

Mr. JOHNSON of Texas. Mr. President, I ask that the President be immediately notified of the nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

**THE 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 CONTINENTAL SHELF; AND AN OPTIONAL PROTOCOL OF SIGNATURES CONCERNING THE COMPULSORY SETTLEMENT OF 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 yea-and-nay vote be taken upon the question of advising 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 protocol, 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**

The Governments of the States signatory to the present Agreement,

Being convinced that in facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character, the free flow of ideas by word and image will be promoted and the mutual understanding of peoples thereby encouraged, in conformity with the aims of the United Nations Educational, Scientific and Cultural Organization,

Have agreed as follows:

**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.

Visual and auditory materials shall be deemed to be of an educational, scientific and cultural character:

(a) When their primary purpose or effect is to instruct or inform through the devel-

opment of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge, and augment international understanding and goodwill; 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, printed and developed;

(b) Sound 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 6 months from the coming into force of the present agreement with respect to that State, exemption from all customs duties and quantitative restrictions and from the necessity of applying for an import license in respect of the importation, either permanent or temporary, of material originating in the territory of any of the other contracting States.

2. Nothing in this Agreement shall exempt material from those taxes, fees, 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, but are not limited to, nominal statistical fees and stamp duties.

3. Material entitled to the privileges provided 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 requirements 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 deny 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**

1. 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 such material is of an educational, scientific or cultural character within the meaning of article I, shall be filed in connexion with the entry.

2. The certificate shall be issued by the appropriate governmental agency of the State wherein the material to which the certificate relates originated, or by the United Nations Educational, Scientific and Cultural Organization as provided for in paragraph 3 of this article, and in the forms annexed hereto. The prescribed forms of certificate may be amended or revised upon mutual agreement of the contracting States, provided such amendment or revision is in conformity with the provisions of this Agreement.

3. Certificates shall be issued by the United Nations Educational, Scientific and Cultural Organization for material of edu-

cational, scientific or cultural character produced by international organizations recognized by the United Nations or by any of the specialized agencies.

4. On the filing of any such certificate, there will be a decision by the appropriate governmental agency of the contracting State into which entry is sought as to whether the material is entitled to the privilege provided by article III, paragraph 1, of the present Agreement. This decision shall be made after consideration of the material and through the application of the standards provided in article I. If, as a result of that consideration, such agency of the contracting State into which entry is sought intends not to grant the privileges provided by article III, paragraph 1, to that material because it does not concede its educational, scientific and 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.

5. The governmental agency of the contracting State into which entry is sought shall be entitled to impose regulations upon the importer of the material to ensure that it shall only be exhibited or used for non-profit-making purposes.

6. The decision of the appropriate governmental agency of the contracting State into which entry is sought, provided for in paragraph 4 of this article shall be final, but in making its decision the said agency shall give due consideration to any representations made to it by the Government certifying the material or by UNESCO as the case may be.

**ARTICLE V**

Nothing in the present Agreement shall affect the right of the contracting States to censor material in accordance with their own laws or to adopt measures to prohibit or limit the importation of material for reasons of public security or order.

**ARTICLE VI**

Each of the contracting States shall send to the United Nations Educational, Scientific and Cultural Organization a copy of each certificate which it issues to material originating within its own territory and shall inform the United Nations Educational, Scientific and Cultural Organization of the decisions taken and the reasons for any refusals in respect of certified materials from other contracting States for which entry is sought into its own territory. The United Nations Educational, Scientific and Cultural Organization shall communicate 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.

**ARTICLE VII**

The contracting States undertake jointly to consider means of reducing to a minimum 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 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 Statute of the International Court of Justice, except as to articles IV and V, shall be referred to the International Court of Justice unless in any specific case it is agreed by the parties to have recourse to another mode of settlement.

2. If the contracting States between which a dispute has arisen are not parties or any one of them is not party to the Statute 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 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 1950 any Member of the United Nations not a signatory to the present Agreement, and any non-member State 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 procès-verbal specifying the date on which, in accordance with this paragraph, the present Agreement shall have come 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 come 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 States 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 acces-

sion, 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 notification 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 and notifications 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 such other Governments as may 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 Décembre 1949.

For Argentina:

For Australia:

For Austria:

For the Kingdom of Belgium:

For Bolivia:

For Brazil: ad referendum, João Carlos Muniz, 15 de Setembro de 1949.

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic:

For Canada: ad referendum, Andrew G. L. McNaughton, 17 December 1949.

For Chile:

For China:

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For Denmark: subject to ratification, William Borberg, December 29th 1949.

For the Dominican Republic: Max Henriquez Urefia, August 5, 1949.

For Ecuador: Homero Viteri L., 29 December of 1949.

For Egypt:

For El Salvador: Hector David Castro, December 29, 1949.

For Ethiopia:

For France:

For Greece: Alexis Kyrrou, December 31, 1949.

For Guatemala:

For Haiti: S. M. Alexis, 2 Décembre 1949.

For Honduras:

For Hungary:

For Iceland:

For India:

For Iran: Nasrollah Entezam, December 31st 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. Riemens, December 30, 1949.

For New Zealand:

For Nicaragua:

For the Kingdom 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 R. Austin, September 13, 1949.

For Uruguay: E. Rodriguez Fabregat, 31 December 1949.

For Venezuela:

For Yemen:

For Yugoslavia:

## 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

and shall communicate to the Governments of the States concerned a copy of the procès-verbal and of the 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 Aziz, 29 Décembre 1949.

For Argentina:

For Australia:

For Austria:

For the Kingdom of Belgium:

For Bolivia:

For Brazil, ad referendum: João Carlos Muniz, 15 de Setembro de 1949.

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic:

For Canada, ad referendum: Andrew G. L. McNaughton, 17 December 1949.

For Chile:

For China:

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For Denmark, subject to ratification: William Borberg, December 29th, 1949.

For the Dominican Republic: Max Henriquez Urena, August 5th, 1949.

For Ecuador: Homero Viteri L., 29 December of 1949.

For Egypt:

For El Salvador: Hector David Castro, December 29, 1949.

For Ethiopia:

For France:

For Greece: Alexis Kyrou, December 31, 1949.

For Guatemala:

For Haiti: S. M. Alexis, 2 Décembre 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: H. Riemens, December 30, 1949.

For New Zealand:

For Nicaragua:

For the Kingdom of Norway: Arne Sundé, 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 R. Austin, September 13, 1949.

For Uruguay: E. Rodriguez Fabregat, 31 December 1949.

For Venezuela:

For Yemen:

For Yugoslavia:

Certified true copy.

For the Secretary-General:

KERNO,

*Assistant Secretary-General in charge of the Legal Department.*

#### EXECUTIVE J

### ANNEX I—CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

The States Parties to this Convention have agreed as follows:

#### PART I—TERRITORIAL SEA

##### Section I. General

##### Article 1

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

##### Article 2

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

##### Section II. Limits of the Territorial Sea

##### Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

##### Article 4

1. In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

3. Baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them.

4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

##### Article 5

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high

seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters.

##### Article 6

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

##### Article 7

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where because of the presence of islands an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water areas of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 4 is applied.

##### Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

##### Article 9

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

##### Article 10

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

2. The territorial sea of an island is measured in accordance with the provisions of these articles.

##### Article 11

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

#### Article 12

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, falling agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

#### Article 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

#### Section III. Right of Innocent Passage

Subsection A. Rules Applicable to all Ships

#### Article 14

1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or 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 make and publish in order to prevent these vessels from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

#### Article 15

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea.

#### Article 16

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall

take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

#### Article 17

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

#### 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; or

(c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or

(d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### Article 20

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its

laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

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. Rule Applicable to Warships

#### Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

#### PART II—CONTIGUOUS ZONE

#### Article 24

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to;

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) Punish infringement of the above regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 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, falling agreement between them to the contrary to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

#### PART III—FINAL ARTICLES

#### Article 25

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

#### Article 26

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

#### Article 27

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 28

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 26. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 29

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification 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 30

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

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

#### Article 31

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 26:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 26, 27, and 28;

(b) Of the date on which this Convention will come into force, in accordance with article 29;

(c) Of requests for revision in accordance with article 30.

#### Article 32

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 26.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

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

For Afghanistan: A. R. Pazhwak, October 30, 1958.

For Albania:

For Argentina: A. Lescure.

For Australia: E. Ronald Walker, 30 October 1958.

For Austria: Dr. Franz Matsch, October 27, 1958.

For the Kingdom of Belgium:

For Bolivia: M. Tamayo, 17 October, 1958.

For Brazil:

For Bulgaria:

[Translation by the United Nations Secretariat.]

Reservations: to article 20: "The Government of the People's Republic of Bulgaria considers that government ships in foreign waters have immunity and that the measures set forth in this article may therefore apply to such ships only with the consent of the flag State; to article 23 (Sub-Section D. Rule applicable to Warships)—The Government of the People's Republic of Bulgaria considers that the coastal State has the right to establish procedures for the authorization of the passage of foreign warships through its territorial waters."

Dr. Voutov, 31 October, 1958.

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic:

[Translation by the United Nations Secretariat.]

With reservations to articles 20 and 23; text of reservations attached.

W. Kiselev, 30.X.1958.

Text of the reservations:

"To article 20: The Government of the Byelorussian Soviet Socialist Republic considers that government ships in foreign territorial waters have immunity and that the

measures mentioned in this article may therefore be applied to them only with the consent of the flag State.

"To article 23, subsection D rule applicable to warships: The Government of the Byelorussian Soviet Socialist Republic considers that the coastal State has the right to establish procedures for the authorization of the passage of foreign warships through its territorial waters."

For Cambodia:

For Canada: George A. Drew.

For Ceylon: C. Corea, 30/X/58.

For Chile:

For China: Liu Chieh, Yu-Chi Hsueh.

For Colombia: (translation with the explanation annexed): Juan Uribe Holguin, José Joaquín Ciacedo Castilla.

Translation by the United Nations Secretariat:

"With respect to the Convention on the Territorial Sea and the Contiguous Zone, the delegation of Colombia declares that, under article 98 of the Colombian Constitution, authorization by the Senate is required for the passage of foreign troops through Colombian territory and that, by analogy, such authorization is accordingly also required for the passage of foreign warships through Colombian territorial waters."

For Costa Rica: Raúl Trejos Flores.

For Cuba: F. V. García Amador.

For Czechoslovakia, with the following reservations:

"In view of the fact that the Conference had not adopted a special article concerning the passage of warships through the territorial waters of foreign States, the Government of the Czechoslovakia Republic deems it necessary to stress that articles 14 and 23 cannot in any sense be interpreted as establishing a right of innocent passage for warships through the territorial waters.

"The Government of the Czechoslovak Republic holds that under international law in force all government ships without distinction enjoy immunity and therefore does not agree with the application of articles 19 and 20 of the Convention to government ships operated for commercial purposes."

Karel Kurka, 30 October 1958.

For Denmark: Max Sorensen, T. Oldenburg.

For the Dominican Republic: A. Alvarez Aybar.

For Ecuador:

For El Salvador:

For Ethiopia:

For the Federation of Malaya:

For Finland: G. A. Gripenberg, 27 October 1958.

For France:

For the Federal Republic of Germany.

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

For Greece:

For Guatemala: L. Aycinena Salazar.

For Haiti: Rigal.

For the Holy See: P. Demeur, 30.4.1958.

For Honduras.

For Hungary, subject to reservations attached to articles 14, 23, and 21: Dr. Szita János, 31.X.1958.

Articles 14 and 23: "The Government of the Hungarian People's Republic is of the opinion that the coastal State is entitled to make the passage of warships through its territorial waters subject to previous authorization; article 21: The Government of the Hungarian People's Republic is of the opinion that the rules contained in Sub-Section B of Section III of Part I of the Convention are generally inapplicable to government ships operated for commercial purposes so far as they encroach on the immunities enjoyed under international law by all government ships, whether commercial or noncommercial, on foreign territorial waters. Consequently, the provisions of Sub-Section B restricting the immunities of government

ships operated for commercial purposes are applicable only upon consent of the State whose flag the ship flies.

For Iceland: H. G. Andersen.

For India:

For Indonesia:

For Iran, subject to reservations: Dr. A. Matine-Daftary, May 28, 1958.

Translation by the United Nations Secretariat:

"In signing the Convention on the Territorial Sea and the Contiguous Zone, I make the following reservation: Article 14. The Iranian Government maintains the objection, on the ground of excess of competence, expressed by its delegation at the twelfth plenary meeting of the Conference on the Law of the Sea on 24 April 1958, to the articles recommended by the Fifth Committee of the Conference and incorporated in part in article 14 of this Convention. The Iranian Government accordingly reserves all rights regarding the contents of this article in so far as it relates to countries having no sea coast."

For Iraq:

For Ireland: Frank Aiden, 2-10-1958.

For Israel: Shabtai Rosenne.

For Italy:

For Japan:

For the Hashemite Kingdom of Jordan:

For the Republic of Korea:

For Laos:

For Lebanon:

For Liberia: Rocheforte L. Weeks, 27/5/58.

For Libya:

For the Grand Duchy of Luxembourg:

For Mexico:

For Monaco:

For Morocco:

For Nepal: Rishikesh Shaha.

For the Kingdom of the Netherlands: C. Schurmann, 31 October 1958.

For New Zealand: Foss Shanahan, 29 October 1958.

For Nicaragua:

For the Kingdom of Norway:

For Pakistan: Aly Khan, 31 October 1958.

For Panama: Carlos Sucre C., 2.5.1958.

For Paraguay:

For Peru:

For the Philippine Republic:

For Poland:

For Portugal, translation, subject to ratification: Vasco Vieira Garin, 28 October 1958.

For Romania, translation by the United Nations Secretariat with the following reservations: "(1) to article 20: The Government of the Romanian People's Republic considers that government ships have immunity in foreign territorial waters and that the measures envisaged in this article may not be applied to such ships except with the consent of the flag State; (2) to article 23: The Government of the Romanian People's Republic considers that the coastal State has the right to provide that the passage of foreign warships through its territorial waters shall be subject to previous approval."

M. Magheru, 31 October 1958.

For San Marino:

For Saudi Arabia:

For Spain:

For the Sudan:

For Sweden:

For Switzerland: F. Schnyder, 22 octobre 1958.

For Thailand: Luang Chakrapani Srisilvi-suddhi.

For Tunisia (translation by the United Nations Secretariat): With the following reservation: "The Government of the Tunisian Republic does not consider itself bound by the provisions of article 16, paragraph 4, of this Convention."

Mongi Slim, 30 October 1958.

For Turkey:

For the Ukrainian Soviet Socialist Republic: (translation by the United Nations Secretariat), with reservations to articles 20 and 23; text of reservations attached: L. Palamarchuk, 30 October 1958.

Text of the reservations:

To article 20: "The Government of the Ukrainian Soviet Socialist Republic considers that government ships in foreign territorial waters have immunity and that the measures mentioned in this article may therefore be applied to them only with the consent of the flag State."

To article 23, subsection D: "Rule applicable to Warships"—The Government of the Ukrainian Soviet Socialist Republic considers that a coastal State has the right to establish procedures for the authorization of the passage of foreign warships through its territorial waters."

For the Union of South Africa:

For the Union of Soviet Socialist Republics (translation by the United Nations Secretariat), with reservations to articles 20 and 23; text of reservations attached: V. Zorin, 30 October 1958.

Text of the reservations:

To article 20: "The Government of the Union of Soviet Socialist Republics considers that government ships in foreign territorial waters have immunity and that the measures mentioned in this article may therefore be applied to them only with the consent of the flag State."

To article 23, subsection D, rule applicable to warships: "The Government of the Union of Soviet Socialist Republics considers that a coastal State has the right to establish procedures for the authorization of the passage of foreign warships through its territorial waters."

For the United Arab Republic:

For the United Kingdom of Great Britain and Northern Ireland: Pierson Dixon, 9 Sept. 1958.

For the United States of America: Arthur H. Dean, 15 Sept. 1958.

For Uruguay: Carlos Carbajal, M. Martínez Montero.

For Venezuela (translation by the United Nations Secretariat): "In signing the present Convention, the Republic of Venezuela declares with reference to article 12 that there are special circumstances to be taken into consideration in the following areas: the Gulf of Paris and zones adjacent thereto; the area between the coast of Venezuela and the island of Aruba; and the Gulf of Venezuela."

Ad referendum, Carlos Sosa Rodríguez, October 30th 1958.

For Vietnam:

For Yemen:

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

#### EXECUTIVE K

#### ANNEX II—CONVENTION ON THE HIGH SEAS

The States Parties to this Convention, Desiring to codify the rules of international law relating to the high seas.

Recognizing that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

Have agreed as follows:

#### ARTICLE 1

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

#### ARTICLE 2

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other

rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are being recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

#### ARTICLE 3

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international convention accord:

(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

#### ARTICLE 4

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

#### ARTICLE 5

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

#### ARTICLE 6

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

#### ARTICLE 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

#### ARTICLE 8

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

#### ARTICLE 9

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

#### ARTICLE 10

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment, and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

#### ARTICLE 11

1. In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal, or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or 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, shall be ordered by any authorities other than those of the flag State.

#### ARTICLE 12

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

(a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

#### ARTICLE 13

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

## ARTICLE 14

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

## ARTICLE 15

Piracy consists of any of the following acts:

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

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft.

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

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

## ARTICLE 16

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

## ARTICLE 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

## ARTICLE 18

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

## ARTICLE 19

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

## ARTICLE 20

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

## ARTICLE 21

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

## ARTICLE 22

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

(a) That the ship is engaged in piracy;

(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. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

## ARTICLE 23

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.

3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on Government service specially authorized to that effect.

5. Where hot pursuit is effected by an aircraft:

(a) The provisions of 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, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an enquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right

of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

## ARTICLE 24

Every State shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject.

## ARTICLE 25

1. Every State shall take measures to prevent pollution of the seas from the dumping of radio-active waste, taking into account any standards and regulations which may be formulated by the competent international organizations.

2. All States shall cooperate with the competent international organizations in taking measures for the prevention of pollution of seas or air-space above, resulting from any activities with radio-active materials or other harmful agents.

## ARTICLE 26

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the seabed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

## ARTICLE 27

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done willfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

## ARTICLE 28

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

## ARTICLE 29

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

## ARTICLE 30

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

## ARTICLE 31

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other

State invited by the General Assembly of the United Nations to become a Party to the Convention.

#### ARTICLE 32

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 33

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 31. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 34

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

#### ARTICLE 35

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

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

#### ARTICLE 36

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 31:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 31, 32 and 33;

(b) Of the date on which this Convention will come into force, in accordance with article 34;

(c) Of requests for revision in accordance with article 35.

#### ARTICLE 37

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 31.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

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

For Afghanistan: A. R. Pazhwak, October 30, 1958.

For Albania:

For Argentina: A. Lescure.

For Australia: E. Ronald Walker, 30 October 1958.

For Austria: Dr. Franz Matsch, October 27, 1958.

For the Kingdom of Belgium:

For Bolivia: M. Tamayo, 17 October 1958.

For Brazil:

For Bulgaria: (translation by the United Nations Secretariat):

Reservation to article 9: "The Government of the People's Republic of Bulgaria considers that the principle of international law according to which ships have complete immunity from the jurisdiction of any State other than the flag State relates without any restriction to all government ships."

Declaration: "The Government of the People's Republic of Bulgaria 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."

Dr. Voutov, 31 October 1958.

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic (translation by the United Nations Secretariat), with a reservation to article 9 and a declaration, texts of both attached: K. Kiselev, 30.X.1958.

Text of the reservation:

To article 9: "The Government of the Byelorussian Soviet Socialist Republic considers that the principle of international law according to which a ship on the high seas is not subject to any jurisdiction except that of the flag State applies without restriction to all government ships."

Text of the declaration:

"The Government of the Byelorussian Soviet 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 Cambodia:

For Canada: George A. Drew.

For Ceylon: C. Corea, 30/X/58.

For Chile:

For China: Liu Chieh, Yu-Chi Hsueh.

For Colombia: Juan Uribe Holguin, José Joaquín Calcedo Castilla.

For Costa Rica: Raúl Trejos Flores.

For Cuba: F. V. García Amador.

For Czechoslovakia, with the following reservation to article 9: "The Government of the Czechoslovak Republic holds that under international law in force government ships operated for commercial purposes also enjoy on the high seas complete immunity from the jurisdiction of any State other than the flag State."

Kabel Kurka; 30 October 1958.

Declaration: "The Government of the Czechoslovak Republic maintains that the notion of piracy as defined in the Convention is neither in accordance with the present international law nor with the interest of safeguarding the freedom of navigation on the high seas."

For Denmark: Max Sorensen, T. Oldenburg.

For the Dominican Republic: A. Alvarez Aybar.

For Ecuador:

For El Salvador:

For Ethiopia:

For the Federation of Malaya:

For Finland: G. A. Gripenberg, 27 octobre 1958.

For France: G. Georges-Picot, 30 octobre 1958.

For the Federal Republic of Germany: Werner Dankwort, 30 October 1958.

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

For Greece:

For Guatemala: L. Aycinena Salazar.

For Haiti: Rigal.

For the Holy See: P. Demeur, 30.4.1958.

For Honduras:

For Hungary subject to reservation attached to article 9: Dr. Szita János, 31.X.1958.

Text of the reservation: "The Government of the Hungarian People's Republic is of the opinion that, according to the general rules of international law, ships owned or operated by a State and used on government service, whether commercial or noncommercial, enjoy on the high seas the same immunity as warships."

Declaration: "The Government of the Hungarian People's Republic declares that the definition of piracy as given in the Conven-

tion is not consistent with present international law and does not serve the general interests of the freedom of navigation on the high seas."

For Iceland: H. G. Andersen.

For India:

For Indonesia: Ahmad Soebardjo, 8 May 1958.

For Iran subject to reservations: Dr. A. Matine-Daftary, May 28, 1958.

Translation by the United Nations Secretariat:

"In signing the Convention on the High Seas, I make the following reservations:

"Article 2: With respect to the words 'no State may validly purport to subject any part of them to its sovereignty', it shall be understood that this prohibition does not apply to the continental shelf, which is governed by article 2 of the Convention on the Continental Shelf.

"Articles 2, 3, and 4: The Iranian Government maintains the objection on the ground of excess of competence, expressed by its delegation at the twelfth plenary meeting of the Conference on the Law of the Sea on 24 April 1958, to the articles recommended by the Fifth Committee of the Conference and incorporated in the afore-mentioned articles of the Convention on the High Seas. The Iranian Government accordingly reserves all rights regarding the contents of these articles in so far as they relate to countries having no sea coast.

"Article 2(3)—article 26, paragraphs 1 and 2: Application of the provisions of these articles relating to the laying of submarine cables and pipelines shall be subject to the authorization of the coastal State, in so far as the continental shelf is concerned."

For Iraq:

For Ireland: Frank Aiken, 2-10-1958.

For Israel: Shabtai Rosenne.

For Italy:

For Japan:

For the Hashemite Kingdom of Jordan:

For the Republic of Korea:

For Laos:

For Lebanon: N. Sabaka, 29 mai 1958.

For Liberia: Rocheforte L. Weeks, 27/5/58.

For Libya:

For the Grand Duchy of Luxembourg:

For Mexico:

For Monaco:

For Morocco:

For Nepal: Rishikesh Shaha.

For the Kingdom of the Netherlands: C. Schurmann, 31 October 1958.

For New Zealand: Foss Shanahan, 29 October 1958.

For Nicaragua:

For the Kingdom of Norway:

For Pakistan: Aly Khan, 31 October 1958.

For Panama: Carlos Sucre C., 2. 5. 1958.

For Paraguay:

For Peru:

For the Philippine Republic:

For Poland: "The Government of the Polish People's Republic considers that the rule expressed in article 9 applies to all ships owned or operated by a State."

J. Winiewicz, October 31, 58.

Declaration: "The Government of the Polish People's Republic considers that the definition of piracy as contained in the Convention does not fully correspond with the present state of international law in this respect."

For Portugal: translation, subject to ratification: Vasco Vieira Garin, 28 October 1958.

For Romania: translation by the United Nations Secretariat, with the following reservation to article 9:

"The Government of the Romanian People's Republic considers that the principle of international law according to which a ship on the high seas is not subject to any jurisdiction except that of the flag State applies to all government ships regardless of the purpose for which they are used."



M. Magheru, 31 October 1958.

Declaration: "The Government of the Romanian 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 Saudi Arabia:

For Spain:

For the Sudan:

For Sweden:

For Switzerland: Paul Rueger, 24 mai 1958.

For Thailand: Luang Chakrapani Srisilvisuddhi, Maj. Gen. Dr. jur. Ambhorn Srija-yanta, Chapikorn Sreshtaputra.

For Tunisia: Mongi Slim, Le 30 octobre 1958.

For Turkey:

For the Ukrainian Soviet 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 Ukrainian Soviet Socialist Republic considers that the principle of international law according to which a ship on the high seas is not subject to any jurisdiction except that of the flag State applies without restriction to all government ships."

Text of the declaration:

"The Government of the Ukrainian Soviet 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 the Union of South Africa:

For the Union of Soviet Socialist Republics (translation by the United Nations Secretariat), with a reservation to article 9 and a declaration; texts of both attached: V. Zorin, 30 October 1958.

Text of the reservation:

To article 9 "The Government of the Union of Soviet Socialist Republics considers that the principle of international law according to which a ship on the high seas is not subject to any jurisdiction except that of the flag State applies without restriction to all government ships."

Text of the declaration: "The Government of the Union of Soviet Socialist Republics 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 the United Arab Republic:

For the United Kingdom of Great Britain and Northern Ireland: Pierson Dixon, 9 September 1958.

For the United States of America: Arthur H. Dean, 15 September 1958.

For Uruguay: Victor Pomes.

For Venezuela, Ad referendum, Carlos Sosa Rodriguex, October 30, 1958.

For Vietnam:

For Yemen:

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

#### EXECUTIVE I

#### 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 sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being overexploited.

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned.

Have agreed as follows:

#### ARTICLE 1

1. All States have the right for their nationals to engage in fishing on the high seas subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

#### ARTICLE 2

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

#### ARTICLE 3

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

#### ARTICLE 4

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by article 9.

#### ARTICLE 5

1. If, subsequent to the adoption of the measures referred to in articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any State specified by State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

#### ARTICLE 6

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

2. A coastal State is entitled to take part on an equal footing in any system of re-

search and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9.

#### ARTICLE 7

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

(a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

(b) That the measures adopted are based on appropriate scientific findings;

(c) That such measures do not discriminate in form or in fact against foreign fishermen.

3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

5. The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Contiguous Zone shall be adopted when coasts of different States are involved.

#### ARTICLE 8

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by article 9.

#### ARTICLE 9

1. Any dispute which may arise between States under articles 4, 5, 6, 7 and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties

agree to seek a solution by another method of peaceful settlement, as provided 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 named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall upon the request of any State party, be named by the Secretary-General of the United Nations, within a further three-month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of States not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its 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 disputes arising under article 7, apply the criteria listed in paragraph 2 of that article. In disputes under articles 4, 5, 6 and 8 the commission shall apply the following criteria, according to the issues involved in the dispute:

(a) Common to the determination of disputes arising under articles 4, 5 and 6 are the requirements:

(i) That scientific findings demonstrate the necessity of conservation measures;

(ii) That the specific measures are based on scientific findings and are practicable; and

(iii) That the measures do not discriminate, in form or in fact, against fishermen of other States.

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

2. The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under article 7, the measures shall only be suspended when it is apparent to the commission on the basis of prima facie evidence that the need for the urgent application of such measures does not exist.

#### ARTICLE 11

The decisions of the special commission shall be binding on the States concerned

and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

#### ARTICLE 12

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of the States concerned may request the other States to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the States concerned may again resort to the procedure contemplated by article 9 provided that at least two years have elapsed from the original award.

#### ARTICLE 13

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a State may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

#### ARTICLE 14

In articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews.

#### ARTICLE 15

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

#### ARTICLE 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 17

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 15. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 18

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

#### ARTICLE 19

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 6, 7, 9, 10, 11 and 12.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

#### ARTICLE 20

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

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

#### ARTICLE 21

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 15:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 15, 16 and 17;

(b) Of the date on which this Convention will come into force, in accordance with article 18;

(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 April one thousand nine hundred and fifty-eight.

For Afghanistan: A. R. Pazhwak, October 30, 1958.

For Albania:

For Argentina: A. Lescure.

For Australia: E. Ronald Walker, 30 October 1958.

For Austria:

For the Kingdom of Belgium:

For Bolivia: M. Tamayo, 17 October 1958.

For Brazil:

For Bulgaria:

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic:

For Cambodia:

For Canada: George A. Drew.

For Ceylon: C. Corea, 30/X/58.

For Chile:

For China: Liu Chieh, Yu-Chi Hsueh.

For Colombia: Juan Uribe Holguin, José Joaquín Calcedo Castilla.

For Costa Rica: Raúl Trejos Flores.

For Cuba: F. V. García Amador.

For Czechoslovakia:

For Denmark: Max Sorensen, T. Oldenburg.

For the Dominican Republic: A. Alvarez Aybar.

For Ecuador:

For El Salvador:

For Ethiopia:

For the Federation of Malaya:

For Finland: G. A. Gripenberg, 27 octobre 1958.

For France: G. Georges-Picot, 30 octobre 1958.

For the Federal Republic of Germany:  
 For Ghana: Richard Quarshie, K. B. Asante.  
 For Greece:  
 For Guatemala:  
 For Haiti: Rigal.  
 For the Holy See:  
 For Honduras:  
 For Hungary:  
 For Iceland: H. G. Andersen.  
 For India:  
 For Indonesia: Ahmad Soebardjo, 8 May 1958.  
 For Iran: Dr. A. Matine-Daftary, May 28, 1958.  
 For Iraq:  
 For Ireland: Frank Aiken, 2-10-1958.  
 For Israel: Shabtai Rosenne.  
 For Italy:  
 For Japan:  
 For the Hashemite Kingdom of Jordan:  
 For the Republic of Korea:  
 For Laos:  
 For Lebanon: N. Sadaka, 29 mai 1958.  
 For Liberia: Rocheforte L. Weeks, 27/5/58.  
 For Libya:  
 For the Grand Duchy of Luxembourg:  
 For Mexico:  
 For Monaco:  
 For Morocco:  
 For Nepal: Rishikesh Shaha.  
 For the Kingdom of the Netherlands: C. Schurmann, 31 October 1958.  
 For New Zealand: Foss Shanahan, 29 October 1958.  
 For Nicaragua:  
 For the Kingdom of Norway:  
 For Pakistan: Aly Khan, 31 October 1958.  
 For Panama: Carlos Sucre C., 2.5.1958.  
 For Paraguay:  
 For Peru:  
 For the Philippine Republic:  
 For Poland:  
 For Portugal (translation), subject to ratification: Vasco Vieira Garin, 28 October 1958.  
 For Romania:  
 For San Marino:  
 For Saudi Arabia:  
 For Spain:  
 For the Sudan:  
 For Sweden:  
 For Switzerland: F. Schnyder, 22 octobre 1958.  
 For Thailand: Luanc Chakrapani Srisilvisuddhi, Boon Indrambarya.  
 For Tunisia: Mongi Slim, Le 30 octobre 1958.  
 For Turkey:  
 For the Ukrainian Soviet Socialist Republic:  
 For the Union of South Africa:  
 For the Union of Soviet Socialist Republics:  
 For the United Arab Republic:  
 For the United Kingdom of Great Britain and Northern Ireland: Pierson Dixon, 9 September 1958.  
 For the United States of America: Arthur H. Dean, 15 September 1958.  
 For Uruguay: Alvaro Alyvarez.  
 For Venezuela, ad referendum; Carlos Sosa Rodriguez, October 30th 1958.  
 For Vietnam:  
 For Yemen:  
 For Yugoslavia (translation), subject to ratification: Milan Bartos, V. Popovic.

#### EXECUTIVE M

#### ANNEX IV—CONVENTION ON THE CONTINENTAL SHELF

The States Parties to this Convention have agreed as follows:

##### ARTICLE 1

For the purpose of these articles, the term "continental shelf" is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the

depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

##### ARTICLE 2

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

##### ARTICLE 3

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

##### ARTICLE 4

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine 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 construct and maintain 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 means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to

the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal 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 request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

##### ARTICLE 6

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from 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 should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

##### ARTICLE 7

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

##### ARTICLE 8

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

##### ARTICLE 9

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

##### ARTICLE 10

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

##### ARTICLE 11

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or

accession the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

## ARTICLE 12

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3 inclusive.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

## ARTICLE 13

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

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

## ARTICLE 14

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 8:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9 and 10;

(b) Of the date on which this Convention will come into force, in accordance with article 11;

(c) Of requests for revision in accordance with article 13;

(d) Of reservations to this Convention in accordance with article 12.

## ARTICLE 15

The original of this Convention, of which the Chinese, English, French, Russian and Spanish 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 Afghanistan: A. R. Pazhwak, October 30, 1958.

For Albania:  
For Argentina: A. Lescuré.  
For Australia: E. Ronald Walker, 30 October 1958.

For Austria:  
For the Kingdom of Belgium:

For Bolivia: M. Tamayo, 17 October, 1958.  
For Brazil:

For Bulgaria:  
For the Union of Burma:

For the Byelorussian Soviet Socialist Republic: K. Kiselev, 31.X.1958.

For Cambodia:  
For Canada: George A. Drew.

For Ceylon: C. Corea, 30/X/58.  
For Chile: José Serrano, October 31, 1958.

For China: Liu Chieh, Yu-Chi Hsueh.  
For Colombia: Juan Uribe Holguín, José Joaquín Calcedo Castilla.

For Costa Rica: Raúl Trejos Flores.  
For Cuba: F. V. García Amador.

For Czechoslovakia: Karel Kurka, 31 October 1958.

For Denmark: Max Sorensen, T. Oldenburg.  
For the Dominican Republic: A. Alvarez Aybar.

For Ecuador: José A. Correa, October 31, 1958.

For El Salvador:  
For Ethiopia:  
For the Federation of Malaya:  
For Finland: G. A. Gripenberg, 27 October 1958.

For France:  
For the Federal Republic of Germany: Werner Dankwort, 30 October 1958.

Statement: "In signing the Convention on the Continental Shelf of 29 April 1958, the Federal Republic of Germany declares with reference to article 5, paragraph 1 of the Convention on the Continental Shelf that in the opinion of the Federal Government article 5, paragraph 1 guarantees the exercise of fishing rights (Fischerei) in the waters above the continental shelf in the manner hitherto generally in practice."

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

For Greece:  
For Guatemala: L. Aycinena Salazar.

For Haiti: Rigal.  
For the Holy See:  
For Honduras:

For Hungary:  
For Iceland: H. G. Andersen.

For India:  
For Indonesia: Ahmad Soebardjo, 8 May 1958.

For Iran: subject to reservations: Dr. A. Matine-Daftary, May 28, 1958.

"In signing this Convention on the Continental Shelf, I am instructed by the Iranian Government to make the following reservations:

"(a) Article 4: with respect to the phrase 'the coastal State may not impede the laying or maintenance of submarine cables or pipe-lines on the continental shelf', the Iranian Government reserves its right to allow or not to allow the laying or maintenance of submarine cables or pipe-lines on its continental shelf.

"(b) Article 6: with respect to the phrase 'and unless another boundary line is justified by special circumstances' included in paragraphs 1 and 2 of this article, the Indian Government accepts this phrase on the understanding that one method of determining the boundary line in special circumstances would be that of measurement from the high water mark."

For Iraq:  
For Ireland: Frank Aiken, 2-10-1958.

For Israel: Shabtai Rosenne.  
For Italy:

For Japan:  
For the Hashemite Kingdom of Jordan:  
For the Republic of Korea:

For Laos:  
For Lebanon: N. Sadaka, 29 mai 1958.

For Liberia: Rocheforte L. Weeks, 27/5/58.  
For Libya:

For the Grand Duchy of Luxembourg:  
For Mexico:

For Monaco:  
For Morocco:  
For Nepal: Rishikesh Shaha.

For the Kingdom of the Netherlands: C. Schurmann, 31 October 1958.

For New Zealand: Foss Shanahan, 29 October 1958.

For Nicaragua:  
For the Kingdom of Norway:

For Pakistan: Aly Khan, 31 October 1958.  
For Panama: Carlos Sucre C., 2.5. 1958.

For Paraguay:  
For Peru: Alberto Ulloa, October 31, 1958.

For the Philippine Republic:  
For Poland: J. Winiewicz, October 31, 58.

For Portugal (translation), subject to ratification: Vasco Vieira Garin, 28 October 1958.

For Romania:  
For San Marino:

For Saudi Arabia:  
For Spain:  
For the Sudan:

For Sweden:

For Switzerland: F. Schnyder, 22 octobre 1958.

For Thailand: Luang Chakrapani Srisilvisuddhi, Commodore Jit Sangkhadol.

For Tunisia: Mongi Slim, Le octobre 1958.  
For Turkey:

For the Ukrainian Soviet Socialist Republic: L. Palamarchuk, 31 October 1958.

For the Union of South Africa:  
For the Union of Soviet Socialist Republics: V. Zorin, 31 October 1958.

For the United Arab Republic:  
For the United Kingdom of Great Britain and Northern Ireland: Pierson Dixon, 9 September 1958.

For the United States of America: Arthur H. Dean, 15 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 zones adjacent thereto; the 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 adopted by the United Nations Conference on the Law of the Sea held at Geneva from 24 February to 27 April 1958,

Expressing their wish to resort, in all matters concerning them in respect to any dispute arising out of the interpretation or application of any article of any Convention on the Law of the Sea of 29 April 1958, to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided in the Convention or has been agreed upon by the Parties within a reasonable period.

Have agreed as follows:

## ARTICLE I

Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to this Protocol.

## ARTICLE II

This undertaking relates to all the provisions of any Convention on the Law of the Sea except, in the Convention on Fishing and Conservation of the Living Resources of the High Seas, articles 4, 5, 6, 7 and 8, to which articles 9, 10, 11 and 12 of that Convention remain applicable.

## ARTICLE III

The Parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either Party to this Protocol may bring the dispute before the Court by an application.

## ARTICLE IV

1. Within the same period of two months, the Parties to this Protocol may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

## ARTICLE V

This Protocol shall remain open for signature by all States who become Parties to any Convention on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea and is subject to ratification, where necessary, according to the constitutional requirements of the signatory States.

## ARTICLE VI

The Secretary-General of the United Nations shall inform all States who become Parties to any Convention on the Law of the Sea of signatures to this Protocol and of the deposit of instruments of ratification in accordance with article V.

## ARTICLE VII

The original of this Protocol, of which the Chinese, English, French, 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 V.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

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

For Afghanistan:  
For Albania:  
For Argentina:  
For Australia:  
For Austria (subject to ratification): Dr. Franz Matsch, October 27, 1958.  
For the Kingdom of Belgium:  
For Bolivia: M. Tamayo, 17 October 1958.  
For Brazil:  
For Bulgaria:  
For the Union of Burma:  
For the Byelorussian Soviet Socialist Republic:  
For Cambodia:  
For Canada (subject to ratification): George A. Drew.  
For Ceylon: C. Corea, 30/X/58.  
For Chile:  
For China: Liu Chieh, Yu-Chi Hsueh.  
For Colombia (translation), with the explanation annexed: Juan Uribe Holguin, José Joaquín Calcedo Castilla.  
Translation by the United Nations Secretariat:  
"In signing the Optional Protocol, the delegation of Colombia reserves the obligations of Colombia arising out of conventions concerning the peaceful settlement of disputes which Colombia has ratified and out of any previous conventions concerning the same subject which Colombia may ratify."  
For Costa Rica: Raul Trejos Flores.  
For Cuba: F. V. García Amador.  
For Czechoslovakia:  
For Denmark (subject to ratification): Max Sorensen, T. Oldenburg.  
For the Dominican Republic: A. Alvarez Aybar.  
For Ecuador:  
For El Salvador:  
For Ethiopia:  
For the Federation of Malaya:  
For Finland: G. A. Gripenberg, 27 octobre 1958.  
For France: G. Georges-Picot, 30 octobre 1958.  
For the Federal Republic of Germany: Werner Dankwort, 30 October 1958.  
For Ghana: Richard Quarshie, K. B. Asante.  
For Greece:  
For Guatemala:

For Haiti: Rigal.  
For the Holy See: P. Demeur, 30.4. 1958.  
For Honduras:  
For Hungary:  
For Iceland:  
For India:  
For Indonesia: Ahmad Soebardjo, 8 May 1958.  
For Iran:  
For Iraq:  
For Ireland:  
For Israel, ad referendum: Shabtal Rosenne.  
For Italy:  
For Japan:  
For the Hashemite Kingdom of Jordan:  
For the Republic of Korea:  
For Laos:  
For Lebanon:  
For Liberia: Rocheforte L. Weeks, 27/5/58.  
For Libya:  
For the Grand Duchy of Luxembourg:  
For Mexico:  
For Monaco:  
For Morocco:  
For Nepal: Rishikesh Shaha.  
For the Kingdom of the Netherlands, (translation), subject to ratification: C. Schurmann, 31 October 1958.  
For New Zealand: Foss Shanahan, 29 October 1958.  
For Nicaragua:  
For the Kingdom of Norway:  
For Pakistan: Aly Khan, 6 November 1958.  
For Panama: Carlos Sucre C., 2.5. 1958.  
For Paraguay:  
For Peru:  
For the Philippine Republic:  
For Poland:  
For Portugal (translation), subject to ratification: Vasco Vieira Garin, 28 October 1958.  
For Romania:  
For San Marino:  
For Saudi Arabia:  
For Spain:  
For the Sudan:  
For Sweden:  
For Switzerland (translation), subject to ratification: Paul Ruegger, 24 May 1958.  
For Thailand:  
For Tunisia:  
For Turkey:  
For the Ukrainian Soviet Socialist Republic:  
For the Union of South Africa:  
For the Union of Soviet Socialist Republics:  
For the United Arab Republic:  
For the United Kingdom of Great Britain and Northern Ireland: Pierson Dixon, 9 September 1958.  
For the United States of America: Arthur H. Dean, 15 September 1958.  
For Uruguay: Carlos Carbajal.  
For Venezuela:  
For Vietnam:  
For Yemen:  
For Yugoslavia (translation), subject to ratification: Milan Bartos, V. Popovic.  
I hereby certify that the foregoing texts are true copies of the following Conventions and Protocol 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 originals of which are deposited with the Secretary-General of the United Nations: Convention of the Territorial Sea and the Contiguous Zone;  
Convention on the High Seas;  
Convention on Fishing and Conservation of the Living Resources of the High Seas;  
Convention on the Continental Shelf;  
Optional Protocol of Signature concerning Compulsory Settlement of Disputes.  
For the Secretary-General:  
C A STAVROPOULOS,  
The Legal Counsel.  
United Nations, New York, 7 November 1958.

## FINAL ACT OF THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

1. The General Assembly of the United Nations, by resolution 1105 (XI) of 21 February 1957, decided to convene an international conference of plenipotentiaries to examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments as it might deem appropriate. The General Assembly also recommended that the conference should study the question of the free access to the sea of land-locked countries, as established by international practice or treaties.

2. The United Nations Conference on the Law of the Sea met at the European Office of the United Nations at Geneva from 24 February to 27 April 1958.

3. The Governments of the following eighty-six States were represented at the Conference:

Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Federal Republic of Germany.

Ghana, Greece, Guatemala, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Republic of Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway.

Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, San Marino, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Republic of Viet-Nam, Yemen, Yugoslavia.

4. At the invitation of the General Assembly, the following Specialized Agencies had observers at the Conference: Food and Agriculture Organization of the United Nations; International Civil Aviation Organization; International Labour Organisation; International Telecommunication Union; United Nations Educational, Scientific and Cultural Organization; World Health Organization; World Meteorological Organization.

5. At the invitation of the General Assembly, the following intergovernmental organizations also had observers at the Conference: Conseil général des pêches pour la Méditerranée; Indo-Pacific Fisheries Council; Inter-American Tropical Tuna Commission; Intergovernmental Committee for European Migration; International Council for the Exploration of the Sea; International Institute for the Unification of Private Law; League of Arab States; Organization of American States; Permanent Conference for the Exploitation and Conservation of the Maritime Resources of the South Pacific.

6. The Conference elected His Royal Highness Prince Wan Wai-thayakon Krommun Naradhip Bongsprabandh (Thailand) as President.

7. The Conference elected as Vice-presidents Argentina, China, France, Guatemala, India, Italy, Mexico, Netherlands, Poland, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

8. The following committees were set up: General Committee: Chairman, The President of the Conference.

First Committee (Territorial Sea and Contiguous Zone): Chairman: Mr. K. H. Bailey (Australia); Vice-Chairman: Mr. S. Gutiérrez Olivos (Chile); Rapporteur: Mr. Vladimir M. Koretsky (Ukrainian Soviet Socialist Republic).

Second Committee (High Seas: General Régime): Chairman, Mr. O. C. Gundersen (Norway); Vice-Chairman, Mr. Edwin Glaser (Romania), Rapporteur, Mr. José Madeira Rodrigues (Portugal).

Third Committee (High Seas: Fishing; the Conservation of Living Resources): Chairman, Mr. Carlos Sucre (Panama); Vice-Chairman, Mr. E. Krispis (Greece); Rapporteur, Mr. N. K. Pannikar (India).

Fourth Committee (Continental Shelf): Chairman, M. A. B. Perera (Ceylon); Vice-Chairman, Mr. R. A. Quarshie (Ghana); Rapporteur, Mr. L. Díaz González (Venezuela).

Fifth Committee (Question of Free Access to the Sea of Land-locked Countries): Chairman, Mr. J. Žourek (Czechoslovakia); Vice-Chairman, Mr. W. Guevara Arze (Bolivia); Rapporteur, Mr. A. H. Tabibi (Afghanistan).

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

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

9. 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 its eighth session as a basis for consideration of the various problems involved in the development and codification of the law of the sea; the General Assembly also referred to 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 Conference of Land-locked States held in Geneva from 10 to 14 February 1958, and preparatory documentation prepared by the Secretariat of the United Nations, by certain specialized agencies and by independent experts invited by the Secretariat to assist in the preparation of this documentation.

12. On the basis of the deliberations, as recorded in the summary records and reports of the committees and in the records 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 Protocol (annex V):

Optional Protocol of Signature concerning the compulsory settlement of disputes (adopted by the Conference on 26 April 1958).

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

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);

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);

Humane killing of marine life (resolution adopted on 25 April 1958, on the report of the Third Committee);

Special situations relating to coastal fisheries (resolution adopted on 26 April 1958, on the report of the Third Committee);

Régime of historic waters (resolution adopted on 27 April 1958, on the report of the First Committee);

Convening 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 Final Act.

DONE at Geneva this twenty-ninth day of April, one thousand nine hundred and fifty-eight, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations Secretariat.

WAN WAITHAYAKON,

President.

YUEN-LI LIANG,

Executive Secretary.

For Afghanistan: Dr. Abdul H. Tabibi.  
 For Albania: D. Lamani.  
 For Argentina: A. Lescure.  
 For Australia: K. H. Bailey.  
 For Austria: Johannes Willifort.  
 For Bolivia: C. Salamanca.  
 For Brazil: Gilberto Amado.  
 For Bulgaria: P. Grigorov.  
 For the Byelorussian Soviet Socialist Republic: I. E. Geronin.  
 For Cambodia: M. Phlek-Chhat.  
 For Canada: George A. Drew.  
 For Ceylon: N. T. D. Kanakarathne.  
 For Chile: Luis Melo Lecaros.  
 For China: Liu Chieh, Yu-Chi Hsueh.  
 For Colombia: Juan Uribe Holguín, José Joaquín Caicedo Castilla.  
 For Costa Rica: Raúl Trejos Flores.  
 For Cuba: F. V. García Amador.  
 For Czechoslovakia: Jan Obhlídal, Dr. Jaroslav Žourek.  
 For Denmark: Max Sorensen, T. Oldenburg.  
 For the Dominican Republic: A. Alvarez Aybar.  
 For Ecuador: José V. Trujillo, José A. Correa, Enrique Ponce y Corba.  
 For El Salvador: Francisco R. Lima, G. Fuentes Castellanos.  
 For Finland: T. Tikanvaara.  
 For France: De Curton.  
 For the Federal Republic of Germany: Peter H. Pfeiffer.  
 For Ghana: Richard Quarshie, K. B. Asante.  
 For Greece: Elias Krispis, G. Bensis.  
 For Guatemala: L. Aycinena Salazar.  
 For Haiti: Rigal.  
 For the Holy See: P. Demeur, 30.4.1958.  
 For Honduras: F. José Durón.  
 For Hungary: Dr. János Szita.  
 For Iceland: H. G. Andersen.  
 For India: E. E. Jhirad.  
 For Indonesia: Ahmad Soebardjo, 8 May 1958.  
 For Iran: Prof. Dr. A. Matine-Daftary.  
 For Iraq: Hasan Zakariya, 30 April 1958.  
 For Israel: Shabtai Rosenne.  
 For Italy: Roberto Ago.

For Japan: I. Kawasaki, 16 May 1958.  
 For Lebanon: N. Sadaka, 23 Mai 1958.  
 For Liberia: Nathan Barnes, Rocheforte L. Weeks.

For Libya: Fuad Caabazi.  
 For Mexico: Pablo Campos Ortiz, A. García Robles.

For Monaco: C. Solamito, J. Raimbert.  
 For Morocco: Nasser Bel Larbi.  
 For Nepal: Rishikesh Shaha.  
 For the Kingdom of the Netherlands: J. H. W. Veerzijl.

For New Zealand: G. L. O'Halloran.  
 For Nicaragua: I. Portocarrero.  
 For the Kingdom of Norway: Bredo Stabell, Finn Seyersted.

For Pakistan: Edward Nselson.  
 For Panama: Carlos Sucre C.  
 For Peru: Alberto Ulloa.  
 For Poland: T. O'Cioszynski.  
 For Portugal: Tovar.

For Rumania: A. Lazareanu.  
 For San Marino: H. Reynaud, 30.4.1958.  
 For Spain: Marqués de Miraflores.  
 For Switzerland: Paul Ruegger, A. Schaller.

For Thailand: Luang Chakrapani Srisilvisuddhi.

For Tunisia: M. Abdesselem.  
 For Turkey: Necmettin Tuncel.  
 For the Ukrainian Soviet Socialist Republic: V. Koretsky.

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

For the Union of Soviet Socialist Republics: G. Tunkin.

For the United Arab Republic: Omar Loutfi.

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

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

For Uruguay: Carlos Carbajal.  
 For Venezuela: Ramón Carmona.  
 For Yugoslavia: Milan Bartos, 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,

Recalling that the Conference has been convened by the General Assembly of the United Nations in accordance with resolution 1105 (XI) of 21 February 1957,

Recognizing that there is a serious and genuine apprehension on the part of many States that nuclear explosions constitute an infringement of the freedom of the seas,

Recognizing that the question of nuclear tests 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.

##### 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)

The United Nations Conference on the Law of the Sea,

Recognizing the need for international action in the field of disposal of radio-active wastes 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 Radiological Protection has made recommendations regarding the maximum permissible concentration of radio-isotopes in the human body and 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 whatever studies and take whatever action is necessary to assist States in controlling the discharge or release of radio-active materials to the sea, in promulgating standards, and in drawing up internationally acceptable regulations to prevent pollution of the sea by radio-active materials in amounts 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, as expressed in paragraph 43 of its report, as to the efficacy of international conservation organizations in furthering 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,

Recommends:

1. That States concerned should cooperate in establishing the necessary conservation regime 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 negotiations between States envisaged under articles 4, 5, 6 and 7 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, 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 others of its report, that any effective conservation management system must have the participation of all States engaged in substantial exploitation of the stock or stocks of living marine organisms which 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 agencies as may be responsible for the development and application of conservation measures in the adjacent 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 extent possible.

#### 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,

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 collaborate to secure just treatment of such situations by regional agreements or by other means of international co-operation,

Recommends:

1. That where, for the purpose of conservation, it becomes necessary to limit the total catch of a stock or stocks of fish in 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 fishery concerned while having regard to the interests of the other States;

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

#### RÉGIME OF HISTORIC WATERS

(Resolution Adopted on 27 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 régime of historic waters, including historic bays,

Recognizing the importance of the juridical status of such areas,

Decides to request the General Assembly of the United Nations to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of such study to all States Members of the United Nations.

#### CONVENING 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 régime applicable to fishing and the conservation of the living resources of the high seas, the exploration of the continental shelf and the exploitation of its natural resources and other matters

pertaining to the general régime 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 the breadth of the territorial sea and some other matters which were discussed in connexion with this problem,

Recognizing that, although agreements have been reached on the régime applicable to fishing and the conservation of the living resources of the high seas, it has not been possible, in those agreements, to settle certain aspects of a number of inherently complex questions,

Recognizing the desirability of making further efforts at an appropriate time 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 of plenipotentiaries for further consideration of the questions left unsettled by the present Conference.

#### TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

Resolution Adopted by the Conference on 27 April 1958

The United Nations Conference on the Law of the Sea, on the conclusion of its proceedings,

Resolves to pay a tribute of gratitude, respect and admiration to the International Law Commission for its excellent work in the matter of the codification and development 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. STAVROPOULOS,

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 of an educational, scientific, and cultural character, and a related protocol of signature. This agreement, because of its formulation and adoption by the UNESCO Conference in Beirut, Lebanon, in 1948, is commonly referred to as the Beirut agreement.

The purpose of the agreement is to encourage the free movement of educational 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 would 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 to date 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 sufferance of those countries, many of which have now become increasingly reluctant to honor this Government's certificates on a nonreciprocal basis. They consider their attitude fully warranted in view of the fact that the United States took the lead in proposing and signing an international agreement which it has not yet ratified despite the agreement's entry into force 6 years ago; 21 countries have signed the Beirut agreement; 12 of them have ratified and now participate in its operation.

A number of these nations are in the small, less-developed category which the U.S. Government believes should have greater access to our culture and expanded means of understanding our policies and free institutions. Participation is open to all United Nations members. However, no Communist bloc country has signed the agreement in its decade of existence. Presumably only a nation with a society open to the free exchange of international influences would wish to participate in the Beirut agreement. Should a closed society adhere to the agreement, its own and other nations' reciprocal use of the restrictive articles IV and V would render such adherence meaningless.

In considering this agreement, emphasis rightly should be given to its importance in terms of promoting international understanding and, accordingly, of assisting this Government's information program. At the same time, U.S. participation should prove very helpful to our audiovisual business concerns.

This country is by far the largest producer of the audiovisual materials covered by the agreement; the dollar value of our exports is relatively great and is increasing. Since our imports are very small, participation in the agreement would involve an insignificant loss of customs revenue much outweighed by the commercial opportunities that should open up for American exporters. U.S. participation in the agreement is fully supported by the administration, educators, and representatives of the audiovisual industry, while the committee knows of no opposition from any quarter.

As the Senate has recently ratified the so-called Florence agreement, which is quite similar in many respects, my colleagues will wish to be assured that this agreement is neither contradictory or unnecessary. The fact is that no more than 10 percent of American-produced educational films would qualify for coverage under the terms of the Florence agreement.

A further explanatory point concerns the related protocol of signature. This protocol provides that the U.N. Secretary General will attach to the agreement the model forms of certificates drawn up by UNESCO to cover material produced by international bodies recognized by the United Nations.

Finally, I would draw attention to the fact that our participation in the Beirut agreement would not automatically follow ratification, but would require implementing legislation amending the 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 the Senate to give its 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 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 codifies and settles questions of international law on measuring the belt of sea adjacent to a coast known as 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 this past month. As you are no doubt aware, the conference failed by only one vote to reach agreement on these vital matters.

The second convention defines the extent of high seas and some of the freedoms of the high seas. It gives the rules for placing a state's flag on a vessel and for taking jurisdiction over a vessel. It contains rules on such subjects as safety at sea, piracy, hot pursuit, and pollution of the high seas.

The third convention concerns fishing and conservation of living resources of the high seas. It confirms the right to fish but imposes a new duty upon states to cooperate in conserving the living resources of the high seas. It provides for compulsory and speedy settlement, by a special five-man commission, of disputes about conservation measures. The convention does not contain the principle of abstention from fishing under certain circumstances which was favored by the United States.

This principle of abstention deals with special fishery conservation problems. The object of the procedure is to encourage conservation in situations where, but for some protection against fishing by third parties, incentive for conservation measures would be lacking.

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 consents to ratification of this convention, it include in its resolution an understanding that ratification shall not be construed to impair the applicability of the principle of abstention. The Committee on Foreign Relations agrees with this procedure and the resolution before the Senate has this understanding in it. A statement of the principle of abstention appears on page 8 of the committee's report.

The fourth convention concerns the Continental Shelf. It gives coastal states the exclusive right to exploit the natural resources of the shelf out to where the water above is 200 meters deep, or farther if techniques or exploitation permit.

The optional protocol of signature concerns the compulsory settlement of disputes. It provides that disputes arising out of the interpretation or application of any convention on the law of the sea shall be within the compulsory jurisdiction of the International Court of Justice.

Subsequent to the transmittal of the conventions to the Senate, the Department of State was informed by the legal counsel of the United Nations that the certified true copies of the Convention on the Territorial Sea and the Contiguous Zone contain certain nonsubstantive typographical errors. These misprints are found in the English text of paragraph 3 of article 19 and the French text of paragraph 1 or article 6. I ask unanimous consent, Mr. President, that the correct versions of these two articles be printed at this point in the RECORD.

There being no objection, the correct versions were ordered to be printed in the RECORD, as follows:

On page 6 of the certified true copies of the Convention on the Territorial Sea and the Contiguous Zone, the text of paragraph 3 of article 19 should read as follows:

"3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken."

On page 232 of the certified true copies of the Convention on the Continental Shelf, the first sentence of paragraph 1 of article 6 of the convention should read as follows:

"1. Dans le cas où un même plateau continental est adjacent aux territoires de deux ou plusieurs Etats dont les côtes se font face, la délimitation du plateau continental entre ces Etats est déterminée par accord entre ces Etats."

Mr. MANSFIELD. Mr. President, I have been informed by Assistant Secretary of State, William Macomber, Jr., that if favorable action is taken by the Senate with respect to these conventions and the certified copies returned to the Department, the Department will make



the necessary corrections in the texts. When the conventions enter into force, the correct 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, 1960. No opposition was registered during this hearing or subsequently. The executive branch witnesses stated that no State or Federal law would be overridden by the conventions. The fishing industry has urged their adoption.

In the opinion of 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 optional protocol concerning the settlement of disputes arising on this subject.

Mr. JAVITS. Mr. President, will the Senator from Montana yield, to permit me to ask some questions about the treaty which is now under consideration?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Some years ago, in 1956, I believe, there was a controversy which involved a legal opinion and a statement of policy by our State Department as to the fact that the Gulf of Aqaba, which was then the heart of a very keen controversy involving British, French, and Israeli forces, and involving what is now the United Arab Republic, was an international waterway. I should like to ask the Senator whether this convention, which we are about to ratify, changes that situation?

Mr. MANSFIELD. The treaties provide for the measuring of this waterway, and that question is under active consideration.

Mr. JAVITS. If we approve the treaty, will that change the situation upon which the legal opinion and the statement of policy by the State Department were based?

Mr. MANSFIELD. It will not.

Mr. JAVITS. In other words, whatever is that basis, it will remain the same, unaffected by the treaty?

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reports of the Foreign Relations Committee on the respective treaties being considered this afternoon by the Senate be printed at this point in the Record, prior to the taking of the vote.

There being no objection, the reports (Ex. Rept. No. 4 and Ex. Rept. No. 5) were ordered to be printed in the Record, as follows:

**EXECUTIVE REPORT NO. 4—AN AGREEMENT RELATING TO INTERNATIONAL CIRCULATION OF VISUAL AND AUDITORY MATERIALS**

The Committee on Foreign Relations, having had under consideration an Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Char-

acter, and a related protocol of signature (Ex. V, 81st Cong., 2d sess.), which were opened for signature at Lake Success, N.Y., on July 15, 1949, and were signed in behalf of the United States on September 13, 1949, recommends that the Senate advise and consent to ratification of the agreement and the protocol of signature.

**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 did not become a party to either convention, and its films were consequently at a disadvantage compared with those of certain other countries in the matter of preferential customs 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 those certificates on an informal basis; this program was extended in 1945 to include filmstrips, slides, and recordings. Many thousands of 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, toward the end of 1948. The United States was the second of 21 free-world countries to sign the agreement in 1949. The Secretary General of the United Nations having received 10 instruments of acceptance or accession, 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, filmstrips, and microfilm; sound recordings; glass slides; models; wall charts, maps, and posters. These materials would be exempted from customs duties and quantitative restrictions, and from the necessity of applying for an import license to cover them. It should be noted here that, while it accepted the duty-free provision, the Netherlands Government at the time of signature entered a reservation regarding the quantitative and licensing clauses. Should the Netherlands maintain that position whenever it ratified the agreement, the other member countries could, of course, reciprocally invoke the reservation against that Government.

Article IV of the agreement sets forth the procedure to be employed to obtain duty-free entry of these audiovisual materials.

Following certification as to the educational character of its shipment by the exporting country, the appropriate governmental agency (the U.S. Information Agency in our case) will decide whether the material is entitled to exemption from duties and other restrictions. While it must report the reasons for a negative finding to the exporting country and to UNESCO, the country of entry has the right of final decision. Moreover, it is provided in article V that member nations may censor material in accordance with their own laws or prohibit importation for reasons of public security or public order. In view of the exception of these articles from the provisions regarding settlement of disputes, the latter would appear limited and pro forma in nature. Finally, the country of entry may, if it wishes, insure that imported material shall only be exhibited or used for nonprofitmaking 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 the Secretary General will attach to the agreement the model forms of certificates drawn up by UNESCO to cover material produced by international organizations and specialized agencies recognized by the United Nations. These certificates require the approval of countries which are members 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 on Foreign Relations 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 that time, however, certain countries have become increasingly reluctant to honor this Government's certificates without the prospect of reciprocal courtesy being extended.

Accordingly, the committee held an executive hearing on February 2, 1960, at which time the administration's case in favor of ratification was presented by Mr. George V. Allen, Director of the U.S. Information Agency. A statement of support for ratification was received from Secretary of State Christian A. Herter, and the committee noted supporting communications from business and academic 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 world producer of educational 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 was stressed that the Beirut agreement is not self-executing. The passage of implementing legislation, amending section 201 of the Tariff Act of 1930, would be required following ratification.

A third point concerned the distinctions to be drawn between this agreement and the so-called Florence agreement recently ratified by the Senate. Not only is the Beirut agreement confined to audiovisual materials, but the fact is that over 90 percent of U.S. educational film exports are cleared through oversea offices of U.S. ex-

porters for delivery to importing organizations which would not be covered by the restricted terms of the Florence agreement. However, since the remaining percentage of such films are directly imported by foreign educational institutions qualifying under the Florence agreement, the two agreements are not redundant or contradictory, but instead are complementary. Entertainment materials are not covered in either agreement.

The committee in executive session on February 10 unanimously reported the Beirut agreement favorably to the Senate.

#### 5. CONCLUSION

The Committee on Foreign Relations accepts the administration's view that the agreement has both cultural and commercial significance for the foreign policy interests of the United States. On the one hand, through increased exports of audiovisual materials the United States would be demonstrating abroad its ways of thought and living as well as its technical proficiency. On the other, as the principal producer and exporter of such materials, 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 ratification of the Beirut agreement and the related protocol of signature.

#### EXECUTIVE REPORT NO. 5—LAW OF THE SEA CONVENTIONS

The Committee on Foreign Relations, having had under consideration Executives J to N, inclusive, four conventions on the law of the sea, and an optional protocol concerning the settlement of disputes, reports the conventions and the protocol without objection and recommends that the Senate give its advice and consent to their ratification.

#### PURPOSE OF THE CONVENTIONS

The purpose of the four conventions and the optional protocol on the law of the sea is to codify existing international law and to establish additional international law in this field. The conventions are concerned with the rights and duties of states and vessels in the territorial sea, contiguous zone, and on the high seas, rights and responsibilities with regard to fishing and conservation on the high seas, and the formulation of "international law" with respect to the exploitation of the natural resources of the Continental Shelf. Not covered in these conventions are the questions of the breadth of the territorial sea and the extent of exclusive fishing rights of coastal states.

#### BACKGROUND

The International Law Commission of the United Nations at its first session in 1949 decided to study the law of the high seas and the law of the territorial sea with a view to codification. This was done at subsequent sessions, draft rules were prepared, and comments of governments were considered. The Commission completed its work at its eighth session (1956) and pursuant to General Assembly Resolution 899 (IX) of December 14, 1954, the Commission grouped together in its report all the rules it had adopted concerning the high seas, the territorial sea, the Continental Shelf, the contiguous zone, and the conservation of the living resources of the sea.

The final report of the Commission stated that its draft rules on the law of the sea were a mixture of codification of existing international law and recommendations for the progressive development of international law and that it had been unable to separate the two. It therefore recommended that the United Nations General Assembly call an international conference to examine the law of the sea, and to try to reach agreement on appropriate international conventions.

The General Assembly, by Resolution 1105 (XI) of February 21, 1957, provided terms of reference for an International Conference of Plenipotentiaries to examine the law of the sea, taking into account the legal, biological, economic, and political aspects of the problem. The General Assembly also recommended that the Conference 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 and 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; and
5. Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes.

The conventions were signed on behalf of the United States of America on September 15, 1958, and have been signed by 52 states; some states not signing every convention.

While in some instances the proposed rules tend to clarify issues that have been in controversy in recent years, the greater part of the rules are declaratory of the present practice of states and may be considered accepted international law even without the conventions being ratified.

#### MAIN PROVISIONS

##### 1. Convention on the Territorial Sea and the Contiguous Zone

The Convention on the Territorial Sea and the Contiguous Zone embodies those principles of international law that have specific reference to the status of these areas of the sea, their demarcation, and the rights and responsibilities of both the coastal state and the community of nations with respect to them. The first articles of the 32 contained in this convention reiterate the universally recognized principle of the sovereignty of the coastal state over its internal waters and the territorial seas, and that this 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 the base line, that is, the line from which the territorial sea is measured. The first method, long recognized as the general rule, establishes as the base line the low water line following the sinuosities of the coast. The second method, which is an exception to the general rule, allows the use of straight base lines joining appropriate points where the coast line is deeply indented or where there is a fringe of islands along the coast in its immediate vicinity.

Where the straight base line is allowed it has the effect of bringing into the territorial sea areas of water heretofore considered high seas. Hence, where the straight base line is applied the coastal state must indicate the lines on published charts.

Article 5 of the convention preserves a right of innocent passage through waters converted from high seas or territorial sea to internal waters by application of the straight base-line system permitted by article 4. Application of the rules of the Convention on the Territorial Sea and the Contiguous Zone concerning straight base lines would not have the effect of changing the status of waters which are now internal.

The general principles relating to bays which are included in the convention provide that a bay, the coasts of which are owned by a single state and having certain geographical characteristics, is considered internal waters. The closing line of the bay must not be longer than 24 miles, and if the natural entrance of the bay is of a greater width, a straight base line of 24 miles may

be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length. Fixing the allowable length of the closing line at 24 miles is a significant departure from the rule which had been recognized by many governments and which had fixed the maximum length of the closing line at 10 miles. The liberalization of this requirement will qualify many bay areas of the world for conversion to internal waters, thereby bringing under national control areas heretofore classed as high seas—for example, Cape Cod Bay.

The convention defines the respective rights, duties, and responsibilities of the coastal state and foreign vessels in the territorial sea. These provisions are largely declaratory of existing international law.

Articles 14 through 17 deal with the right of innocent passage through the territorial sea. Passage is defined as "innocent" so long as it is not prejudicial to the peace, good order, or security of the coastal state. This simple, yet precise, definition of innocent passage, something which has not heretofore existed in international law, affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself.

The right of passage of foreign fishing vessels is more restricted. Their passage is not considered innocent if they do not also observe the laws and regulations made by the coastal state to prevent such vessels from fishing in the territorial sea.

Article 14 contains the words "whether coastal or not" to indicate clearly that the right of innocent passage through the territorial sea applies to ships of landlocked countries as well as to ships of coastal states. This was done in compliance with a request by the United Nations General Assembly which asked the Conference on the Law of the Sea to study the question of free access to the sea of landlocked countries as established by international practice or treaties.

Article 16 provides for the temporary suspension in specified areas of the territorial sea of the right of innocent passage for security reasons. On the other hand, no such suspension in 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 state is permissible.

Article 21 provides that government ships operated for commercial purposes are subject to the same rules as other merchant ships. This provision was opposed by the Soviet Union and other state-trading countries which desired immunity for such vessels.

Article 24, which provides that in a zone of the high seas contiguous to its territorial sea—limited to 12 miles from the base line of the territorial sea—the coastal state may prevent infringement of its customs, fiscal, immigration, or sanitary regulations and punish infringement of such regulations. Although it has become fairly common practice for the coastal state to exercise a special jurisdiction in a limited area of the high seas contiguous to the territorial sea, particularly in customs matters, no definite rule had been agreed upon. Article 24 confirms the practice followed by the United States of exercising customs jurisdiction over a zone outside of its territorial sea.

This convention does not fix the breadth of the territorial sea. This subject and the closely related one of the extent to which the coastal state should have exclusive fishing rights in the sea off its coast were hotly debated without any conclusion being reached. A U.S. proposal for a 6-mile territorial sea plus exclusive fishing rights for the coastal state in a contiguous 6-mile zone (subject to fishing rights of other states established through fishing over a 5-year period) received 45 votes in favor and 33 against, but failed to get the two-thirds required for adoption.

When the U.S. compromise failed, the chairman of the American delegation to the Conference, Arthur H. Dean, stated:

"Our offer to agree on a 6-mile breadth of the territorial sea, provided agreement could be reached on such a breadth under certain conditions, was simply an offer and nothing more. Its nonacceptance leaves the pre-existing situation intact.

"We have made it clear from the beginning that in our view the 3-mile rule is and will continue to be established international law, to which we adhere. It is the only breadth of the territorial sea on which there has ever been anything like common agreement. Unilateral acts of states claiming greater territorial seas are not only not sanctioned by any principle of international law, but are indeed in conflict with the universally accepted principle of freedom of the seas."

He noted further that—

"We have made it clear that in our view there is no obligation on the part of the states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of the territorial sea. On that we stand."

The General Assembly of the United Nations has convened a second international conference for the further consideration of the questions of the breadth of the territorial sea and fishing rights in coastal waters. It opened at Geneva on March 17, 1960.

### 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 basic principle of the law of the sea. Enjoyed by the world community since the 17th century, not a dissenting vote was cast against this principle at Geneva. Freedom of the seas includes for both coastal and the noncoastal states: freedom of navigation, freedom of fishing, freedom to lay submarine cables and pipelines, and 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 sea routes. The Conference defeated the proposal, but a resolution was passed referring the matter of nuclear testing to the General Assembly of the United Nations for appropriate action.

#### "GENUINE LINK"

Articles 4 and 5 provide that every state, coastal or landlocked, has the right to sail ships under its flag on the high seas and fix the conditions under which it will grant nationality to ships and the right to fly its flag.

Article 5, section 1, reads as follows:

"Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the state and the ship; in particular the state must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag."

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 for purposes of recognition of the nationality of the ship.

It was felt by some states attending the Conference on the Law of the Sea that the term "genuine link" could, depending upon how it were 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, were anxious to adopt a definition 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 enabled states other than the flag state to withhold recognition of the national character of a ship if they considered that there was no "genuine link" between the state and the ship.

Thus, under the Convention on the High Seas, it is for each state to determine how it shall exercise jurisdiction and control in administrative, technical and social matters over ships flying its flag. The "genuine link" requirement need not have any effect upon the practice of registering American built or owned vessels in such countries as Panama or Liberia. The existence of a "genuine link" between the state and the ship is not a condition of recognition of the nationality of a ship; that is, 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 possibility that a state, with respect to a particular ship, may assert before an agreed tribunal, such as the International Court of Justice, that no genuine link exists. In such event, it would be for the Court to decide 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 states that state ships used only on government noncommercial service shall have the same immunity as warships. The Soviet bloc sought unsuccessfully to assimilate all government ships, whether commercial or noncommercial, to warships.

Article 11 has the effect of reversing the decision of the Permanent Court of International Justice in the *Lotus* case because it provides that only the flag state, or the state of which the accused is a national, may exercise penal jurisdiction with respect to incidents of navigation on the high seas. This article also provides that only the issuing state may withdraw licenses and certificates of competence and that only the authorities of the flag state may order the detention of a ship.

Regarding pollution of the high seas, the convention treats separately the discharge of oil, the dumping of atomic waste, and pollution of the high seas or airspace above resulting from any "activities with radioactive materials or other harmful objects." In regard to oil pollution, article 24 of the convention provides that—

"Every state shall draw up regulations to prevent pollution of the seas \* \* \*"

At present the U.S. Government does not have any statutes or regulations pertaining to the matter of oil pollution beyond the territorial sea by vessels. The shipping industry has followed a voluntary program aimed at preventing pollution of the sea by oil. On February 15, 1960, however, the International Convention for Prevention of Pollution of the Sea by Oil was sent to the Senate. Upon adherence to this convention, there would be regulations on this subject which U.S.-flag vessels would be obligated to observe.

Regulations aimed at minimizing the possibility of pollution from exploitation of the oil resources of the Continental Shelf have been issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and are incorporated in the Department of Interior regulations regarding submerged lands.

As to the dumping of atomic waste, the convention provides that each state shall take measures to prevent pollution of the seas, taking into account standards and regulations which may be formulated by competent international organizations in taking measures to prevent pollution of the seas from this source. The Atomic Energy Commission exercises, under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), control over dumping of radioactive waste at sea on a case-by-case basis through its licensing procedures.

### 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 the conservation of the marine 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 resolving disputes among nations over fishing rights and interests on the high seas.

The convention imposes on all states the duty to adopt conservation measures to conserve high seas fisheries, and recognizes in the coastal state a special right to participate in the establishment of the conservation measures applicable to stocks of fish in areas of the high seas adjacent to its territorial sea. The framework for a new system of international cooperation for fishery purposes 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 9 requires compulsory arbitration of any dispute relating to the negotiation and operation of conservation agreements if requested by any of the parties to a dispute and provided settlement by other peaceful means is not agreed upon. The arbitral body shall be a five-man commission to be named by agreement between the parties to the dispute. Failing 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 PRINCIPLE OF ABSTENTION

The United States would have preferred that the convention include a provision on abstention. A resolution proposed on the subject failed by a narrow margin to secure the necessary two-third 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 consents to ratification of the Convention on Fishing and Conservation of the Living Resources of the High Seas, it is requested that it enter an understanding in its resolution of advice and consent as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive —, Eighty-Sixth Congress, first session, an agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas," adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958.

"It is the understanding of the Senate, which understanding inheres 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, 8 April 1958."

A-CONF.13-C.3-L69, April 8, 1958, reads as follows:

"1. Where the nationals of a coastal state, alone or with the nationals of one or more other states, are (a) fishing a stock of fish in an area of the high seas adjacent to the territorial sea of the coastal state with such intensity that an increase in fishing effort will not result in a substantial increase in the yield which can be maintained year after year, and (b) where the maintenance of the current yield, or when possible, the further development of it is dependent upon a conservation program carried out by those states, involving research and limitations upon the size or quantity of the fish which may be caught, then (c) states whose nationals are not fishing the stock regularly or which have not theretofore done so within a reasonable period of time, shall abstain from fishing such stock, provided however that this shall not apply to any coastal state with respect to fishing any stock in waters adjacent to its territorial sea."

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 object of the procedure is to encourage conservation in situations where, but for some protection against fishing by third parties, incentive 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:

"All states have the right for their nationals to engage in fishing on the high seas. \* \* \*"

It might therefore be thought that application of the abstention principle is not entirely compatible with freedom of fishing. The executive branch intends to continue to pursue 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.

#### 4. Convention on the Continental Shelf

The Continental Shelf as a legal concept gained impetus with the Truman proclamation of September 1945, which announced that the United States regards the natural resources of the seabed 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 this state practice into codified international law.

Article 1 defines the term "Continental Shelf" as meaning the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas. It also includes the seabed and subsoil of similar areas adjacent to the coasts of islands.

Article 2 provides that the coastal state exercises over the Continental Shelf "sovereign rights" for the purpose of exploring and exploiting its natural resources. These rights are exclusive. The term "sovereign rights" was contained in the International Law Commission draft and was a compromise between the views of those states which desired to use the term "sovereignty" and those which preferred "jurisdiction and control."

Article 3 of the convention provides that the rights of the coastal state over the Continental Shelf do not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

The only controversy at the Conference on the Law of the Sea on this convention concerned the definition of "natural resources" of the shelf. The Conference adopted a joint proposal of Australia, Ceylon, Malaya, India, Norway, and the United Kingdom defining natural resources as the mineral and other nonliving resources of the sea bed and subsoil, together with living organisms which at the harvestable stage either are immobile on or under the sea bed or are unable to move except in constant physical contact with the sea bed or subsoil.

Under this definition, for example, clams, oysters, and abalone are included as "natural resources" whereas shrimp, lobsters, and finny fish are not.

#### 5. Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes

Article I provides that disputes arising out of the interpretation or application of any convention on the law of the sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute which is also a party to the protocol. This means that with respect to the subjects covered by these conventions the United States would not attempt to reserve to itself the right to determine whether or not a matter lay within the domestic jurisdiction of the United States. Such an undertaking has become common in recent years in treaties to which the United States is a party.

Article II provides that this procedure covers all the conventions on the law of the sea except, in the Convention on Fishing and Conservation of the Living Resources of the High Seas, articles 4, 5, 6, 7, and 8, to which articles 9, 10, 11, and 12 of that convention (calling for special arbitration commissions of experts) remain applicable.

The parties may agree to resort to an arbitral tribunal, pursuant to article III, or may agree to adopt a conciliation procedure, pursuant to article IV, before resorting to the International Court of Justice.

#### COMMITTEE ACTION

The four conventions and the optional protocol were transmitted to the Senate on September 9, 1959. The Committee on Foreign Relations held a public hearing on January 20, 1960, and the record was held open for 30 days thereafter. The principal executive branch 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 the consensus of the Conference that the matter should be referred to the General Assembly of the United Nations to be taken up at the Conference on Disarmament in Geneva.

During the questioning by Senator LONG, Mr. Dean made clear that the conventions do not affect the relative rights as between the several States of the United States and the Federal Government. The conventions only affect the rights of the United States as a sovereign state with respect to the rights of other sovereign states.

Mr. W. M. Chapman, representing the American Tunaboat Association, the California Fish Cannery Association, and the

Westgate California Corp. of San Diego, supported the ratification of these conventions. Mr. William R. Neblett, executive director of the National Shrimp Congress, Inc., testified that the groups he represented supported the conventions. Mr. Fred Myers, executive director of the Humane Society of the United States, gave the support of his organization for ratification of the conventions and urged the employment of humane methods of killing animals of the sea, especially whales, seals, and polar bears. Letters and telegrams received from numerous organizations representing the U.S. fishing industry were unanimous in urging approval of the conventions. No opposition was registered. On April 5, 1960, the committee voted without objection to report the conventions favorably to the Senate.

#### CONCLUSION

The Committee on Foreign Relations was impressed with the following list of benefits accruing to the United States pursuant to the law of the sea conventions, which was furnished by the Department of State:

"As a country which believes in the rule of law, any agreement on the rules of international law to which the United States can subscribe is of benefit to it. It is also of benefit to the United States as a principal maritime and naval power to have international agreement on the law of the sea. Aside from these benefits of a general nature, the following are some of the more specific benefits to the United States.

"In the Convention on the Territorial Sea and the Contiguous Zone, the articles on straight base lines, innocent passage and the contiguous zone are a marked advance in the content and formulation of international law. By restricting the use of the straight baseline method to certain exceptional geographic situations, its indiscriminate use to reduce to internal waters large areas heretofore regarded as high seas or territorial sea is prevented. This is in the interest of the United States which believes in the greatest possible freedom of the seas. The article defining passage as innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state furnishes a clear, simple, and precise definition of innocent passage, something which has not heretofore existed in international law. It thus affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself. Article 24 on the contiguous zone is of benefit to the United States since it confirms the practice followed by the United States of exercising customs jurisdiction over a zone outside of its territorial sea and also sanctions the exercise of similar jurisdiction for fiscal, immigration, and sanitary purposes in a contiguous zone, the outer limit of which is 12 miles from the coast.

"While the Convention on the High Seas is generally declaratory of existing principles of international law, by codifying these principles in agreed terms, the convention should help to provide stability and avoid disputes in this field of international law.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas could prove to be particularly beneficial to the United States which is one of the great fishing nations of the world. As such, it has far flung and highly diversified high seas fisheries interests. Since the resources of the sea are not inexhaustible, with the advent of modern-day fishing vessels, equipment, and techniques, stocks of fish are more than ever vulnerable to overexploitation by the fishermen of many states. If this is to be avoided, it behooves the nations in concern to agree upon appropriate conservation regimes along rational lines.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas is the first international legislation dealing

comprehensively with conservation problems. As a code regulating the conservation of maritime resources, it provides a sound basis for international cooperation in determining the need for and in the adoption of such conservation measures as are necessary to maximize the productivity of high seas fishery resources. At the same time, the convention represents a long step toward the development of orderly procedures for resolving problems that provide the basis for disputes among nations over fishing rights and interests on the high seas. The United States has had its share of these.

"The Convention on the Continental Shelf is particularly significant and beneficial to the United States which is one of the principal countries making use of the natural resources of the shelf because the convention reflects for the first time international agreement on the rules governing the exploration and exploitation of this vast submarine area of the world. The convention should prove specially beneficial to the United States since it endorses numerous principles which the United States has been following since they were enunciated in the 1945 proclamation of President Truman concerning the Continental Shelf.

"Finally, the optional protocol would be beneficial in that it is in accordance with the U.S. policy of striving for solution of international disputes by peaceful means."

The committee believes that adherence to the principles set forth in the law of the sea conventions will reduce disputes and friction among nations and thereby serve the cause of peaceful and friendly relations among the nations of the world. The committee, therefore, recommends that the Senate give its advice and consent to the ratification of the pending conventions and the optional protocol on the law of the sea and include in its resolution of ratification an understanding on the principle of abstention.

**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 agreements, conventions, and optional protocol 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 the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of 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 15, 1949, and were 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, an agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas," adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958.

It is the understanding of the Senate, which understanding inheres 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 Continental Shelf, dated at Geneva, April 29, 1958, and signed 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, An Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes, dated at Geneva, April 29, 1958, and signed on behalf of the United States of America on September 15, 1958.

**The PRESIDING OFFICER.** Under the unanimous consent agreement, the question will now be taken on advising and consenting to the resolution of ratification of Executive V. The resolutions of ratification of Executive J, Executive K, Executive L, Executive M, and Executive N will be deemed to have been respectively agreed to by the same vote.

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

**Mr. MANSFIELD.** I announce that the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

The Senator from Missouri [Mr. HENNING] and the Senator from Michigan [Mr. McNAMARA] are absent because of illness.

The Senator from North Carolina [Mr. JORDAN] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from New

Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. HENNING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Michigan [Mr. McNAMARA], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

**Mr. KUCHEL.** I announce that the Senator from Nebraska [Mr. CURTIS] is necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of death in his immediate family.

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

The Senator from Hawaii [Mr. FONG] is absent on official business as a member of the official delegation to attend the 150th celebration in Buenos Aires. If present and voting, the Senator from Nebraska [Mr. CURTIS] would vote "yea."

The yeas and nays resulted—yeas 77, nays 4, as follows:

[No. 202]

YEAS—77

Alken	Gore	Monrone
Allott	Green	Morse
Anderson	Gruening	Morton
Bartlett	Hartke	Moss
Beall	Hayden	Mundt
Bennett	Hickenlooper	Murray
Bible	Hill	Muskie
Bridges	Holland	Pastore
Brunsdale	Hruska	Prouty
Bush	Jackson	Proxmire
Butler	Javits	Randolph
Byrd, Va.	Johnson, Tex.	Robertson
Carlson	Johnston, S.C.	Saltanstill
Carroll	Keating	Scott
Case, N.J.	Kennedy	Smathers
Clark	Kerr	Smith
Cooper	Kuchel	Stennis
Cotton	Lausche	Symington
Dirksen	Long, Hawaii	Thurmond
Dodd	Long, La.	Wiley
Douglas	Lusk	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McGee	Yarborough
Engle	Magnuson	Young, N. Dak.
Ervin	Mansfield	Young, Ohio
Fulbright	Martin	

NAYS—4

Byrd, W. Va.	Goldwater	Russell
Frear		

NOT VOTING—19

Cannon	Fong	McNamara
Capehart	Hart	O'Mahoney
Case, S. Dak.	Henning	Schoepel
Chavez	Humphrey	Sparkman
Church	Jordan	Talmadge
Curtis	Kefauver	
Ellender	McClellan	

**The PRESIDING OFFICER.** On this vote, the yeas are 77, the nays are 4; and the respective resolutions of ratification are agreed to.

Without objection, the President will be immediately notified of the agreement to the respective resolutions of ratification.

**Mr. JOHNSON** of Texas subsequently said: Mr. President, I ask unanimous consent that the votes by which the resolutions of ratification of Calendar Nos. 4, 5, 6, 7, 8, and 9 on the Executive Calendar, be reconsidered and that it be in order, without further debate, if they are reconsidered, that we take a separate vote on Calendar No. 9, Executive N.

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 propound 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 rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Montana [Mr. MURRAY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE] were absent on official business.

The Senator from Missouri [Mr. HENNING] and the Senator from Michigan [Mr. McNAMARA] are absent on illness.

The Senator from North Carolina [Mr. JORDAN] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

On the vote the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Montana [Mr. MURRAY] are paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Wyoming and the Senator from Montana would vote "yea," and the Senator from Louisiana would vote "nay."

The Senator from Missouri [Mr. SYMINGTON] and the Senator from Alabama [Mr. SPARKMAN] are paired with the Senator from Georgia [Mr. TALMADGE]. If present and voting, the Senator from Missouri and the Senator from Alabama would vote "yea," and the Senator from Georgia would vote "nay."

The Senator from Missouri [Mr. HENNING] and the Senator from Michigan [Mr. McNAMARA] are paired with the Senator from North Carolina [Mr. JORDAN]. If present and voting, the Senator from Missouri and the Senator from Michigan would each vote "yea," and

the Senator from North Carolina would vote "nay."

The Senator from Idaho [Mr. CHURCH] and the Senator from Nevada [Mr. CANNON] are paired with the Senator from Arkansas [Mr. McCLELLAN]. If present and voting, the Senator from Idaho and the Senator from Nevada would vote "yea," and the Senator from Arkansas would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS] is necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of death in his immediate family.

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

The Senator from Hawaii [Mr. FONG] is absent on official business as a member of the official delegation to attend the 150th celebration in Buenos Aires.

The Senator from Kentucky [Mr. MORRIS] is detained on official business. If present and voting, the Senator from Nebraska [Mr. CURTIS] would vote "nay."

The yeas and nays resulted—yeas 49, nays 30, as follows:

[No. 203]

YEAS—49

Alken	Hickenlooper	Morse
Bartlett	Humphrey	Moss
Beall	Jackson	Muskie
Bush	Javits	Pastore
Carlson	Johnson, Tex.	Prouty
Carroll	Keating	Proxmire
Case, N.J.	Kennedy	Randolph
Clark	Kuchel	Saltonstall
Dirksen	Lausche	Scott
Douglas	Long, Hawaii	Smith
Engle	Lusk	Wiley
Gore	McCarthy	Williams, Del.
Green	McGee	Williams, N.J.
Gruening	Magnuson	Yarborough
Hart	Mansfield	Young, Ohio
Hartke	Martin	
Hayden	Monroney	

NAYS—30

Allott	Cotton	Johnston, S.C.
Anderson	Dodd	Kerr
Bennett	Dworshak	Long, La.
Bible	Eastland	Mundt
Bridges	Ervin	Robertson
Brunsdale	Frear	Russell
Butler	Goldwater	Smithers
Byrd, Va.	Hill	Stennis
Byrd, W. Va.	Holland	Thurmond
Cooper	Hruska	Young, N. Dak.

NOT VOTING—21

Cannon	Fong	Morton
Capehart	Fulbright	Murray
Case, S. Dak.	Hennings	O'Mahoney
Chavez	Jordan	Schoeppel
Church	Kefauver	Sparkman
Curtis	McClellan	Symington
Ellender	McNamara	Talmadge

The PRESIDING OFFICER. Less than two-thirds of the Senators present and voting concurring therein, the resolution of ratification is not agreed to.

Mr. LONG of Louisiana. Mr. President, I believe the Senate should ratify this protocol, so long as the Connally reservation to the World Court remains effective. I believe there is similar language to achieve that result in the previous treaties which have been ratified.

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

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. It is my understanding that this is the only protocol to which the Connally reservation has any application.

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 conventions 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. My recollection with respect to treaties having to do with polluting the sea with oil is that jurisdiction of the World Court is to be accepted. The testimony of the State Department witnesses before the 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 problem 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 to determine 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. I believe strongly that a system 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, 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 reluctantly voted against the ratification of this treaty, because the Senate does not know its terms and to 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) 2945; TIAS 1871.

Colombia,<sup>1</sup> April 26, 1951, Senate Executive M (82d Cong., 1st sess.).

Denmark,<sup>1</sup> October 1, 1951, Senate Executive I (82d Cong., 2d sess.).

Ethiopia, September 7, 1951, 4 U.S.T. 2134; TIAS 2864.

France,<sup>1</sup> November 25, 1959 (to be submitted to the Senate).

Germany, F.R., October 29, 1954, 7 U.S.T. 1389; TIAS 3593.

Greece, August 3, 1951, 5 U.S.T. (2) 1829; TIAS 3057.

Haiti, March 3, 1955, Senate Executive H (84th Cong., 1st sess.).

Iran, August 15, 1955, 8 U.S.T. 899; TIAS 3853.

Ireland, January 21, 1950, 1 U.S.T. 785; TIAS 2155.

Israel, August 23, 1951, 5 U.S.T. 550; TIAS 2948.

Italy, February 2, 1948, 63 Stat. (2) 2258; TIAS 1865.

Japan, April 2, 1953, 4 U.S.T. 2063; TIAS 2863.

Korea, November 28, 1956, 8 U.S.T. 2217; TIAS 3947.

Netherlands, March 27, 1956, 8 U.S.T. 2043; TIAS 3942.

Nicaragua, January 21, 1956, 9 U.S.T. 449; TIAS 4024.

Pakistan,<sup>1</sup> November 12, 1959 (to be submitted to the Senate).

Uruguay,<sup>1</sup> November 23, 1949, Senate Executive D (81st Cong., 2d sess.).

B. Economic cooperation and aid agreements<sup>2</sup> with:

Austria, July 2, 1948, 62 Stat. 2137; TIAS 1780.

Belgium, July 2, 1948, 62 Stat. 2173; TIAS 1781.

China, July 3, 1948, 62 Stat. 2945; TIAS 1837.

Denmark, June 29, 1948, 62 Stat. 2199; TIAS 1782.

France, June 28, 1948, 62 Stat. 2223; TIAS 1783.

Ghana (Gold Coast). (See United Kingdom.)

Greece, July 2, 1948, 62 Stat. 2293; TIAS 1786.

Iceland, July 3, 1948, 62 Stat. 2363; TIAS 1787.

Indonesia. (See Netherlands.)

Ireland, June 28, 1948, 62 Stat. (2) 2407; TIAS 1788.

Israel, May 9, 1952, 3 U.S.T. 4171; TIAS 2561.

<sup>1</sup> Not in force.

<sup>2</sup> The economic cooperation and aid agreements 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. 36 of the statute of the ICJ.

Italy, June 28, 1948, 62 Stat. 2421; TIAS 1789.

Luxembourg, July 3, 1948, 62 Stat. 2451; TIAS 1790.

Malaya, Federation of. (See United Kingdom.)

Netherlands,<sup>3</sup> July 2, 1948, 62 Stat. 2477; TIAS 1791.

Norway, July 3, 1948, 62 Stat. 2514; TIAS 1792.

Portugal, September 28, 1948, 62 Stat. 2856; TIAS 1819.

Spain, September 26, 1953, 4 U.S.T. 1903; TIAS 2851.

Sweden, July 3, 1948, 62 Stat. 2541; TIAS 1793.

Turkey, July 4, 1948, 62 Stat. 2566; TIAS 1794.

United Kingdom,<sup>4</sup> July 6, 1948, 62 Stat. 2596; TIAS 1795.

C. Other bilateral agreements:

Agreement with the Dominican Republic for extending the Long Range Proving Ground, November 26, 1951, 3 U.S.T. 2569; TIAS 2425.

Agreement with the Dominican Republic for establishment of loran transmitting stations, March 19, 1957, 8 U.S.T. 329; TIAS 3780.

II. MULTILATERAL

Protocol<sup>5</sup> on military obligations in certain cases of double nationality, concluded at The Hague, April 12, 1930, 50 Stat. 1317; TS 913.

Convention<sup>6</sup> for limiting the manufacture and regulation of narcotic drugs, concluded at Geneva, July 13, 1931, 48 Stat. 1543; TS 863.

Convention<sup>6</sup> on international civil aviation (ICAO), opened for signature at Chicago, December 7, 1944, 61 Stat. 1180; TIAS 1591.

Constitution of the Food and Agriculture Organization of the United Nations (FAO), signed at Quebec October 16, 1945 (60 Stat. 1886; TIAS 1554), as amended (1951). FAO Report of the Special Session of the Conference (1950), Appendix A (p. 32).

Constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), concluded at London, November 16, 1945, 61 Stat. 2495; TIAS 1580.

Constitution of the World Health Organization (WHO), opened for signature at New York July 22, 1946, 62 Stat. (3) 2679; TIAS 1808.

Instrument for the amendment of the constitution of the International Labor Organization (ILO), dated at Montreal, October 9, 1946, 62 Stat. 3845; TIAS, 1868.

Convention on the Intergovernmental Maritime Consultative Organization (IMCO), signed at Geneva, March 6, 1948, 9 U.S.T. 621; TIAS 4044.

Convention on the Prevention and Punishment of the Crime of Genocide,<sup>9</sup> adopted by the UNGA in Paris on December 9, 1948, Senate Executive O. (81st Cong., 1st sess.).

Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character,<sup>9</sup> open for signature at Lake Success from July 15 to December 31, 1949, Senate Executive V. (81st Cong., 2d sess.).

<sup>3</sup> By an agreement signed Feb. 11, 1952 by the United States, Indonesia, and the Netherlands (3 U.S.T. 2989; TIAS 2484), Indonesia assumed the responsibilities and obligations incurred in its behalf under the United States-Netherlands agreement of July 2, 1948.

<sup>4</sup> Made applicable to: Ghana (Gold Coast), July 6, 1948; Federation of Malaya, July 20, 1948.

<sup>5</sup> By reference to the PCIJ. (Reference to the ICJ in place of the PCIJ in these cases is provided for by art. 37 of the statute of the ICJ.)

<sup>6</sup> Not in force for the United States.

Convention on Road Traffic, dated at Geneva September 19, 1949, 3 U.S.T. 3008, TIAS 2487.

International Sanitary Regulations (WHO Regulations No. 2), adopted by the Fourth World Assembly at Geneva May 25, 1951, 7 U.S.T. 2255; TIAS 3625.

Treaty of Peace with Japan, signed at San Francisco September 8, 1951, 3 U.S.T. 3169; TIAS 2490.

Universal copyright convention, dated at Geneva September 6, 1952, 6 U.S.T. 2731; TIAS 3324.

Constitution of the Intergovernmental Committee for European Migration (ICEM), 6 U.S.T. 603; TIAS 3197.

Protocol amending the slavery convention of September 25, 1926 (46 Stat. 2183; TS 778), opened for signature at New York, December 7, 1953, 7 U.S.T. 479; TIAS 3532.

Protocol limiting and regulating the cultivation of the poppy plant and the production of, and international and wholesale trade in, and use of opium,<sup>7</sup> open for signature at New York from June 23 to December 31, 1953, Senate Executive C (83d Cong., 2d sess.).

International Convention for the Prevention of Pollution of the Sea by Oil,<sup>8</sup> signed at London May 12, 1954, Senate Executive C (86th Cong., 2d sess.).

Statute of the International Atomic Energy Agency, done at New York, October 26, 1956, 8 U.S.T. 1093; TIAS 3873.

Optional protocol of signature to the four Conventions on the Law of the Sea,<sup>7</sup> opened for signature at Geneva April 29, 1958, Senate Executive N (86th Cong., 1st sess.).

The Antarctic treaty,<sup>7</sup> signed at Washington, December 1, 1959, Senate Executive B (86th Cong., 2d sess.).

APPENDIX

A. The agreement of Paris, on reparation from Germany, on the establishment of an interallied reparation agency and on restitution of monetary gold, opened for signature at Paris January 14, 1946 (61 Stat. (3) 3157; TIAS 1655), was signed on behalf of the United States on that date. It is followed by a Resolution 8 on recourse to the International Court of Justice:

"The Delegates of Albania, Australia, Belgium, Denmark, France, Luxembourg, the Netherlands, Norway, Czechoslovakia, and Yugoslavia recommend that:

"Subject to the provisions of article 3 of part I of the foregoing agreement, the signatory governments agree to have recourse to the International Court of Justice for the solution of every conflict of law or competence arising out of the provisions of the foregoing agreement which has not been submitted to the parties concerned to amicable solution or arbitration" (Department of State Bulletin, Jan. 27, 1946, p. 124).

All the other signatories to the Paris agreement had advised of their accession to this resolution, as of July 22, 1948.

B. With respect to the four Geneva conventions of August 12, 1949, for the protection of war victims, relating to condition of wounded and sick of the armed forces in the field (6 U.S.T. 3114; TIAS 3362); condition of wounded, sick, or shipwrecked members of the armed forces at sea (6 U.S.T. 3217; TIAS 3363); treatment of prisoners of war (6 U.S.T. 3316; TIAS 3364); protection of civilian persons in time of war (6 U.S.T. 3516; TIAS 3365); the following resolution was also adopted on August 12, 1949, by the Conference of Geneva:

"RESOLUTION I

"The conference recommends that, in the case of a dispute relating to the interpreta-

<sup>7</sup> Not in force.

<sup>8</sup> Not signed for the United States but has 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 high contracting parties concerned endeavor to agree between themselves 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 international agreements (volumes published on a yearly basis beginning Jan. 1, 1950.)

TIAS: Treaties and other international acts series, issued 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 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 which will 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. DODD]. If we need any new rule guaranteeing that Members of the Senate will be fully apprised of the contents of a treaty before they vote on it, I am for the rule. But unless I am mistaken, these treaties could have been required by the Senate to be voted upon separately. It required unanimous consent 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 a vote on the treaties en bloc and requiring a vote as to each one separately.

If the Senator from Connecticut can point out to me the need for a new rule, he will 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 and 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 complicated questions 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 stood here, 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 through 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 us. 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 on Rules and Administration to take a careful look at the subject.

Mr. JOHNSON of Texas. I wish to make the observation that I cannot possibly make Senators read reports or make Senators make speeches. They 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 committee report—to permit the nations of the world to participate by judicial means to settle disputes in which the law of the seas is involved exactly as we have participated, over the years, in agreements to determine the law of the seas. The report covers the subject in detail.

I wonder if I might address a parliamentary inquiry to the Chair in this connection. Rather than send the treaty down the drain, with no debate, pro or con, on the matter, is it possible to have the treaty remain at the desk until we might have an opportunity to read it carefully and then have an opportunity to debate it and to take another vote on it?

The PRESIDING OFFICER. Is the Senator from California speaking with respect to Executive Calendar No. 9?

Mr. KUCHEL. That is correct.

The PRESIDING OFFICER. Further consideration may be postponed until a day certain, if a motion to reconsider is entered.

Mr. MANSFIELD. Mr. President, I hope the Senator from California, who I know has all the good intentions in the world, will not press his point at this time, but will let the Foreign Relations Committee use its discretion in this matter.

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 treaty. It deals with one subject alone. It is too bad that we failed to do justice to American shipping and the opportunity for our American Government to assist it in civil disputes arising on the seas.

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

Mr. KUCHEL. I yield.

Mr. MORSE. 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. After all, what is really involved here are problems concerning various shipping countries throughout the world who sail ships under flags of various nations. Some of these problems are causing international misunderstanding. What it really involves, when we boil it all down, is that we are talking about practices of shipping companies. The treaty provided that when certain contests or disputes arose with respect to whether or not these practices can be justified, we would submit the matter to the World Court for final determination.

In the Senate we talk a great deal about how much we are in favor of building up a system of international justice through law. However, when the application of a statute of international justice through law means that certain selfish interests of our country and of other countries are affected, we turn down a treaty which provides for a fair, judicial process for getting those companies before a tribunal for determination.

What we have done today illustrates again the great difference between talk and action on the part of a great many people of this country who claim they are in favor of a system of international justice through law.

Mr. LONG of Louisiana. Mr. President, I believe that the treaty which has been turned down should be ratified. In general, it is a good treaty. I voted very much favor ratification. I voted against ratification only because I believe Congress was wise in insisting upon the Connally reservation to the world treaty in the beginning. That reservation provides that the Government of the United States reserves to itself the



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 wrongfully 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 seen cases where 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, it would have been possible for the World Court to have determined erroneously that the World Court had jurisdiction, and 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 if we permit this 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, and Executive N, I asked unanimous consent that the vote be reconsidered, and that a separate vote be taken on Executive N, which request was agreed to.

The vote on Executive N has now been completed, and I now ask unanimous consent that the resolutions of ratification relating to the first five items on the executive calendar be considered as having been agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### SERVING OF OLEOMARGARINE OR MARGARINE IN NAVY RATION

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 2168) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. THURMOND. Mr. President, I move that the bill be recommitted to the Committee on Armed Services.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

#### COMMISSION ON PROBLEMS OF SMALL TOWNS AND RURAL COMMUNITIES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1455, Senate bill 3140.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The bill will be stated by title, for the information of the Senate.

The CHIEF CLERK. A bill (S. 3140) to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUNDT. Mr. President, I submit the following amendment:

On page 3, in line 2, after the word "Senate", strike out "three", and insert "four"; and in the same line, before the word "from", strike out the word "three"—the second time that word appears in that line—and insert the word "two"; and on the same page, in line 5, strike out "three" and insert "four"; and in line 6, before the word "from", strike out "three" and insert "two".

This amendment is submitted on the basis of agreement with the majority leader, and merely in order to follow the usual rule that the majority party should have one or two more members than the minority party, in order that the majority party may be in control of a commission of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MUNDT. Mr. President, I should like to point out that the amendment I offered to the bill has been adopted and that this bill, is in the interest of small towns and rural communities.

Mr. President, a high level research and study commission such as this bill proposes can provide suggestions and recommendations based on the successful experiences of communities which have found the proper formula for growth and progress. It will focus the attention and talents of some of our most experienced and knowledgeable Americans on finding answers for the problems which are unique to our rural communities in these changing times. Census returns show many small towns losing population. This bill can help reverse this trend.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3140) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Whereas the small towns of America, and the rural counties in which they are located, throughout our history have made significant and lasting contributions to the development of our American way of life; and

Whereas small town and rural county life as we know it in the United States is virtually a unique form of community living entirely nonexistent in many areas of the world; and

Whereas the continuance of our great complex of small towns and the rural counties in which they are located is both desirable and essential to the economic, social, and political balance which enables the United States to avoid the extremes which have plagued many other governments and countries; and

Whereas wholesome family life, and adequate economic, educational, and spiritual opportunity are nurtured and encouraged by thousands of small towns and hundreds of rural counties throughout the country; and

Whereas the march of technical and industrial development has produced changes in transportation facilities, patterns of economic activity, shifts in population, and other modern phenomena which have created new challenges and posed new problems to the progressive people living in America's small towns and rural counties; and

Whereas small towns and rural counties lack the research facilities and economic means to instigate constructive and comprehensive studies into the exact causes of their problems and the most productive remedies for them: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### ESTABLISHMENT OF THE COMMISSION

SECTION 1. There is hereby established a Commission to be known as the Commission on the Problems of Small Towns and Rural Counties (a small town being designated as having a population of less than ten thousand a rural county being designated as having a population of less than fifty thousand) hereinafter referred to as the "Commission."

#### MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) The Commission shall be composed of twenty members as follows:

(1) Six appointed from the Senate by the President of the Senate, four from the majority party and two from the minority party;

(2) Six appointed from the House of Representatives by the Speaker of the House of Representatives, four from the majority party and two from the minority party; and

(3) Eight appointed by the President of the United States as follows:

(A) Two from among the heads of Federal departments and agencies;

(B) Two from among the Governors of States having problems affecting small towns, not more than one from the same political party;

(C) Two from among the mayors of small towns in the United States, not more than one from the same political party; and

(D) Two from among the elected officials of rural counties in the United States, not more than one from the same political party.

(b) The members of the Commission shall select a Chairman from among such members from the Congress, and a Vice Chairman from among such members from the House of Congress other than that of the Chairman.