva from 24 February to 27 April 1958, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General:

C. A. STATIROPOLOUS
Legal Counsel.

UNITED NATIONS, NEW YORK
7 NOVEMBER 1958.

BEIRUT AGREEMENT

Mr. MANSFIELD. Mr. President, I rise to explain Executive V, 81st Congress, 2d session, the agreement for facilitating the international circulation of visual and auditory materials by eliminating customs duties and quantitative limitations on the importation of such audiovisual materials as films, film strips, sound recordings, glass slides, models, and wall charts.

Free entry should be provided, however, only for such materials as are certified by a government agency as educational in character.

The agreement does not apply to printed materials or to entertainment films or recordings.

As Senators will have noted in section 2 of the committee report, the United States Senate has employed an informal system of certification which
permits some educational American films and other audiovisual materials to enter foreign countries duty free. But the utility of this arrangement has depended entirely upon the good will and the sufferance of those countries, many of which have now become increasingly reluctant to honor this Government's certificates on a reciprocal basis. This again illustrates the fact that the United States has to depend entirely upon the good will and the sufferance of other countries, many of which have now become increasingly reluctant to honor this Government's certificates on a reciprocal basis.

Finally, I would draw attention to the fact that our participation in the Beirut agreement would not automatically follow ratification, but would require implementation of the General Agreement on Tariff Act of 1930. Any member country may end its acceptance of the Beirut agreement 3 years after ratification.

Mr. President, the Committee on Foreign Relations believes that this agreement has both cultural and commercial significance for the foreign policy interests of the United States. The committee urges that the Senate give advice and consent to ratification of the Beirut agreement and the related protocol of signature.

LAW OF THE SEA CONVENTIONS

Mr. MANSFIELD. Mr. President, the conventions now before the Senate, Executives J to N, inclusive, 86th Congress, 1st session, codify existing international law and establish some new international law with respect to activities on the high seas. An optional protocol provides for settlement of disputes concerning these matters. They were agreed upon at a United Nations conference in Geneva, February to April 1958, and were signed by the United States and 52 other nations.

The first convention is on the territorial sea and the contiguous zone. The convention defines and settles questions of international law on measuring the territorial sea and the 12-mile zone beyond it called the contiguous zone.

The rights of coastal states and visiting vessels in these areas, such as the right of innocent passage through the territorial sea, are defined.

The questions of the breadth of the territorial sea and the fishing rights of coastal states are not included in this agreement, but were discussed in a second conference in Geneva which ended without agreement.

The second convention defines the extent of the high seas and some of the freedoms of the high seas. It includes the right of free passage, the right of freedom of fisheries, the right to overflight by aircraft, the right to lay submarine cables and pipelines, and the right to continue to exercise jurisdiction over certain marine resources and the maximum utilization of such resources in behalf of the general interest.

The executive branch considers the general acceptance of abstention as a forward step toward the achievement of the objective of conservation of marine resources and the maximum utilization of such resources in behalf of the general interest.

Therefore, the President's message to the Senate recommended that if the Senate concurs in ratification of this convention, it include in its resolution an understanding that ratification shall not be construed to impair the applicability of the principles of abstention.
the necessary corrections in the text.

When the convention enters into force, the protocol texts will be printed in the treaties and other international acts series and in the statutory publication United States Treaties and Other International Agreements.

A public hearing on these conventions was held January 20, 1969. No opposition was registered during this hearing or subsequent. The executive branch witnesses stated that no State or Federal law would be overridden by the conventions. The fishing industry has urged their adoption.

Mr. JAVITS. The Committee on Foreign Relations, adherence to the principles set forth in these conventions will reduce disputes and friction among nations and thereby serve the cause of peaceful and friendly relations. Therefore, Mr. President, I hope the Senate will give its advice and consent to the ratification of the pending conventions on the law of the sea and the creation of an international agreement on the visual and auditory materials of educational, scientific, and cultural character, and a related protocol of signature (Ex. V, 81st Cong., 2d sess.), which were opened for signature at Lake Success, N.Y., on July 26, 1948, which were signed by representative of the United States on September 13, 1949, recommends that the Senate advise and consent to ratification of the agreement and the protocol as follows:

1. PURPOSE OF THE AGREEMENT

The main purpose of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of Educational, Scientific, and Cultural Character (commonly known, and hereinafter referred to, as the Beirut agreement) is to eliminate national barriers to the free movement of such materials by removing customs duties and quantitative restrictions on their importation if they are certified as being of the appropriate character. It is believed that implementation of the agreement by this country would promote international education and good will, assist the U.S. Government information program, and prove beneficial to our audiovisual business concerns.

2. BACKGROUND

Prior to the Second World War, there were two international conventions in existence designed to facilitate the circulation of educational films. The United States for various reasons, both in the context of the Convention of July 26, 1948, and the films were consequently at a disadvantage compared with those of other countries in the preferential treatment. To alleviate this problem, the Department of State in 1941 began to certify the educational character of American films so that they might enter, duty free, countries willing to recognize these certifications on an informal basis; this program was extended in 1946 to include films, slides, and recordings. Many of these certificates have since been issued and have been honored voluntarily by a number of American Republics and British Commonwealth countries.

In order to regularize and extend this procedure, the United States at the end of World War II took the lead in proposing the creation of an international agreement under the auspices of the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The agreement was formulated and adopted at the third session of the UNESCO General Conference held at Beirut, Lebanon, August 22-26, 1949. The United States was the second of 21 free-world countries to sign the agreement in 1949. The International General Assembly of the United Nations decided by vote of 21 members of the General Assembly the Beirut agreement came into force in August 1954.

To date, 12 of the 21 signatories have become parties to the agreement. No Communist bloc country has joined, or is expected to join under existing circumstances.

3. PROVISIONS OF THE AGREEMENT

The audiovisual materials of an educational, scientific, or cultural character covered by the Beirut agreement consist of films, filmslips, and microfilms; sound recordings; glass slides; models; wall charts, maps, and similar materials; and educational film exports are cleared through overseas offices of U.S. exports. Following certification as to the educational character of its shipment by the exporting country, the appropriate governmental agency in our case will decide whether the material is entitled to exemption from duties and other restrictions. While it is recognized that there may be reasons for a negative finding to the exporting country and to UNESCO, the country of origin of the right of the country. Moreover, it is provided in Article V that member nations may censor material in accordance with their own laws or practices in the interest of peace and security.

In view of the above, these exceptions are not applicable to the provisions of the agreement, as the provisions of the agreement, as the provisions of the protocol concerning the settlement of disputes, the latter would appear limited and pro forma in nature. Finally, the country of entry may, if it wishes, insulate or exclude such material from exhibition or use, or for nonprofit-making purposes.

The Beirut agreement may be denounced by any country 3 years after its acceptance of membership through a written notification to the Secretary General of the United Nations. The denunciation would take effect 1 year after its receipt.

The related protocol of signature provides that, in the event of ratification of the agreement, the model forms of certificates intended for the implementation by the appropriate UNESCO organs, and by the member countries will be prepared by UNESCO. These certificates require the approval of countries which are member states of UNESCO.

4. COMMITTEE ACTION

The President of the United States on August 22, 1950, transmitted the Beirut agreement and the protocol of signature to the Senate with a view to receiving its advice and consent to ratification.

The committee held a brief executive hearing on the agreement in July 1957, but determined on no subsequent course of action. The certification system then existing, while restricted and uncertain, was working sufficiently well to forestall the need for an immediate decision. Since then, however, certain countries have become increasingly reluctant to honor this Government's certificates without the presence of reciprocal courtesy being extended.

Accordingly, the committee held an executive hearing on February 2, 1960, at which time a certificate of ratification was presented by Mr. George V. Allen, Director of the Office of Information, U.S. Information and Cultural Exchange. A statement of ratification was received from Secretary of State Christian A. Herter, and the committee noted supporting communications from business and academe organizations. No opposition to the agreement was made, known to the committee from any quarter.

Several points of interest were developed during committee review of the agreement. In the first place, the United States is by far the major producer of audiovisual materials, and it is estimated that the value of our exports of such materials will continue to exceed that of imported materials by a tremendous margin; the likely loss of revenue on duty-free imports would only amount to a few thousand dollars. Secondly, it must be noted that the Beirut agreement is not self-executing. The passage of implementing legislation, amendment of section 201 of the Tariff Act of 1930, would be required following ratification.

A third point concerned the distinctions drawn between this agreement and the so-called Florence agreement recently ratified by the Senate. Not only is the Beirut agreement applicable to audiovisual materials, but the fact is that over 90 percent of U.S. educational film exports are cleared through overseas offices of U.S. ex-
The progressive development of international law and its draft rules on the law of the sea were a mixture of interests and free-world countries. The United Nations Conference completed its work at its eighth session, and pursuant to General Assemblies Resolution 1105(XI) of February 21, 1957, provided terms of reference for an International Conference of the Permanent Commission of the United Nations to study the question of free access to the sea of landlocked countries. The United Nations Conference on the Law of the Sea was held at Geneva from February 24 to April 27, 1958, and resulted in the following four conventions with an optional protocol; dated April 29, 1958:

1. Convention on the Territorial Sea and the Contiguous Zone;
2. Convention on the High Seas;
3. Convention on Fishing and Conservation of the Living Resources of the High Seas;
4. Convention on the Continental Shelf;
5. Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes.

The conventions were signed on behalf of the United Nations on September 15, 1958, and have been signed by 52 states; some states not signing every convention. While in the United States, some observers and members of the Congress believe that the United States would benefit commercially from obtaining duty-free entry for these products into other free-world countries.

The committee urges the Senate to give its advice and consent to the ratification of the four conventions and the related protocol of signature.

EXECUTIVE REPORT No. 6—LAW OF THE SEA CONVENTIONS

The committee on Foreign Relations, having had under consideration Executive 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 optional protocol without the amendment of 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 rules to the exploitation of the natural resources of the Continental Shelf. Not covered in these conventions are the rights and responsibilities of the coastal state over its internal waters and the territorial sea, and that right of sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

The convention recognizes two methods for determining base lines. The first method is the line from which the territorial sea is measured. The second method is the line from which the international boundary joins appropriate points on the coast of the other state. Where the straight base line is placed off the straight coast line and is subject to the same rules as other merchant vessels. This provision was opposed by some states not signing every convention. While in the United States, some observers and members of the Congress believe that the United States would benefit commercially from obtaining duty-free entry for these products into other free-world countries.

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The committee urges the Senate to give its advice and consent to the ratification of the four conventions and the related protocol of signature.
When the U.S. compromise failed, the chairman of the American delegation to the Conference, Arthur H. Dean, stated:

"We have made it clear from the beginning that we are in favor of the 3-mile rule and will continue to be established international law, to which we adhere. It is the only breadth of the territorial sea and fishing rights in coastal waters. It has convened a second international conference to insert provisions banning nuclear submarines and pipelines, and freedom to lay submarine cables and pipelines, and freedom to fly over the high seas.

2. Convention on the High Seas

The convention defines the term "high seas" as comprising all parts of the sea except the territorial seas and internal waters. Freedom of the high seas is confirmed as the high seas. It is for each state to determine the limitations to freedom of fishing, freedom to fly over the high seas.

A proposal was made during the Conference to insert provisions banning nuclear testing on the high seas and military exercises near foreign coasts or on international areas of the high seas. The framework for a new system of international fishing agreements is provided for by articles 3 to 8, which spell out new rights and duties for both the fishing and coastal states which become parties to the convention.

Article 12 requires compulsory arbitration of any dispute relating to the regime for the conservation and management of fishery resources, if requested by any of the parties to a dispute and provided by other peaceful means not agreed upon. The arbitral body shall be a five-man commission to be named by agreements between the parties to the dispute. Filling such agreement, the Commission shall be named by the Secretary-General of the United Nations from among well-qualified persons, not nationals of the states involved in the dispute, and "specializing in legal, administrative, or scientific questions relating to fisheries."

The United States would have preferred that the convention include a provision on abstention. A resolution proposed on the subject was defeated, but the United States undertook to secure the necessary two-thirds vote. At the conclusion of the Conference consultations were held with representatives of the fishing industry in the United States, resulting in approval by the Industry of an understanding regarding abstention to be recommended to the Senate. The President's message to the Senate contained the text of the understanding as follows:

"In the event that the Senate advises and consent to ratification of the Convention on Fishing and Conservation of the Living Resources of the High Seas, the Secretary of State will be authorized to enter into an agreement with the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958, as to the dumping of atomic waste, the convention provides for the establishment of measures to prevent pollution of the high seas, taking into account standards and regulations which may be formulated by competent international organizations in services to prevent pollution of the seas from this source. The Atomic Energy Commission exercises, under the Atomic Energy Act of 1954, control over dumping of radioactive waste at sea on a case-by-case basis through appropriate agreements."

3. Convention on Fishing and Conservation of the Living Resources of the High Seas

This convention, which contains 22 articles, establishes a new legal system for conservation and management of the living resources of the high seas. Its aim is to obtain through international cooperation the "optimum sustainable yield" from the living resources of the high seas in order to secure a "maximum supply of food" to meet the needs of the world's expanding population.

The convention contains orderly procedures for rescuing disputes among nations over fishing rights and interests on the high seas.

The convention imposes on all states the duty to adopt conservation measures for the conservation and management of fishery resources. As to the dumping of atomic waste, the convention provides that no state can claim the right to determine unilaterally that no genuine link exists between a ship and the flag state. Nevertheless, there is a principle of administrative, technical and social matters over ships flying its flag. The "genuine link" requirement need not be applied to the practice of registering American built or owned vessels in such countries as Panama or Liberia. The existence of a "genuine link" is for each state to determine whether or not a "genuine link" existed.

IMMUNITY OF STATE-OWNED VESSELS

Article 8 of the convention defines "warships" and states that they have complete immunity on the high seas. Another article provides that any state may claim the right to exercise jurisdiction and control in administrative, technical and social matters over ships flying its flag.

Regarding the pollution of the high seas, the convention treats separately the discharge of oil, that of radioactive materials or other harmful objects. It provides for appropriate action. In regard to oil pollution, article 24 of the convention provides that:

"Every state shall adopt measures to prevent pollution of the seas by oil."

At present the U.S. Government does not have any statutes or regulations pertaining to the matter, but is considering the matter beyond the territorial sea by vessels. The U.S. Industry has followed a voluntary program aimed at preventing pollution of the sea by oil.

The International Law Commission did not decide upon a definition of the term "genuine link." This article as originally drafted by the Commission would have authorized other states to determine whether there was a "genuine link" between a ship and the flag state, thus effectively exercising its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

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It was felt by some states attending the Conference on the Law of the Sea at Geneva, that the term "genuine link" could, depending upon how it was defined, limit the discretion of a state to decide which ships it would permit to fly its flag. Some states, which felt their flag vessels were at a competitive disadvantage with vessels sailing under the flags of other states, such as Panama and Liberia, preferred a definition of the term "genuine link" which states like Panama and Liberia could not meet.

By a vote of 30 states, including the United States, against 15 states for, and 17 states abstaining, the provision was eliminated which would have allowed states other than the flag state to withhold recognition of the nationality of a ship if they considered that there was no "genuine link" between the ship and the flag state.

Thus, under the Convention on the High Seas, it is for each state to determine how it shall exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag. The "genuine link" requirement need not be applied to the practice of registering American built or owned vessels in such countries as Panama or Liberia. The existence of a "genuine link" is for each state to determine whether or not a "genuine link" existed.

Each State shall fix the conditions for the registration of ships under its flag. Ships have the right to sail under the flag of the state of the nationality of the ship, and the flag state is entitled to exercise jurisdiction and control in administrative, technical and social matters over ships flying its flag.

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"Every state shall adopt measures to prevent pollution of the seas by oil."

At present the U.S. Government does not have any statutes or regulations pertaining to the matter, but is considering the matter beyond the territorial sea by vessels. The U.S. Industry has followed a voluntary program aimed at preventing pollution of the sea by oil. On February 10, 1955, however, the 'International Convention for Prevention of Pollution of the Sea by Oil' was sent to the Senate. The conference committee had instructed that it enter an understanding in its resolution of advice and consent as follows:

"Resolved (two-thirds vote present concurring therein), That the Senate advise and consent to the ratification of the Convention in accordance with — Eighty-third Congress, First session, an agreement entitled 'Convention on Fishing and Conservation of the Living Resources of the High Seas' approved by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958, as to the dumping of atomic waste, the convention provides for the establishment of measures to prevent pollution of the high seas, taking into account standards and regulations which may be formulated by competent international organizations in services to prevent pollution of the seas from this source. The Atomic Energy Commission exercises, under the Atomic Energy Act of 1954, control over dumping of radioactive waste at sea on a case-by-case basis through appropriate agreements."

The United States would have preferred that the convention include a provision on abstention. A resolution proposed on the subject was defeated, but the United States undertook to secure the necessary two-thirds vote. At the conclusion of the Conference consultations were held with representatives of the fishing industry in the United States, resulting in approval by the Industry of an understanding regarding abstention to be recommended to the Senate. The President's message to the Senate contained the text of the understanding as follows:

"In the event that the Senate advises and consent to ratification of the Convention on Fishing and Conservation of the Living Resources of the High Seas, the Secretary of State will be authorized to enter into an agreement with the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958, as to the dumping of atomic waste, the convention provides for the establishment of measures to prevent pollution of the high seas, taking into account standards and regulations which may be formulated by competent international organizations in services to prevent pollution of the seas from this source. The Atomic Energy Commission exercises, under the Atomic Energy Act of 1954, control over dumping of radioactive waste at sea on a case-by-case basis through appropriate agreements."

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principle of "abstention," as defined in paragraph 1 of Article II of the optional provisions of the convention on the high seas, is that "absentee" state with respect to fishing any stock in which preferred "jurisdiction and control." The coastal state shall not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

Article 2 provides that the coastal state shall be entitled to "abstention" in those instances where it has not theretofore done so within a reasonable period of time, shall maintain during the subsequent period, and (b) where the maintenance of the current yield, or when possible, the further development of it is dependent upon a conservation program carried out by those states, involving research and limitations upon the size or quantity of the fish which may be caught, then (c) those states whose nationals are not fishing the stocks regularly or which have not theretofore done so within a reasonable period of time, shall maintain fishing stocks from fishing such stock, provided however that this shall not apply to any coastal state as meaning the seabed and subsoil in waters adjacent to its territorial sea." The principle of abstention is a procedure for dealing with special fishery conservation problems. It is incorporated in the North Pacific Fisheries Convention between the United States, Canada, and Japan. The objective is the achievement of conservation in situations where, for some protection against fishing by third parties, insurance for conservation measures would be lacking.

It is necessary to have an "understanding" about the lack of the principle in the convention because article 1 of the convention states: "4. Convention on the Continental Shelf The Continental Shelf as a legal concept gains its significance from the Truman proposal of September 1945, which announced that the United States regards the natural resources of the subsoil and the seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as subject to its jurisdiction and control. By 1956 some 20 states had made claims with respect to the shelf. The Convention on the Continental Shelf converts the state practice into codified international law. Article 1 defines the term "Continental Shelf" as that part of the seabed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, to a maximum depth of 200 meters or, beyond that depth, to a distance measured along the base of the subbottom slope from the edge of the continental shelf, within which the seabed and subsoil shall be under the national jurisdiction of the coastal state. Article 2 provides that the coastal state exercising "abstention" rights for the purpose of exploring and exploiting its natural resources. These rights "abstention" include the seabed and subsoil of similar areas adjacent to the coasts of islands.

Article 2 provides that the coastal state exercising "abstention" rights for the purpose of exploring and exploiting its natural resources. These rights were contained in the International Law Commission draft and was a compromise between the major states which desired to use the term "sovereignty" rights as preferred "jurisdiction and control." Article 3 of the convention provides that the rights of the coastal state, except the Continental Shelf, do not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

The only controversy at the Conference on the Law of the Sea was the definition of "natural resources" for the purpose of exploring and exploiting its natural resources. These "natural resources" include the seabed and subsoil, together with living organisms which are harvested, to such extent as the harvestable stage is not in situ. Fishing for living resources is restricted to the continental shelf with respect to fishing any stock in which preferred "jurisdiction and control." The coastal state shall not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

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The four conventions and the optional protocol to the convention on the Law of the Sea of September 9, 1958, 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 witness 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 realized that the convention to which the matter should be referred is the Main Assembly of the United Nations to be taken up at the Conference on Disarmament in Geneva.

Article 4 of the convention provided that the United States, Canada, and Japan, the only signatories to the optional protocol to the convention, are (a) fishing a stock of fish in an area of the high seas adjacent to the territorial sea of one of the parties, or which have not theretofore done so within a reasonable period of time, shall maintain fishing stocks from fishing such stock, provided however that this shall not apply to any coastal state as meaning the seabed and subsoil in waters adjacent to its territorial sea." The principle of abstention is a procedure for dealing with special fishery conservation problems. It is incorporated in the North Pacific Fisheries Convention between the United States, Canada, and Japan. The objective is the achievement of conservation in situations where, for some protection against fishing by third parties, insurance for conservation measures would be lacking.

It is therefore important that the lack of the principle in the convention because article 1 of the convention states: "4. Convention on the Continental Shelf The Continental Shelf as a legal concept gains its significance from the Truman proposal of September 1945, which announced that the United States regards the natural resources of the subsoil and the seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as subject to its jurisdiction and control. By 1956 some 20 states had made claims with respect to the shelf. The Convention on the Continental Shelf converts the state practice into codified international law. Article 1 defines the term "Continental Shelf" as that part of the seabed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, to a maximum depth of 200 meters or, beyond that depth, to a distance measured along the base of the subbottom slope from the edge of the continental shelf, within which the seabed and subsoil shall be under the national jurisdiction of the coastal state. Article 2 provides that the coastal state exercising "abstention" rights for the purpose of exploring and exploiting its natural resources. These rights "abstention" include the seabed and subsoil of similar areas adjacent to the coasts of islands.

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The only controversy at the Conference on the Law of the Sea was the definition of "natural resources" for the purpose of exploring and exploiting its natural resources. These "natural resources" include the seabed and subsoil, together with living organisms which are harvested, to such extent as the harvestable stage is not in situ. Fishing for living resources is restricted to the continental shelf with respect to fishing any stock in which preferred "jurisdiction and control." The coastal state shall not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

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During the questioning by Senator Long, Mr. Dean made clear that the conventions do not affect the matters between the several States of the United States and the Federal Government. The conventions affect only 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 National Bank of San Diego, expressed the view that the conventions were of benefit to the United States as a principal financial industry to the United States which is one of the great fisheries of the world, and that the groups he represented supported the ratification of these conventions. Mr. Fred Myers, executive director of the National Shrimp Congress, Inc., testified that the groups he represented supported the conventions. Mr. William R. Nobby, director of the American National Bank and Trust Company of San Diego, and the California Fish Canners Association, and the Westgate California Corp. of San Diego, supported the ratification of these conventions.
May 26

EXECUTIVE K
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive K, Eighty-sixth Congress, first session, a Convention on the High Seas, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.

EXECUTIVE L
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Eighty-sixth Congress, first session, a Convention on the Fishing and Conservation of the Living Resources of the High Seas, adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958. It is the understanding of the Senate, which understanding inures in its advice and consent to the ratification of this agreement, 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, April 8, 1958.

EXECUTIVE M
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Eighty-sixth Congress, first session, a Convention on the Shelf, adopt on behalf of the United States of America on September 15, 1958.

EXECUTIVE N
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Eighty-sixth Congress, first session, a Convention on Fishing and Conservation of the Living Resources of the Shelf, adopt on behalf of the United States of America on September 15, 1958.

The PRESIDING OFFICER. If there be no objection, the agreements, conventions, and optional protocols of signature will be considered as having passed through their various parliamentary stages up to and including the presentation of the respective resolutions of ratification.

The resolutions of ratification, with the understanding and accompanying statements, were read as follows:

EXECUTIVE V
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive V, Eighty-fifth Congress, Second Session, which were opened for purpose of studying the International Circulation of Visual and Auditory Materials, an Educational, Scientific, and Cultural Character, and a related protocol of signature (Executive V, Eighty-first Congress, Second Session), which were opened for signature at Lake Success, New York, on July 22, 1957, and signed in behalf of the United States on September 13, 1949.

EXECUTIVE J
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J, Eighty-sixth Congress, First Session, a convention on the Territorial Sea and the Contiguous Zone, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.

EXECUTIVE E
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive E, Eighty-sixth Congress, First Session, a Convention on the law of the sea and include in its resolution an understanding on the principle of abstention.

Mr. MANSFIELD. Mr. President, I ask that the Senate vote en bloc on the various instruments.

The PRESIDING OFFICER. If there be no objection, the resolutions, conventions, and optional protocols of signature will be considered as having passed through their various parliamentary stages up to and including the presentation of the respective resolutions of ratification.

The resolutions of ratification, with the understanding and accompanying statements, were read as follows:

EXECUTIVE V
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive V, Eighty-fifth Congress, Second Session, which were opened for purpose of studying the International Circulation of Visual and Auditory Materials, an Educational, Scientific, and Cultural Character, and a related protocol of signature (Executive V, Eighty-first Congress, Second Session), which were opened for signature at Lake Success, New York, on July 22, 1957, and signed in behalf of the United States on September 13, 1949.

EXECUTIVE J
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J, Eighty-sixth Congress, First Session, a convention on the Territorial Sea and the Contiguous Zone, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.

EXECUTIVE K
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive K, Eighty-sixth Congress, first session, a Convention on the High Seas, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.

EXECUTIVE L
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Eighty-sixth Congress, first session, a Convention on the Fishing and Conservation of the Living Resources of the High Seas, adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958. It is the understanding of the Senate, which understanding inures in its advice and consent to the ratification of this agreement, 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, April 8, 1958.

EXECUTIVE M
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Eighty-sixth Congress, first session, a Convention on the Shelf, adopt on behalf of the United States of America on September 15, 1958.

EXECUTIVE N
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Eighty-sixth Congress, first session, a Convention on Fishing and Conservation of the Living Resources of the Shelf, adopt on behalf of the United States of America on September 15, 1958.

The PRESIDING OFFICER. If there be no objection, the agreements, conventions, and optional protocols of signature will be considered as having passed through their various parliamentary stages up to and including the presentation of the respective resolutions of ratification.

The resolutions of ratification, with the understanding and accompanying statements, were read as follows:

EXECUTIVE V
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive V, Eighty-fifth Congress, Second Session, which were opened for purpose of studying the International Circulation of Visual and Auditory Materials, an Educational, Scientific, and Cultural Character, and a related protocol of signature (Executive V, Eighty-first Congress, Second Session), which were opened for signature at Lake Success, New York, on July 22, 1957, and signed in behalf of the United States on September 13, 1949.

EXECUTIVE J
Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J, Eighty-sixth Congress, First Session, a convention on the Territorial Sea and the Contiguous Zone, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.
The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on agreeing to the resolution of ratification of Executive N, Executive Calendar No. 9.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, may I propound a parliamentary inquiry? There seems to be some confusion. I ask unanimous consent to propose a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. There is confusion as to what question we are voting on.

Mr. GORE. A point of order, Mr. President. The call of the roll cannot be interrupted.

Mr. GOLDWATER. Mr. President, we do not know whether it is a vote to reconsider or a vote upon ratification.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification of Executive N, Calendar No. 9.

The clerk will proceed with the call of the roll.

The roll was called.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. CARR] and the Senator from Kansas [Mr. SCOWcroft] are absent on official business.

The Senator from South Dakota [Mr. CASE] and the Senator from Nebraska [Mr. CURTIS] are absent on official business.

The Senator from Hawaii [Mr. FONOF] is absent on official business.

The Senator from Arkansas [Mr. KEFAUVE] is necessarily absent.

The Senator from Mississippi [Mr. SPARKS] is absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

The Senator from Missouri [Mr. HENNING] is necessarily absent.

The Senator from North Carolina [Mr. JORDAN] is necessarily absent.

Mr. LONG of Louisiana. Does not one of these protocols have something to do with polluting the sea with oil?

Mr. MANSFIELD. Yes, but there is no application of the Connally reservation to that treaty. I refer to page 9 of the report of the committee on the law of the sea convention relating to Calendar No. 9. So far as I am aware, the Connally reservation is not exactly applicable to that particular protocol.

Mr. LONG of Louisiana. May I recollect with respect to having to do with polluting the sea with oil that jurisdiction of the World Court is to be accepted. The testimony of the State Department witnesses before the Senate Committee was that they regarded themselves as bound by the Connally reservation with regard to that treaty. But it was my feeling at that time that it would be well to make the treaty clear by putting a reservation in the treaty that, from a legislative point of view, World Court jurisdiction would not apply in the event the United States felt the pollution of the sea was entirely a domestic matter.

Mr. MANSFIELD. Mr. President, I think it should be brought out that the treaty to which the Senator from Louisiana refers is not in the particular group of treaties which have been ratified but is still before the committee, and I am quite certain the Senator is watching it with an eagle eye.

Mr. LONG of Louisiana. I must confess to the Senator from Montana that I have not watched this treaty with an eagle eye; if I had, I would have pointed out this problem before it came to a vote. I suggest that this particular treaty should be ratified subject to the reservation usually referred to as the Connally reservation, and that where the World Court provision is applicable, the United States reserves to itself the right of determining whether the problem before the court is a domestic matter. If the treaty were offered with that reservation, I would vote in favor of it.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. I voted against ratification of the treaty because it is not a protocol of a treaty system that is of international law, and its institutions, should be extended. And of course, treaty making is one of the means by which a system of international law and order can be developed and its acceptance obtained.

I voted against the ratification of this treaty because it was not brought before the Senate for debate.

No hearings are before us, and no explanation of the treaty is given us. The only information that it was possible to secure about this particular treaty by one who is not a member of the Senate Committee on Foreign Relations is found in three short paragraphs on page 9 of the report.

The treaty may involve large questions about which we have no information. Despite my belief that we should move in every way possible toward the acceptance of international law, I cannot vote for ratification of this treaty, because the Senate does not know its terms and what it refers.
Mr. MANSFIELD. Mr. President, I point out that the Senate has already agreed to many treaties which have in them an exception to the principle of the Connally reservation. These are mostly commercial treaties and treaties on other technical subjects. I ask unanimous consent to insert in the Record at this point in my remarks a list of such treaties.

There being no objection, the list was ordered to be printed in the Record, as follows:

TREATIES AND OTHER INTERNATIONAL AGREEMENTS CONTAINING PROVISIONS FOR SUBMISSION OF DISPUTES TO THE INTERNATIONAL COURT OF JUSTICE

I. BILATERAL

A. Commercial treaties with:
- China, November 4, 1946, 62 Stat. (3) 2631; TIAS 1871
- Colombia, 26 April 1951, Senate Executive M (81st Cong., 1st sess.);
- Denmark, 1 October 1951, Senate Executive F (61st Cong., 2nd sess.);
- Ethiopia, September 7, 1951, 4 U.S.T. 2194
- TIAS 2858
- France, November 25, 1959 (to be submitted to the Senate).
- Greece, August 5, 1951, 5 U.S.T. (2) 1829
- TIAS 3057
- Iran, March 3, 1955, Senate Executive H (84th Cong., 1st sess.);
- Iraq, August 15, 1955, 8 U.S.T. 899; TIAS 3855
- Netherlands, January 31, 1960, 1 U.S.T. 785; TIAS 3185
- Israel, August 23, 1961, 5 U.S.T. 560; TIAS 2648
- Italy, February 2, 1948, 63 Stat. (2) 2258; TIAS 1805
- Japan, April 2, 1953, 4 U.S.T. 2063; TIAS 2893
- Korea, November 28, 1956, 8 U.S.T. 2217; TIAS 2947
- Netherlands, March 27, 1950, 6 U.S.T. 2043; TIAS 3942
- Nicaragua, January 21, 1966, 9 U.S.T. 449; TIAS 4034
- Pakistan, November 12, 1959 (to be submitted to the Senate)
- Sweden, December 23, 1949, Senate Executive D (61st Cong., 2nd sess.).
- E. Economic cooperation and aid agreements with:
- Austria, July 2, 1948, 62 Stat. 2317; TIAS 1780
- Belgium, July 2, 1948, 62 Stat. 2173; TIAS 1791
- China, July 3, 1948, 62 Stat. 2945; TIAS 1837
- Denmark, June 29, 1948, 62 Stat. 2199; TIAS 1782
- France, June 29, 1948, 62 Stat. 2223; TIAS 1780
- Ghana (Gold Coast). (See United Kingdom.)
- Greece, July 2, 1948, 63 Stat. 2293; TIAS 1786
- Iceland, July 3, 1948, 62 Stat. 2363; TIAS 1787
- Indonesia. (See Netherlands.)
- Israel, May 9, 1952, 3 U.S.T. 4171; TIAS 2559

1 Not in force.
2 The economic cooperation and aid agreement listed in I, B, contain provisions for referral of disputes to the ICJ, but these provisions are limited by the terms and conditions of such effective recognition as hitherto given by the United States to the compulsory jurisdiction of the ICJ under art. 30 of the statute of the ICJ.

III. MULTILATERAL

A. Protocol on military obligations in certain cases of national emergency concluded at The Hague, April 12, 1930, 50 Stat. 1317; TS 913.
C. Convention on international civil aviation, signed at Chicago, December 7, 1944, 61 Stat. 1180; TIAS 1661.
G. Instrument for the amendment of the constitution of the International Labor Organization (ILO), ratified at Montreal, Dec. 10, 1949, by the United States. The instrument had advised of their accession to this convention.

APPENDIX

A. The agreement of Paris, on reparation from Germany, on the establishment of an International Reparation Authority and on the distribution of monetary gold, opened for signature at Paris January 14, 1946 (61 Stat. (3) 3157; TIAS 1865). Not in force.

- By an agreement signed Feb. 11, 1920 by the United States, Indonesia, and the Netherlands (3 U.S.T. 2699; TIAS 2484), Indonesia assumed the responsibilities and obligations incurred in its behalf under the United States-Netherlands agreement of July 2, 1946.
- By reference to the PCIJ. (Reference to the ICJ is in a case where the PCIJ has not been submitted to the Senate for advice and consent to U.S. acceptance.)
tion or application of the present conventions which cannot be settled by other means, the bill be setting forth the facts and the purposes concemed endeavor to agree between themself to refer such dispute to the International Court of Justice."

REFERENCES
STAT.: U.S. Statutes at Large U.S.T.: U.S. treaties and other internation act series, published singly in pamphlets by the Department of State. TIAS: Treaties and other International acts series, published singly in pamphlets by the Department of State. S.Ex.: Senate executive prints (pamphlets printed for the use of the Senate).

Mr. DODD. Mr. President, I voted against the treaty, and I should like to state my reason in the Record. I did not want to know much about this treaty. I expected that it would be thoroughly debated on the floor and that I could make my judgment on the basis of the debate. But there has been no debate, no explanation. I wonder if we should not ask the Committee on Rules and Administration to consider a change in the rules. I believe it is risky business to be voting, en bloc, in the Senate, without thorough consideration on treaties which involve the United States. I talked with many other Senators, and I do not think they understood what they were voting on. I think we should take particular care when we undertake to commit our country on treaty questions, and I suggest that the Rules Committee consider this matter and perhaps come up with a new rule that would provide a safeguard against voting on several complex treaties at once, without debate, in a period of a few minutes.

Mr. MORSE. Mr. President, I am interested in the comment of the Senator from Connecticut (Mr. Doon). If we need any new rule guaranteeing that members of the Senate will be fully apprised before they vote on a treaty, I favor that rule. But unless I am mistaken, these treaties could have been required by the Senate to be voted upon separately. If required under the treaty, to vote on them en bloc. The rule exists, and it is no one’s fault but our own if we permitted the treaties to go to a vote en bloc, because I believe any Senator could have stopped the procedure by simply objecting to vote on the treaties en bloc and requiring a vote as to each one separately. If the Senate from Connecticut can point out to me the need for a new rule, I shall find me in his corner. I think what happened is that we permitted these treaties to be considered under the rule, and the majority leader was perfectly within the rule when he asked for permission to have them considered en bloc.

Mr. JOHNSON of Texas. Mr. President, I am perfectly agreeable to have any of the treaties reconsidered if any Senator wishes it.

What happened is that after the agreement had been made by the Senate to vote on the treaties en bloc, after the rollcall had been had, and they had been voted on en bloc, after the President had been notified, after each step had been taken under the rules, request was made by the Senator from Virginia and the Senator from South Carolina for reconsideration. The majority leader said he would be glad to ask unanimous consent that they all be reconsidered, and so they all were reconsidered.

Mr. MANSFIELD. I believe that what the Senator from Connecticut had in mind was that in the future we should be a little more careful and if possible, establish a precedent or a rule by means of which we would consider conventions and protocols and treaties individually, instead of en bloc.

Mr. DODD. Yes; that is correct and as a practical matter, with all the work that is on the shoulders of Senators, it is rather difficult to keep abreast of everything that is going on. Theoretically, that is possible, and it may be true in theory that we should always be fully informed on everything that is going on, but physically it is an impossible task.

The reason I suggested a procedural rule was to help make our task manageable by assuring us sufficient time for debate and study of pending measures, especially conventions such as treaties. That is all that I had in mind. It is a dangerous thing to proceed in this hasty fashion. I do not know what kind of rule should be adopted. I made the suggestion as I had in mind, and I have not had an opportunity to study it or consider it in detail. I do not suggest that the majority leader was trying to put the treaty without giving us an opportunity to fully consider it. I know what he is up against. All of us are sympathetic toward him and appreciate the kind of task he has to perform in the Senate. The purpose of my suggestion is to help him as much as possible. We should set up some kind of precautionary machinery so that a very bad mistake cannot occur, a mistake that could be avoided if the Senate gave each treaty individual deliberation. There is enough in the situation we experienced today to alert us to ask the Committee to consider a new rule to provide a safeguard against voting on several complex treaties at once, without debate, in a period of a few minutes.

Mr. JOHNSON of Texas. I wish to make the observation that I cannot possibly make Senators read reports or make Senators read speeches. The only way that I have had ample opportunity to do both. The report has been available since April 27.

Mr. KUCHEL. Mr. President, the Senate may have done a pretty tragic thing for the American merchant marine. An attempt was made—according to the report—to permit the nations of the world, through the Court of Arbitration to take a careful look at the subject.

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Mr. MORSE. Mr. President, I merely wish to make the observation that to express agreement with what the Senator from California has stated. In doing so, I speak as a member of the Committee on Foreign Relations. I merely wish to state how I see this problem to say it seems to me that a reading of the Foreign Relations Committee report indicates that here is a problem which would have been partially solved had the Senate adopted the resolution of the Senate Judiciary. It does not provide for justice to American shipping and the opportunity for our American Government to assist it in civil disputes arising on the high seas.

Mr. KUCHEL. I will abide by the good judgment of my friend from Montana and the Committee on Foreign Relations. I merely wish to say it seems to me that a reading of the Foreign Relations Committee report indicates that here is a problem which would have been partially solved had the Senate adopted the resolution of the Senate Judiciary. It does not provide for justice to American shipping and the opportunity for our American Government to assist it in civil disputes arising on the high seas.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. JOHNSON of Texas. Mr. President, I merely wish to make this observation and to express agreement with what the Senator from California has stated. In doing so, I speak as a member of the Committee on Foreign Relations. I merely wish to state how I see this problem to say it seems to me that a reading of the Foreign Relations Committee report indicates that here is a problem which would have been partially solved had the Senate adopted the resolution of the Senate Judiciary. It does not provide for justice to American shipping and the opportunity for our American Government to assist it in civil disputes arising on the high seas.

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right to decide whether a certain matter is a domestic problem of the United States and not a matter upon which the World Court has the power to act.

To depart from that reservation would leave to the World Court the power to wrongly usurp jurisdiction. It was never intended for the Court to exercise such jurisdiction over domestic matters. Southerners are particularly concerned about this type of problem, because they have no desire the Court has undertaken to assume jurisdiction or to hold a law to be contrary to what they have regarded as historic and established law. In a case of this sort, based on this treaty as it stood without the reservation, there would have been no court to which a country could appeal if it thought the World Court had made a mistake.

I am one Senator who feels that, while the treaty should be ratified, the ratification should have included a reservation to protect the domestic jurisdiction of the United States. A great number of people feel that we preferred our treaty and others like it to go through, stripping our country of some of its sovereignty, over a period of time the powers given will be abused, and that the way to stop the usurpation is not to vote to make it possible in the beginning. That being the case, many Senators voted against the treaty. This matter should come before the Senate again and an opportunity should be afforded to vote for a reservation to protect the domestic jurisdiction of this country. Under these conditions I would be very happy and pleased to vote for the treaty, and I believe most of the Senators who voted against the treaty will feel the same way.

Mr. JOHNSON of Texas. Mr. President, after the vote by which the Senate agreed to the resolutions of ratification relating to Executive V, Executive J, Executive K, Executive L, Executive M, I asked unanimous consent that the vote on Executive N, Executive P, Executive Q, Executive R, Executive S, Executive T, Executive U, Executive V, Executive W, Executive X, be taken by yeas and nays. This matter should come before the Senate again and an opportunity should be afforded to vote for a reservation to protect the domestic jurisdiction of this country. Under these conditions I would be very happy and pleased to vote for the treaty, and I believe most of the Senators who voted against the treaty will feel the same way.

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The PRESIDING OFFICER. The motion was agreed to; and the Executive N, Executive P, Executive Q, Executive R, Executive S, Executive T, Executive U, Executive V, Executive W, Executive X, was ordered to be engrossed and read a third time.

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