

# United States Treaties and Other International Agreements



VOLUME 6

IN FIVE PARTS

Part 3

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# MULTILATERAL

## COPYRIGHT

*Convention and protocols dated at Geneva September 6, 1952;  
Ratification advised by the Senate of the United States of America June  
25, 1954;  
Ratified by the President of the United States of America November 5,  
1954;  
Ratification of the United States of America deposited with the United  
Nations Educational, Scientific and Cultural Organization De-  
cember 6, 1954,  
Proclaimed by the President of the United States of America August 5,  
1955;  
Convention and protocols 1 and 2 entered into force September 16,  
1955;  
Protocol 3 entered into force with respect to the United States of America  
December 6, 1954.*

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TIAS 3324  
Sept. 6, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS a universal copyright convention, together with three related protocols, was signed at Geneva under date of September 6, 1952 on behalf of the United States of America and certain other states,

WHEREAS the texts of the said convention and protocols, in the English, French, and Spanish languages, are word for word as follows

**CONVENTION UNIVERSELLE  
SUR LE DROIT D'AUTEUR**

**UNIVERSAL COPYRIGHT  
CONVENTION**

**CONVENCIÓN UNIVERSAL  
SOBRE DERECHO DE AUTOR**



**Les Etats contractants,**

Animés du désir d'assurer dans tous les pays la protection du droit d'auteur sur les œuvres littéraires, scientifiques et artistiques,

Convaincus qu'un régime de protection des droits des auteurs approprié à toutes les nations et exprimé dans une convention universelle, s'ajoutant aux systèmes internationaux déjà en vigueur, sans leur porter atteinte, est de nature à assurer le respect des droits de la personne humaine et à favoriser le développement des lettres, des sciences et des arts,

Persuadés qu'un tel régime universel de protection des droits des auteurs rendra plus facile la diffusion des œuvres de l'esprit et contribuera à une meilleure compréhension internationale,

Sont convenus de ce qui suit:

**ARTICLE I**

Chaque Etat contractant s'engage à prendre toutes dispositions nécessaires pour assurer une protection suffisante et efficace des droits des auteurs et de tous autres titulaires de ces droits sur les œuvres littéraires, scientifiques et artistiques, telles que les écrits, les œuvres musicales, dramatiques et cinématographiques, les peintures, gravures et sculptures.

**The Contracting States,**

Moved by the desire to assure in all countries copyright protection of literary, scientific and artistic works,

Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, the sciences and the arts,

Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,

Have agreed as follows:

**ARTICLE I**

Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.

**ARTICLE II**

1. Les œuvres publiées des ressortissants de tout Etat contractant ainsi que les œuvres publiées

1. Published works of nationals of any Contracting State and works first published in that

**Los Estados contratantes;**

Animados del deseo de asegurar en todos los países la protección del derecho de autor sobre las obras literarias, científicas y artísticas;

Convencidos de que un régimen de protección de los derechos de autor adecuado a todas las naciones y formulado en una convención universal, que se une a los sistemas internacionales vigentes sin afectarlos, contribuirá a asegurar el respeto de los derechos de la personalidad humana y a favorecer el desarrollo de las letras, las ciencias y las artes;

Persuadidos de que un tal régimen universal de protección de los derechos de los autores facilitará la difusión de las obras del espíritu y una mejor comprensión internacional;

Han convenido lo siguiente:

**ARTÍCULO I**

Cada uno de los Estados contratantes se compromete a tomar todas las disposiciones necesarias a fin de asegurar una protección suficiente y efectiva de los derechos de los autores, o de cualesquier otros titulares de estos derechos, sobre las obras literarias, científicas y artísticas tales como los escritos, las obras musicales, dramáticas y cinematográficas y las de pintura, grabado y escultura.

Copyright protection.

**ARTÍCULO II**

1. Las obras publicadas de los nacionales de cualquier Estado contratante, así como las obras

Published works.  
*Post*, p. 2787.

pour la première fois sur le territoire d'un tel Etat jouissent, dans tout autre Etat contractant, de la protection que cet autre Etat accorde aux œuvres de ses ressortissants publiées pour la première fois sur son propre territoire.

#### Unpublished works.

2. Les œuvres non publiées des ressortissants de tout Etat contractant jouissent, dans tout autre Etat contractant, de la protection que cet autre Etat accorde aux œuvres non publiées de ses ressortissants.

3. Pour l'application de la présente Convention, tout Etat contractant peut, par des dispositions de sa législation interne, assimiler à ses ressortissants toute personne domiciliée sur le territoire de cet Etat.

State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory.

publicadas por primera vez en el territorio de tal Estado gozarán en cada uno de los otros Estados contratantes, de la protección que cada uno de estos Estados concede a las obras de sus nacionales publicadas por primera vez en su propio territorio.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals.

3. For the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

2. Las obras no publicadas de los nacionales de cada Estado contratante gozarán, en cada uno de los demás Estados contratantes, de toda la protección que cada uno de estos Estados concede a las obras no publicadas de sus nacionales.

3. Para la aplicación de la presente Convención todo Estado contratante puede, mediante disposiciones de su legislación interna, assimilar a sus propios nacionales toda persona domiciliada en ese Estado.

#### ARTICLE III

##### Formalities.

1. Tout Etat contractant qui, d'après sa législation interne, exige, à titre de condition de la protection des droits des auteurs, l'accomplissement de formalités telles que dépôt, enregistrement, mention, certificats notariés, paiement de taxes, fabrication ou publication sur le territoire national, doit considérer ces exigences comme satisfaites pour toute œuvre protégée aux termes de la présente Convention, publiée pour la première fois hors du territoire de cet Etat et dont l'auteur n'est pas un de ses ressortissants si, dès la première publication de cette œuvre tous les exemplaires de l'œuvre publiée avec l'autorisation de l'auteur ou de tout autre titulaire de ses droits portent le symbole © accompagné du nom du titulaire du droit d'auteur et de l'indication de l'année de première publication; le symbole, le nom et l'année doivent être apposés d'une manière et à une place montrant de façon nette que le droit d'auteur est réservé.

#### ARTICLE III

1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

#### ARTÍCULO III

1. Todo Estado contratante que, según su legislación interna, exija como condición para la protección de los derechos de los autores, el cumplimiento de formalidades tales como depósito, registro, mención, certificados notariales, pago de tasas, manufactura o publicación en el territorio nacional, considerará satisfechas tales exigencias, para toda obra protegida de acuerdo con los términos de la presente Convención, publicada por primera vez fuera del territorio de dicho Estado por un autor que no sea nacional del mismo, si, desde la primera publicación de dicha obra, todos sus ejemplares, publicados con autorización del autor o de cualquier otro titular de sus derechos, llevan el símbolo © acompañado del nombre del titular del derecho de autor y de la indicación del año de la primera publicación; el símbolo, el nombre y el año deben ponerse de manera y en sitio tales que muestren claramente que el derecho de autor está reservado.

2. Les dispositions de l'alinéa premier du présent article n'interdisent pas à un Etat contractant de soumettre à certaines formalités ou à d'autres conditions, en vue d'assurer l'acquisition et la jouissance du droit d'auteur, les œuvres publiées pour la première fois sur son territoire, ou celles de ses ressortissants, quel que soit le lieu de la publication de ces œuvres.

3. Les dispositions de l'alinéa ci-dessus n'interdisent pas à un Etat contractant d'exiger d'une personne éstant en justice qu'elle satisfasse, aux fins du procès, aux règles de procédure telles que l'assistance du demandeur par un avocat exerçant dans cet Etat ou le dépôt par le demandeur d'un exemplaire de l'œuvre auprès du tribunal ou d'un bureau administratif ou des deux à la fois. Toutefois, le fait de ne pas satisfaire à ces exigences n'affecte pas la validité du droit d'auteur. Aucune de ces exigences ne peut être imposée à un ressortissant d'un autre Etat contractant si elle ne l'est pas aux ressortissants de l'Etat dans lequel la protection est demandée.

4. Dans chaque Etat contractant doivent être assurés des moyens juridiques pour protéger sans formalités les œuvres non publiées des ressortissants des autres Etats contractants.

5. Si un Etat contractant accorde plus d'une seule période de protection et si la première est d'une durée supérieure à l'un des minimums de temps prévus à l'article IV de la présente Convention, cet Etat a la faculté de ne pas appliquer l'alinéa premier du présent article III en ce qui concerne la deuxième période de protection ainsi que pour les périodes suivantes.

2. The provisions of paragraph 1 of this article shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.

3. The provisions of paragraph 1 of this article shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.

4. In each Contracting State there shall be legal means of protecting without formalities the unpublished works of nationals of other Contracting States.

5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in article IV, such State shall not be required to comply with the provisions of paragraph 1 of this article III in respect of the second or any subsequent term of copyright.

2. Las disposiciones del párrafo 1 del presente artículo no impedirán a ningún Estado contratante el someter a ciertas formalidades, u otras condiciones, para asegurar el goce y ejercicio del derecho de autor, a las obras publicadas por primera vez en su territorio o a las obras de sus nacionales dondequiera que sean publicadas.

3. Las disposiciones del párrafo 1 de este artículo no impedirán a ningún Estado contratante el exigir de quien reclame ante los Tribunales, que cumpla, al ejercitarse la acción, con reglas de procedimiento tales como el ser asistido por un abogado en ejercicio en ese Estado, o el depósito por el demandante de un ejemplar de la obra en litigio en el tribunal, en una oficina administrativa, o en ambos. Sin embargo, el hecho de no haber cumplido con estas exigencias no afectará a la validez del derecho de autor, ni ninguna de esas exigencias podrá ser impuesta a un nacional de otro Estado contratante, si tal exigencia no se impone a los nacionales del Estado donde la protección se reclama.

4. En cada Estado contratante deben arbitrarse los medios legales para proteger, sin formalidades, las obras no publicadas de los nacionales de los otros Estados contratantes.

5. Si un Estado contratante otorga más de un único período de protección, y si el primero es de una duración superior a alguno de los mínimos de tiempo previstos en el artículo IV de la presente Convención, dicho Estado tiene la facultad de no aplicar el párrafo 1 del presente artículo III, en lo que se refiere al segundo período de protección, así como a los períodos sucesivos.

#### Protection of unpublished works.

## ARTICLE IV

## Duration of protection.

1. La durée de la protection de l'œuvre est régie par la loi de l'Etat contractant où la protection est demandée conformément aux dispositions de l'article II et aux dispositions ci-dessous.

2. La durée de protection pour les œuvres protégées par la présente Convention ne sera pas inférieure à une période comprenant la vie de l'auteur et 25 années après sa mort.

Toutefois, l'Etat contractant qui, à la date de l'entrée en vigueur de la présente Convention sur son territoire, aura restreint ce délai, pour certaines catégories d'œuvres, à une période calculée à partir de la première publication de l'œuvre, aura la faculté de maintenir ces dérogations ou de les étendre à d'autres catégories. Pour toutes ces catégories, la durée de protection ne sera pas inférieure à 25 années à compter de la date de la première publication.

Tout Etat contractant qui, à la date de l'entrée en vigueur de la Convention sur son territoire, ne calcule pas la durée de protection sur la base de la vie de l'auteur, aura la faculté de calculer cette durée de protection à compter de la première publication de l'œuvre ou, le cas échéant, de l'enregistrement de cette œuvre préalable à sa publication; la durée de la protection ne sera pas inférieure à 25 années à compter de la date de la première publication ou, le cas échéant, de l'enregistrement de l'œuvre préalable à la publication.

Si la législation de l'Etat contractant prévoit deux ou plusieurs périodes consécutives de protection, la durée de la première période ne sera pas inférieure à la durée de l'une des périodes minima déterminée ci-dessus.

3. Les dispositions du numéro 2 du présent article ne s'appliquent

Photographic works; works of applied art.

## ARTICLE IV

1. The duration of protection of a work shall be governed, in accordance with the provisions of article II and this article, by the law of the Contracting State in which protection is claimed.

2. The term of protection for works protected under this Convention shall not be less than the life of the author and 25 years after his death.

However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from the first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than 25 years from the date of first publication.

Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than 25 years from the date of first publication or from its registration prior to publication, as the case may be.

If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified above.

3. The provisions of paragraph 2 of this article shall not

## ARTÍCULO IV

1. La duración de la protección de la obra se regirá por la ley del Estado contratante donde se reclame la protección, de conformidad con las disposiciones del artículo II y con las contenidas en este artículo.

2. El plazo de protección para las obras protegidas por la presente Convención no será inferior a la vida del autor y 25 años después de su muerte.

Sin embargo, aquellos Estados contratantes que, en la fecha de entrada en vigor en su territorio de la presente Convención, hayan limitado este plazo, para ciertas categorías de obras, a un período calculado a partir de la primera publicación de la obra, tendrán la facultad de mantener tales excepciones o de extenderlas a otras categorías. Para todas estas categorías, la duración de la protección no será inferior a 25 años a contar de la fecha de la primera publicación.

Todo Estado contratante que en la fecha de entrada en vigor de la Convención en su territorio, no calcule la duración de la protección basándose en la vida del autor, podrá calcular el término de protección a contar desde la primera publicación de la obra, o, dado el caso, desde su registro anterior a la publicación; la duración de la protección no será inferior a 25 años a contar desde la fecha de la primera publicación o, dado el caso, desde el registro anterior a la publicación.

Si la legislación de un Estado contratante otorga dos o más plazos de protección consecutivos, la duración del primer plazo no podrá ser inferior a uno de los períodos mínimos que se han especificado anteriormente.

3. Las disposiciones del párrafo 2 de este artículo no se aplican

pas aux œuvres photographiques, ni aux œuvres des arts appliqués. Toutefois, dans les Etats contractants qui protègent les œuvres photographiques et, en tant qu'œuvres artistiques, les œuvres des arts appliqués, la durée de la protection ne sera pas, pour ces œuvres, inférieure à dix ans.

4. Aucun Etat contractant ne sera tenu d'assurer la protection d'une œuvre pendant une durée plus longue que celle fixée, pour la catégorie dont elle relève, s'il s'agit d'une œuvre non publiée, par la loi de l'Etat contractant dont l'auteur est ressortissant, et, s'il s'agit d'une œuvre publiée, par la loi de l'Etat contractant où cette œuvre a été publiée pour la première fois.

Aux fins de l'application de la disposition précédente, si la législation d'un Etat contractant prévoit deux ou plusieurs périodes consécutives de protection, la durée de la protection accordée par cet Etat est considérée comme étant la somme de ces périodes. Toutefois, si pour une raison quelconque une œuvre déterminée n'est pas protégée par le dit Etat pendant la seconde période ou l'une des périodes suivantes, les autres Etats contractants ne sont pas tenus de protéger cette œuvre pendant cette seconde période ou les périodes suivantes.

5. Aux fins de l'application du numéro 4 de cet article, l'œuvre d'un ressortissant d'un Etat contractant publiée pour la première fois dans un Etat non contractant sera considérée comme ayant été publiée pour la première fois dans l'Etat contractant dont l'auteur est ressortissant.

6. Aux fins de l'application du numéro 4 susmentionné du présent article, en cas de publication simultanée dans deux ou plusieurs Etats contractants, l'œuvre sera considérée comme ayant été publiée pour la première fois dans

apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.

4. No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

For the purposes of the application of the preceding provision, if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.

5. For the purposes of the application of paragraph 4 of this article, the work of a national of a Contracting State, first published in a non-Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.

6. For the purposes of the application of paragraph 4 of this article, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords

a las obras fotográficas, ni a las de artes aplicadas. Sin embargo, en los Estados contratantes donde se hallen protegidas las obras fotográficas, y como obras artísticas, las de artes aplicadas, la duración de la protección no podrá ser, para tales obras, inferior a 10 años.

4. Ningún Estado contratante estará obligado a proteger una obra durante un plazo mayor que el fijado para la clase de obras a que pertenezca, por la ley del Estado del cual es nacional el autor, cuando se trate de una obra no publicada, y, en el caso de una obra publicada, por la ley del Estado contratante donde ha sido publicada por primera vez.

Para la aplicación de la disposición anterior, si la legislación de un Estado contratante otorga dos o más períodos consecutivos de protección, la duración de la protección concedida por dicho Estado será igual a la suma de todos los períodos. Sin embargo, si por una razón cualquiera, una obra determinada no se halla protegida por tal Estado durante el segundo período, o alguno de los períodos sucesivos, los otros Estados contratantes no están obligados a proteger tal obra durante este segundo período o los períodos sucesivos.

5. Para la aplicación del párrafo 4 de este artículo, la obra de un nacional de un Estado contratante, publicada por primera vez en un Estado no contratante, se considerará como si hubiere sido publicada por primera vez en el Estado contratante del cual es nacional el autor.

6. Para la aplicación del mencionado párrafo 4 de este artículo, en caso de publicación simultánea en dos o más Estados contratantes, se considerará que la obra ha sido publicada por primera vez en el Estado que concede

#### Work of nationals.

#### Simultaneous publication in two or more Contracting States.

l'Etat qui accorde la protection la moins longue. Est considérée comme publiée simultanément dans plusieurs pays toute œuvre qui a paru dans deux ou plusieurs pays dans les trente jours de sa première publication.

#### Translations of works.

1. Le droit d'auteur comprend le droit exclusif de faire, de publier et d'autoriser à faire et à publier la traduction des œuvres protégées aux termes de la présente Convention.

#### Restriction.

2. Toutefois, chaque Etat contractant peut, par sa législation nationale, restreindre, pour les écrits, le droit de traduction, mais en se conformant aux dispositions suivantes:

Si, à l'expiration d'un délai de sept années à dater de la première publication d'un écrit, la traduction de cet écrit n'a pas été publiée dans la langue nationale ou, le cas échéant, dans l'une des langues nationales d'un Etat contractant par le titulaire du droit de traduction ou avec son autorisation, tout ressortissant de cet Etat contractant pourra obtenir de l'autorité compétente de cet Etat une licence non exclusive pour traduire l'œuvre et publier l'œuvre ainsi traduite dans la langue nationale en laquelle elle n'a pas été publiée.

Cette licence ne pourra être accordée que si le requérant, conformément aux dispositions en vigueur dans l'Etat où est introduite la demande, justifie avoir demandé au titulaire du droit de traduction l'autorisation de traduire et de publier la traduction et, après dues diligences de sa part, n'a pu atteindre le titulaire du droit d'auteur ou obtenir son autorisation. Aux mêmes conditions, la licence pourra également être accordée si, pour une traduction déjà publiée dans une langue nationale, les éditions sont épuisées.

the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

#### ARTICLE V

1. Copyright shall include the exclusive right of the author to make, publish, and authorize the making and publication of translations of works protected under this Convention.

2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:

If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in the national language or languages, as the case may be, of the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive license from the competent authority thereof to translate the work and publish the work so translated in any of the national languages in which it has not been published; provided that such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language are out of print.

la protección más corta. Será considerada como publicada simultáneamente en varios países toda obra que haya aparecido en dos o más países dentro de los 30 días a partir de su primera publicación.

#### ARTÍCULO V

1. El derecho de autor comprende el derecho exclusivo de hacer, de publicar y de autorizar que se haga y se publique la traducción de las obras protegidas por la presente Convención.

2. Sin embargo, cada Estado contratante podrá restringir en su legislación nacional el derecho de traducción para los escritos, pero sólo ateniéndose a las disposiciones siguientes:

Si a la expiración de un plazo de siete años a contar de la primera publicación de un escrito, la traducción de este escrito no ha sido publicada en la lengua nacional o en una de las lenguas nacionales de un Estado contratante, por el titular del derecho de traducción o con su autorización, cualquier nacional de ese Estado contratante podrá obtener de la autoridad competente de tal Estado una licencia no exclusiva para traducir y publicarla en la lengua nacional en que no haya sido publicada la obra. Tal licencia sólo podrá concederse si el solicitante, conforme a las disposiciones vigentes en el Estado donde se presente la petición, demuestra que ha pedido al titular del derecho la autorización para hacer y publicar la traducción, y que después de haber hecho las diligencias pertinentes no pudo localizar al titular del derecho u obtener su autorización. En las mismas condiciones se podrá conceder igualmente la licencia si están agotadas las ediciones de una traducción ya publicada en una lengua nacional.

Si le titulaire du droit de traduction n'a pu être atteint par le requérant, celui-ci doit adresser des copies de sa demande à l'éditeur dont le nom figure sur l'œuvre et au représentant diplomatique ou consulaire de l'Etat dont le titulaire du droit de traduction est ressortissant, lorsque la nationalité du titulaire du droit de traduction est connue, ou à l'organisme qui peut avoir été désigné par le gouvernement de cet Etat. La licence ne pourra être accordée avant l'expiration d'un délai de deux mois à dater de l'envoi des copies de la demande.

La législation nationale adoptera les mesures appropriées pour assurer au titulaire du droit de traduction une rémunération équitable et conforme aux usages internationaux, ainsi que le paiement et le transfert de cette rémunération, et pour garantir une traduction correcte de l'œuvre.

Le titre et le nom de l'auteur de l'œuvre originale doivent être également imprimés sur tous les exemplaires de la traduction publiée. La licence ne sera valable que pour l'édition à l'intérieur du territoire de l'Etat contractant où cette licence est demandée. L'importation et la vente des exemplaires dans un autre Etat contractant sont possibles si cet Etat a la même langue nationale que celle dans laquelle l'œuvre a été traduite, si sa loi nationale admet la licence et si aucune des dispositions en vigueur dans cet Etat ne s'oppose à l'importation et à la vente; l'importation et la vente sur le territoire de tout Etat contractant dans lequel les conditions précédentes ne peuvent jouer, sont réservées à la législation de cet Etat et aux accords conclus par lui. La licence ne pourra être cédée par son bénéficiaire.

La licence ne peut être accordée lorsque l'auteur a retiré de la circulation les exemplaires de l'œuvre.

If the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the State of which such owner is a national, or to the organization which may have been designated by the government of that State. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application.

Due provision shall be made by domestic legislation to assure to the owner of the right of translation a compensation which is just and conforms to international standards, to assure payment and transmittal of such compensation, and to assure a correct translation of the work.

The original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if one of the national languages of such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State makes provision for such licences and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a Contracting State shall be governed by its domestic law and its agreements. The licence shall not be transferred by the licensee.

The license shall not be granted when the author has withdrawn from circulation all copies of the work.

Si el titular del derecho de traducción no hubiere sido localizado por el solicitante, éste deberá transmitir copias de su solicitud al editor cuyo nombre aparezca en los ejemplares de la obra y al representante diplomático o consular del Estado del cual sea nacional el titular del derecho de traducción, cuando la nacionalidad del titular de este derecho es conocida, o al organismo que pueda haber sido designado por el Gobierno de ese Estado. No podrá concederse la licencia antes de la expiración de un plazo de dos meses desde la fecha del envío de la copia de la solicitud.

La legislación nacional adoptará las medidas adecuadas para asegurar al titular del derecho de traducción una remuneración equitativa y de acuerdo con los usos internacionales, así como el pago y el envío de tal remuneración, y para garantizar una correcta traducción de la obra.

El título y el nombre del autor de la obra original deben imprimirse asimismo en todos los ejemplares de la traducción publicada. La licencia sólo será válida para la publicación en el territorio del Estado contratante donde ha sido solicitada. La importación y la venta de los ejemplares en otro Estado Contratante serán posibles si tal Estado tiene como lengua nacional aquella a la cual ha sido traducida la obra, si su legislación nacional permite la licencia y si ninguna de las disposiciones en vigor en tal Estado se opone a la importación y a la venta; la importación y la venta en todo Estado Contratante en el cual las condiciones precedentes no se apliquen se reservará a la legislación de tal Estado y a los acuerdos concluidos por el mismo. La licencia no podrá ser cedida por su beneficiario.

La licencia no podrá ser concedida en el caso de que el autor haya retirado de la circulación los ejemplares de la obra.

**ARTICLE VI****"Publication."**

Par « publication », au sens de la présente Convention, il faut entendre la reproduction sous une forme matérielle et la mise à la disposition du public d'exemplaires de l'œuvre permettant de la lire ou d'en prendre connaissance visuellement.

**ARTICLE VII****Nonapplication.**

La présente Convention ne s'applique pas aux œuvres ou aux droits sur ces œuvres qui, lors de l'entrée en vigueur de la Convention dans l'Etat contractant où la protection est demandée, auraient cessé définitivement d'être protégées dans cet Etat ou ne l'auraient jamais été.

**ARTICLE VIII**

1. La présente Convention, qui portera la date du 6 septembre 1952, sera déposée auprès du Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture et restera ouverte à la signature de tous les Etats pendant une période de 120 jours à compter de sa date. Elle sera soumise à la ratification ou à l'acceptation des Etats signataires.

2. Tout Etat qui n'aura pas signé la présente Convention pourra y adhérer.

3. La ratification, l'acceptation ou l'adhésion sera opérée par le dépôt d'un instrument à cet effet, auprès du Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

**ARTICLE IX****Entry into force.**  
*Post*, p. 2827.

1. La présente Convention entrera en vigueur trois mois après le dépôt de douze instruments de ratification, d'acceptation ou d'adhésion y compris les instruments déposés par quatre Etats ne faisant pas partie de l'Union

<sup>1</sup> Sept. 16, 1955.

**ARTICLE VI**

« Publication », as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

**ARTICLE VII**

This Convention shall not apply to works or rights in works which, at the effective date of the Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

**ARTICLE VIII**

1. This Convention, which shall bear the date of September 6 1952, shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization and shall remain open for signature by all States for a period of 120 days after that date. It shall be subject to ratification or acceptance by the signatory States.

2. Any State which has not signed this Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

**ARTICLE IX**

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession,<sup>[1]</sup> among which there shall be those of four States which are not members of the International

**ARTÍCULO VI**

Se entiende por «publicación», en los términos de la presente Convención, la reproducción de la obra en forma tangible a la vez que el poner a disposición del público ejemplares de la obra que permitan leerla o conocerla visualmente.

**ARTÍCULO VII**

La presente Convención no se aplicará a aquellas obras, o a los derechos sobre las mismas, que en la fecha de la entrada en vigor de la Convención en el Estado contratante donde se reclama la protección hayan perdido definitivamente la protección en dicho Estado contratante.

**ARTÍCULO VIII**

1. La presente Convención, que llevará la fecha de 6 de septiembre de 1952, será depositada en poder del Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura y quedará abierta a la firma de todos los Estados durante un período de 120 días a partir de su fecha. Será sometida a la ratificación o a la aceptación de los Estados signatarios.

2. Cualquier Estado que no haya firmado la Convención podrá acceder a ella.

3. La ratificación, la aceptación o la accesión, se efectuarán mediante el depósito de un instrumento a tal efecto dirigido al Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura.

**ARTÍCULO IX**

1. La presente Convención entrará en vigor tres meses después del depósito de doce instrumentos de ratificación, de aceptación o de accesión, entre los que deben figurar los depositados por cuatro Estados que no formen parte

internationale pour la protection des œuvres littéraires et artistiques.

2. Par la suite, la Convention entrera en vigueur, pour chaque Etat, trois mois après le dépôt de l'instrument de ratification, d'acceptation ou d'adhésion spécifique à cet Etat.

#### ARTICLE X

1. Tout Etat partie à la présente Convention s'engage à adopter, conformément aux dispositions de sa Constitution, les mesures nécessaires pour assurer l'application de la présente Convention.

2. Il est entendu toutefois qu'au moment du dépôt de son instrument de ratification, d'acceptation ou d'adhésion tout Etat doit être en mesure, d'après sa législation nationale, d'appliquer les dispositions de la présente Convention.

#### ARTICLE XI

1. Il est créé un Comité intergouvernemental ayant les attributions suivantes:

a) étudier les problèmes relatifs à l'application et au fonctionnement de la présente Convention;

b) préparer les révisions périodiques de cette Convention;

c) étudier tout autre problème relatif à la protection internationale du droit d'auteur, en collaboration avec les divers organismes internationaux intéressés, notamment avec l'Organisation des Nations Unies pour l'Education, la Science et la Culture, l'Union internationale pour la protection des Œuvres Littéraires et Artistiques et l'Organisation des Etats Américains;

d) renseigner les Etats contractants sur ses travaux.

Union for the Protection of Literary and Artistic Works.

2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

#### ARTICLE X

1. Each State party to this Convention undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood, however, that at the time an instrument of ratification, acceptance or accession is deposited on behalf of any State, such State must be in a position under its domestic law to give effect to the terms of this Convention.

#### ARTICLE XI

1. An Intergovernmental Committee is hereby established with the following duties:

a) to study the problems concerning the application and operation of this Convention;

b) to make preparation for periodic revisions of this Convention;

c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;

d) to inform the Contracting States as to its activities.

de la Unión Internacional para la Protección de las Obras Literarias y Artísticas.

2. La Convención entrará en vigor, para cada Estado, tres meses después del depósito de su respectivo instrumento de ratificación, de aceptación o de accesión.

#### ARTÍCULO X

1. Todo Estado contratante se compromete a tomar, de conformidad con su Constitución, las medidas necesarias para asegurar la aplicación de la presente Convención.

Assurance of application.

#### ARTÍCULO XI

1. Se crea un Comité Inter-gubernamental con las siguientes atribuciones:

a) estudiar los problemas relativos a la aplicación y funcionamiento de la presente Convención;

b) preparar las revisiones periódicas de esta Convención;

c) estudiar cualquier otro problema relativo a la protección internacional del derecho de autor, en colaboración con los diversos organismos internacionales interesados, especialmente con la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, la Unión Interna-tional para la Protección de las Obras Literarias y Artísticas, y la Organización de Estados Americanos;

d) informar a los Estados contrataentes sobre sus trabajos.

Intergovernmental Committee; duties.  
Post, p. 2747.

**Composition.**

2. Le Comité est composé des représentants de douze Etats contractants désignés en tenant compte d'une équitable représentation géographique et conformément aux dispositions de la résolution concernant le présent article, annexée à la présente Convention.

Le Directeur général de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture, le Directeur du Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques et le Secrétaire général de l'Organisation des Etats américains, ou leurs représentants, peuvent assister aux séances du Comité avec voix consultative.

2. The Committee shall consist of the representatives of twelve Contracting States to be selected with due consideration to fair geographical representation and in conformity with the Resolution relating to this article, annexed to this Convention.

The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

2. De acuerdo con la Resolución relativa a este artículo aneja a esta Convención, el Comité se compondrá de representantes de doce Estados contratantes, teniendo en cuenta al designarlos una representación geográfica equitativa.

El Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura; el Director de la Oficina de la Unión Internacional para la Protección de las Obras Literarias y Artísticas, y el Secretario General de la Organización de los Estados Americanos, o sus representantes, podrán asistir a las reuniones del Comité con carácter consultivo.

**ARTICLE XII****Revision.**

Le Comité intergouvernemental convoquera des conférences de révision chaque fois que cela lui semblera nécessaire ou si la convocation est demandée par au moins dix Etats contractants ou par la majorité des Etats contractants aussi longtemps que le nombre de ces derniers demeurera inférieur à vingt.

**ARTICLE XII**

The Intergovernmental Committee shall convene a conference for revision of this Convention whenever it deems necessary, or at the request of at least ten Contracting States, or of a majority of the Contracting States if there are less than twenty Contracting States.

**ARTÍCULO XII**

El Comité intergubernamental convocará conferencias de revisión siempre que lo crea necesario o cuando lo soliciten por lo menos diez Estados contratantes, o la mayoría de los Estados contratantes si el número de éstos es inferior a veinte.

**ARTICLE XIII****"Territorial application."**

Tout Etat contractant peut, au moment du dépôt de l'instrument de ratification, d'acceptation ou d'adhésion, ou par la suite, déclarer, par une notification adressée au Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, que la présente Convention est applicable à tout ou partie des pays ou territoires dont il assure les relations extérieures; la Convention s'appliquera alors aux pays ou territoires désignés dans la notification à partir de l'expiration du délai de trois mois prévu à l'article IX. A défaut de cette notification, la présente Convention ne s'appliquera pas à ces pays ou territoires.

**ARTICLE XIII**

Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

**ARTÍCULO XIII**

Todo Estado contratante podrá, en el momento del depósito del instrumento de ratificación, de aceptación o de accesión, o con posterioridad, declarar, mediante notificación dirigida al Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, que la presente Convención es aplicable a todos o parte de los países o territorios cuyas relaciones exteriores ejerce, y la Convención se aplicará entonces a los países o territorios designados en la notificación, a partir de la expiración del plazo de tres meses previsto en el artículo IX. En defecto de esta notificación, la presente Convención no se aplicará a esos países o territorios.

**ARTICLE XIV**

1. Tout Etat contractant aura la faculté de dénoncer la présente Convention en son nom propre ou au nom de tout ou partie des pays ou territoires qui auraient fait l'objet de la notification prévue à l'article XIII. La dénonciation s'effectuera par notification adressée au Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

2. Cette dénonciation ne produira effet qu'à l'égard de l'Etat ou du pays ou territoire au nom duquel elle aura été faite et seulement douze mois après la date à laquelle la notification a été reçue.

**ARTICLE XV**

Tout différend entre deux ou plusieurs Etats contractants concernant l'interprétation ou l'application de la présente Convention que ne sera pas réglé par voie de négociation sera porté devant la Cour internationale de justice pour qu'il soit statué par elle, à moins que les Etats en cause ne conviennent d'un autre mode de règlement.

**ARTICLE XVI**

1. La présente Convention sera établie en français, en anglais et en espagnol. Les trois textes seront signés et feront également foi.

2. Il sera établi des textes officiels de la présente Convention en allemand, en italien et en portugais.

Tout Etat contractant ou groupe d'Etats contractants pourra faire établir par le Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, en accord avec celui-ci, d'autres textes dans la langue de son choix.

<sup>1</sup> Not printed.

**ARTICLE XIV**

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories as to which a notification has been given under article XIII. The denunciation shall be made by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

**ARTICLE XV**

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the States concerned agree on some other method of settlement, be brought before the International Court of Justice for determination by it.

**ARTICLE XVI**

1. This Convention shall be established in English, French and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established in German, Italian and Portuguese. [1]

Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General of the United Nations Educational, Scientific and Cultural Organization other texts in the language of its choice by arrangement with the Director-General.

**ARTÍCULO XIV**

1. Todo Estado contratante tendrá la facultad de denunciar la presente Convención, en su propio nombre, o en nombre de todos o de parte de los países o territorios que hayan sido objeto de la notificación prevista en el artículo XIII. La denuncia se efectuará mediante notificación dirigida al Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura.

2. Tal denuncia no producirá efecto sino con respecto al Estado, país o territorio, en nombre del cual se haya hecho, y solamente doce meses después de la fecha en que la notificación se haya recibido.

**ARTÍCULO XV**

Toda diferencia entre dos o varios Estados contratantes respecto a la interpretación o a la aplicación de la presente Convención, que no sea resuelta por vía de negociación, será llevada ante la Corte Internacional de Justicia para que ésta decida, a menos que los Estados interesados convengan otro modo de soluciónaria.

**ARTÍCULO XVI**

1. La presente Convención será redactada en francés, inglés y español. Los tres textos serán firmados y harán igualmente fe.

2. Serán redactados textos oficiales de la presente Convención en alemán, italiano y portugués.

Todo Estado contratante, o grupo de Estados contratantes, podrá hacer redactar por el Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, y de acuerdo con éste, otros textos en las lenguas que elija.

**Denunciation.****Dispute; settlement.****Languages.**

Tous ces textes seront annexés au texte signé de la Convention.

Berne Convention provisions.  
Post, p. 2746.

All such texts shall be annexed to the signed texts of this Convention.

#### ARTICLE XVII

1. La présente Convention n'affecte en rien les dispositions de la Convention de Berne pour la protection des œuvres littéraires et artistiques ni l'appartenance à l'Union créée par cette dernière convention.

2. En vue de l'application de l'alinéa précédent, une déclaration est annexée au présent article. Cette déclaration fait partie intégrante de la présente Convention pour les Etats liés par la Convention de Berne au 1<sup>er</sup> janvier 1951 ou qui y auront adhéré ultérieurement. La signature de la présente Convention par les Etats mentionnés ci-dessus vaut également signature de la déclaration; toute ratification ou acceptation de la Convention, toute adhésion à celle-ci par ces Etats emportera également ratification, acceptation ou adhésion à la déclaration.

Todos estos textos se añadirán, como anejos, al texto firmado de la Convención.

#### ARTICLE XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a Declaration has been annexed to the present article. This Declaration is an integral part of this Convention for the States bound by the Berne Convention on January 1, 1951, or which have or may become bound to it at a later date. The signature of this Convention by such States shall also constitute signature of the said Declaration, and ratification, acceptance or accession by such States shall include the Declaration as well as the Convention.

#### ARTÍCULO XVII

1. La presente Convención no afectará en nada a las disposiciones de la Convención de Berne para la protección de las obras literarias y artísticas, ni al hecho de pertenecer a la Unión creada por esta Convención.

2. En aplicación del párrafo precedente, aparece una declaración como anexo del presente artículo. Esta Declaración forma parte integrante de la presente Convención para los Estados ligados por la Convención de Berne el 1º de enero de 1951, o que se hayan adherido a ella ulteriormente. La firma de la presente Convención por los Estados arriba mencionados implica, al mismo tiempo, la firma de la mencionada Declaración, y su ratificación, aceptación o accesoión por esos Estados, significa a la par de la Declaración y de la Convención.

#### ARTICLE XVIII

Arrangements between American Republics.

La présente Convention n'infirme pas les conventions ou accords multilatéraux ou bilatéraux sur le droit d'auteur qui sont ou peuvent être mis en vigueur entre deux ou plusieurs républiques américaines mais exclusivement entre elles. En cas de divergences soit entre les dispositions d'une part de l'une de ces conventions ou de l'un de ces accords en vigueur et d'autre part les dispositions de la présente Convention, soit entre les dispositions de la présente Convention et celles de toute nouvelle convention ou de tout nouvel accord qui serait établi entre deux ou plusieurs républiques américaines après l'entrée en vigueur de la présente Convention, la conven-

#### ARTICLE XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force, the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contract-

#### ARTÍCULO XVIII

La presente Convención no deroga las convenciones o acuerdos multilaterales o bilaterales sobre derecho de autor que se hallan o puedan hallarse en vigor exclusivamente entre dos o más Repúblicas americanas. En caso de divergencia, ya sea entre las disposiciones de cualquiera de dichas convenciones o acuerdos existentes, de una parte, y las disposiciones de esta Convención de otra, o entre las disposiciones de esta Convención y las de cualquier otra nueva convención o acuerdo que se concierte entre dos o más Repúblicas americanas, después de la entrada en vigor de la presente Convención, prevalecerá entre las partes la Convención o acuerdo redactado más reciente.

tion ou l'accord le plus récemment établi prévaudra entre les parties. Il n'est pas porté atteinte aux droits acquis sur une œuvre, en vertu de conventions ou accords en vigueur dans l'un quelconque des Etats contractants antérieurement à la date de l'entrée en vigueur de la présente Convention dans cet Etat.

#### ARTICLE XIX

La présente Convention n'affirme pas les conventions ou accords multilatéraux ou bilatéraux sur le droit d'auteur en vigueur entre deux ou plusieurs Etats contractants. En cas de divergences entre les dispositions de l'une de ces conventions ou accords et les dispositions de la présente Convention, les dispositions de la présente Convention prévaudront. Ne seront pas affectés les droits acquis sur une œuvre en vertu de conventions ou accords en vigueur dans l'un des Etats contractants antérieurement à la date de l'entrée en vigueur de la présente Convention dans ledit Etat. Le présent article ne déroge en rien aux dispositions des articles XVII et XVIII de la présente Convention.

ing State under existing conventions or arrangements before the date this Convention comes into force in such State shall not be affected.

mente. Los derechos adquiridos sobre una obra en cualquier Estado contratante en virtud de convenciones y acuerdos existentes con anterioridad a la fecha en que esta Convención entre en vigor en tal Estado, no serán afectados por la misma.

#### ARTICLE XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this article shall affect the provisions of articles XVII and XVIII of this Convention.

#### ARTÍCULO XIX

La presente Convención no deroga las convenciones o acuerdos multilaterales o bilaterales sobre derecho de autor vigentes entre dos o más Estados contratantes. En caso de divergencia entre las disposiciones de una de dichas convenciones o de esos acuerdos, y las disposiciones de esta Convención, prevalecerán las disposiciones de esta última. No serán afectados los derechos adquiridos sobre una obra en virtud de convenciones o acuerdos en vigor en uno de los Estados contratantes con anterioridad a la fecha de entrada en vigor de la presente Convención en dicho Estado. El presente artículo no afectará en nada las disposiciones de los artículos XVII y XVIII de la presente Convención.

Arrangements in effect between Contracting States.

#### ARTICLE XX

Il n'est admis aucune réserve à la présente Convention.

#### ARTICLE XX

Reservations to this Convention shall not be permitted.

#### ARTÍCULO XX

No se permitirán reservas a la presente Convención.

#### ARTICLE XXI

Le Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture enverra des copies dûment certifiées de la présente Convention aux Etats intéressés et au Conseil fédéral suisse ainsi qu'au Secrétaire général des Nations Unies pour enregistrement par les soins de celul-ci.

#### ARTICLE XXI

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall send duly certified copies of this Convention to the States interested, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration by him.

#### ARTÍCULO XXI

El Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura enviará copias debidamente autorizadas de la presente Convención a los Estados interesados y al Consejo de la Confederación Helvética, así como al Secretario General de las Naciones Unidas, para que las registre.

En outre, il informera tous les Etats intéressés du dépôt des instruments de ratification, d'acceptation ou d'adhésion, de la date d'entrée en vigueur de la présente Convention, des notifications prévues à l'article XIII de la présente Convention et des dénonciations prévues à l'article XIV.

He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Convention comes into force, the notifications under Article XIII of this Convention, and denunciations under Article XIV.

También informará, a todos los Estados interesados, del depósito de los instrumentos de ratificación, aceptación o accesión; de la fecha de entrada en vigor de la presente Convención; de las notificaciones previstas en el artículo XIII, y de las denuncias previstas en el artículo XIV.

#### DÉCLARATION ANNEXE relative à l'article XVII

Les Etats membres de l'Union internationale pour la protection des œuvres littéraires et artistiques, parties à la Convention universelle du droit d'auteur, désirant renforcer leurs relations mutuelles sur la base de ladite Union et éviter tout conflit pouvant résulter de la co-existence de la Convention de Berne et de la Convention universelle,

Ont, d'un commun accord, accepté les termes de la déclaration suivante:

- a) Les œuvres qui, aux termes de la Convention de Berne, ont comme pays d'origine un pays ayant quitté, postérieurement au 1<sup>er</sup> janvier 1951, l'Union internationale créée par cette Convention, ne seront pas protégées par la Convention universelle du droit d'auteur dans les pays de l'Union de Berne;
- b) La Convention universelle du droit d'auteur ne sera pas applicable, dans les rapports entre les pays liés par la Convention de Berne, en ce qui concerne la protection des œuvres qui, aux termes de cette Convention de Berne, ont comme pays d'origine l'un des pays de l'Union internationale créée par cette Convention.

#### APPENDIX DECLARATION relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works, and which are signatories to the Universal Copyright Convention,

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the co-existence of the Convention of Berne and the Universal Convention,

Have, by common agreement, accepted the terms of the following declaration:

- a) Works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the International Union created by the said Convention, after January 1, 1951, shall not be protected by the Universal Copyright Convention in the countries of the Berne Union;
- b) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union insofar as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the International Union created by the said Convention.

#### DECLARACIÓN ANEXA relativa al Artículo XVII

1. Los Estados miembros de la Unión Internacional para la Protección de las Obras Literarias y Artísticas, signatarios de la Convención Universal sobre Derecho de Autor, deseando estrechar sus lazos mutuos sobre la base de la mencionada Unión y evitar todo conflicto que pudiera surgir de la coexistencia de la Convención de Berne y de la Convención Universal, han aceptado, de común acuerdo, los términos de la siguiente declaración:

- a) Las obras que, según la Convención de Berne, tengan como país de origen un país que se haya retirado de la Unión Internacional creada por esta Convención, después del 1º de enero de 1951, no serán protegidas por la Convención Universal sobre Derecho de Autor en los países de la Unión de Berne.
- b) La Convención Universal sobre Derecho de Autor no será aplicable en las relaciones entre los Estados ligados por la Convención de Berne, en lo que se refiere a la protección de las obras que, de acuerdo con esta Convención de Berne, tengan como país de origen uno de los países de la Unión Internacional creada por dicha Convención.

RÉSOLUTION CONCERNANT  
L'ARTICLE XI

*La Conférence intergouvernementale du droit d'auteur,*

Ayant considéré les questions relatives au Comité intergouvernemental prévu à l'article XI de la Convention universelle du droit d'auteur,

prend les décisions suivantes :

1. Les premiers membres du Comité seront les représentants des douze Etats suivants, à raison d'un représentant et d'un suppléant désigné par chacun de ces Etats : Allemagne, Argentine, Brésil, Espagne, Etats-Unis d'Amérique, France, Inde, Italie, Japon, Mexique, Royaume-Uni et Suisse.

2. Le Comité sera constitué dès que la Convention sera entrée en vigueur conformément à l'article XI de cette Convention ;

3. Le Comité élira un président et un vice-président. Il établira son règlement intérieur, qui devra assurer l'application des règles ci-après :

a) la durée normale du mandat des représentants sera de six ans, avec renouvellement par tiers tous les deux ans;

b) avant l'expiration de la durée du mandat de chaque membre, le Comité décidera quels sont les Etats qui cessent d'avoir des représentants dans son sein et les Etats qui seront appelés à désigner des représentants; cesseront en premier lieu d'avoir des représentants dans le Comité les Etats qui n'auront pas ratifié, accepté ou adhéré;

RESOLUTION CONCERNING  
ARTICLE XI

*The Intergovernmental Copyright Conference*

Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of the Universal Copyright Convention

resolves

1. The first members of the Committee shall be representatives of the following twelve States, each of those States designating one representative and an alternate: Argentine, Brazil, France, Germany, India, Italy, Japan, Mexico, Spain, Switzerland, United Kingdom, and United States of America.

2. The Committee shall be constituted as soon as the Convention comes into force in accordance with article XI of this Convention;

3. The Committee shall elect its Chairman and one Vice-Chairman. It shall establish its rules of procedure having regard to the following principles:

a) the normal duration of the term of office of the representatives shall be six years; with one third retiring every two years;

b) before the expiration of the term of office of any members, the Committee shall decide which States shall cease to be represented on it and which States shall be called upon to designate representatives; the representatives of those States which have not ratified, accepted or acceded shall be the first to retire;

RESOLUCIÓN RELATIVA  
AL ARTÍCULO XI

*La Conferencia Intergubernamental sobre Derecho de Autor,*

Habiendo considerado los problemas relativos al Comité Inter-gubernamental previsto por el artículo XI de la Convención Universal sobre Derecho de Autor,

*Ante*, p. 2741.

resuelve

1) los primeros miembros del Comité serán los representantes de los doce Estados siguientes, cada uno de los cuales designará un representante y un suplente: Alemania, Argentina, Brasil, España, Estados Unidos de América, Francia, India, Italia, Japón, México, Reino Unido y Suiza.

2) el Comité se constituirá tan pronto entre en vigor la Convención, conforme al artículo XI de la presente Convención.

3) el Comité elegirá su Presidente y su Vicepresidente. Establecerá su reglamento interno basándose en los principios siguientes:

a) la duración normal de los mandatos de los representantes será de seis años; cada dos años se retirará una tercera parte de los representantes;

b) antes de la expiración del mandato de cualquiera de sus miembros, el Comité decidirá cuáles de los Estados dejarán de estar representados y cuáles de los Estados han de designar representantes; los representantes de aquellos Estados que no hubieren ratificado, aceptado o accedido, se retirarán los primeros;

Members.

c) il sera tenu compte d'une équitable représentation des différentes parties du monde;

*et émet le vœu*

que l'Organisation des Nations Unies pour l'Education, la Science et la Culture assure le Secrétariat du Comité.

c) the different parts of the world shall be fairly represented;

*and expresses the wish*

that the United Nations Educational, Scientific, and Cultural Organization provide its Secretariat.

c) las diversas partes del mundo estarán equitativamente representadas en su seno;

*y formula el voto*

de que la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, garanticé la Secretaría del Comité.

En foi de quoi les soussignés, ayant déposé leurs pleins pouvoirs respectifs, ont signé la présente Convention.

Fait à Genève, le six septembre 1952, en un exemplaire unique.

In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done at Geneva, this sixth day of September, 1952 in a single copy.

En fe de lo cual, los infrascritos, que han depositado sus plenos poderes, firman la presente Convención.

En la ciudad de Ginebra, a los seis días de septiembre de 1952, en ejemplar único.

Pour L'AFGHANISTAN

For AFGHANISTAN

Por AFGANISTÁN

Pour la RÉPUBLIQUE  
POPULAIRE D'ALBANIE

For the PEOPLE'S REPUBLIC  
OF ALBANIA

Por la REPÚBLICA POPULAR  
DE ALBANIA

Pour la RÉPUBLIQUE  
FÉDÉRALE D'ALLEMAGNE

For the GERMAN FEDERAL  
REPUBLIC

Por la REPÚBLICA FEDERAL  
ALEMANA

HOLZAPFEL

Pour ANDORRE

For ANDORRA

Por ANDORRA

MARCEL PLAISANT  
J. DE ERICE  
M. DE LA CALZADA  
PUGET

Pour le ROYAUME DE  
L'ARABIE SAOUDITE

For the KINGDOM  
OF SAUDI-ARABIA

Por el REINO DE ARABIA  
SAUDITA

Pour la RÉPUBLIQUE  
ARGENTINE

For the ARGENTINE  
REPUBLIC

Por la REPÚBLICA  
ARGENTINA

E. MENDILAHARZU

Pour la FÉDÉRATION  
DE L'AUSTRALIE

For the FEDERATION  
OF AUSTRALIA

Por la FEDERACIÓN  
DE AUSTRALIA

H. R. WILMOT  
*ad ref.*

Pour l'AUTRICHE

For AUSTRIA

Por AUSTRIA

DR KURT FRIEBERGER

Pour la BELGIQUE

For BELGIUM [1]

Por BÉLGICA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE BIÉLORUSSIE

For the BYELORUSSIAN  
SOVIET SOCIALIST  
REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE BIELORRUSIA

1 Signed Dec. 30, 1952.

Pour l'UNION BIRMANE

For the UNION OF BURMA

Por la UNIÓN BIRMANA

Pour la BOLIVIE

For BOLIVIA

Por BOLIVIA

Pour le BRÉSIL

For BRAZIL

Por BRASIL

ILDEFONSO MASCARENHAS DA SILVA

Pour la RÉPUBLIQUE  
POPULAIRE DE BULGARIE

For the BULGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE BULGARIA

Pour le ROYAUME  
DU CAMBODGE

For the KINGDOM  
OF CAMBODIA

Por el REINO DE CAMBODIA

Pour le CANADA

For CANADA

Por CANADÁ

DR. VICTOR L. DORÉ  
C. STEIN  
G. G. BECKETT

Pour CEYLAN

For CEYLON

Por CEILÁN

Pour le CHILI

For CHILE

Por CHILE

GALLIANO

Pour la CHINE

For CHINA

Por CHINA

Pour la RÉPUBLIQUE  
DE COLOMBIEFor the REPUBLIC  
OF COLOMBIAPor la REPÚBLICA  
DE COLOMBIA

Pour la RÉPUBLIQUE  
DE CORÉE

For the REPUBLIC  
OF KOREA

Por la REPÚBLICA DE COREA

Pour le COSTA RICA

For COSTA RICA

Por COSTA RICA

Pour CUBA

For CUBA

Por CUBA

J. J. REMOS  
N. CHEDIAK  
HILDA LABRADA BERNAL

Pour le DANEMARK

For DENMARK

Por DINAMARCA

TORBEN LUND

Pour la RÉPUBLIQUE  
DOMINICAINE

For the DOMINICAN  
REPUBLIC

Por la REPÚBLICA  
DOMINICANA

TIAS 3324

Pour l'ÉGYPTE

For EGYPT

Por EGIPTO

Pour la RÉPUBLIQUE  
DE EL SALVADORFor the REPUBLIC  
OF EL SALVADORPor la REPÚBLICA  
DE EL SALVADORH. ESCOBAR SERRANO  
AMY

Pour l'ÉQUATEUR

For ECUADOR

Por ECUADOR

Pour l'ESPAGNE

For SPAIN

Por ESPAÑA

J. DE ERICH  
M. DE LA CALZADAPour les ÉTATS-UNIS  
D'AMÉRIQUEFor the UNITED STATES  
OF AMERICAPor los ESTADOS UNIDOS  
DE AMÉRICA

LUTHER H. EVANS

Pour l'ÉTHIOPIE

For ETHIOPIA

Por ETIOPÍA

Pour la FINLANDE

For FINLAND

Por FINLANDIA

Y. J. HAKULINEN

Pour la FRANCE

For FRANCE

Por FRANCIA

MARCEL PLAISANT  
PUGET  
J. ESCARRA  
MARCEL BOUTET

Pour la GRÈCE

For GREECE

Por GRECIA

Pour le GUATÉMALA

For GUATEMALA

Por GUATEMALA

*ad referendum*  
ALB. DUPONT-WILLEMIN

Pour la RÉPUBLIQUE  
D'HAÏTI

For the REPUBLIC  
OF HAITI

Por la REPÚBLICA  
DE HAITÍ

A. ADDRESSEES

Pour la RÉPUBLIQUE  
DE HONDURAS

For the REPUBLIC  
OF HONDURAS

Por la REPÚBLICA  
DE HONDURAS

BASILIO DE TELEPNEF

Pour la RÉPUBLIQUE  
POPULAIRE HONGROISE

For the HUNGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE HUNGRÍA

Pour l'INDE

For INDIA

Por INDIA

B. N. LOKUR

Pour la RÉPUBLIQUE  
D'INDONÉSIE

For the REPUBLIC  
OF INDONESIA

Por la REPÚBLICA  
DE INDONESIA

Pour l'IRAN

For IRAN

Por IRÁN

Pour l'IRAQ

For IRAQ

Por IRAQ

Pour l'IRLANDE

For IRELAND

Por IRLANDA

EDWARD A. CLEARY  
PATRICK J. MCKENNA

Pour l'ISLANDE

For ICELAND

Por ISLANDIA

Pour l'ÉTAT D'ISRAËL

For the STATE OF ISRAEL [1]

Por el ESTADO DE ISRAEL

<sup>1</sup> Signed Dec. 16, 1952.

Pour l'ITALIE

For ITALY

Por ITALIA

ANTONIO PENNETTA  
FILIPPO PASQUERA

Pour le JAPON

For JAPAN [!]

Por JAPÓN

Pour le ROYAUME  
HACHÉMITE DE JORDANIEFor the HASHEMITE  
KINGDOM OF JORDANPor el REINO HACHEMITA  
DE JORDANIA

Pour le ROYAUME DU LAOS

For the KINGDOM OF LAOS

Por el REINO DE LAOS

Pour le LIBAN

For the LEBANON

Por LÍBANO

<sup>1</sup> Signed Jan. 3, 1953.

Pour le LIBÉRIA

For LIBERIA

Por LIBERIA

NAT. MASSAQUOI  
J. ALB. JONES

Pour la LIBYE

For LIBYA

Por LIBIA

Pour le LIECHTENSTEIN

For LIECHTENSTEIN

Por LIECHTENSTEIN

Pour le LUXEMBOURG

For LUXEMBURG

Por LUXEMBURGO

J. STURM

Pour le MEXIQUE

For MEXICO

Por MÉXICO

G. FERNÁNDEZ DEL CASTILLO

Pour MONACO

For MONACO

Por MÓNACO

SOLAMITO  
C. BARREIRA

Pour le NÉPAL

For NEPAL

Por NEPAL

Pour le NICARAGUA

For NICARAGUA

Por NICARAGUA

MULLHAUPT

Pour la NORVÈGE

For NORWAY

Por NORUEGA

ENLIP MOB

Pour la NOUVELLE-ZÉLANDE

For NEW ZEALAND

Por NUEVA ZELANDIA

Pour le PAKISTAN

For PAKISTAN

Por PAKISTÁN

Pour le PANAMA

For PANAMA

Por PANAMÁ

Pour le PARAGUAY

For PARAGUAY

Por PARAGUAY

Pour les PAYS-BAS

For the NETHERLANDS

Por los PAÍSES BAJOS

G. H. C. BODENHAUSEN

Pour le PÉROU

For PERU [!]

Por PERÚ

<sup>1</sup> Signed Dec. 2, 1952.

Pour la RÉPUBLIQUE  
DES PHILIPPINES

For the REPUBLIC  
OF THE PHILIPPINES

Por la REPÚBLICA  
DE FILIPINAS

Pour la RÉPUBLIQUE  
DE POLOGNE

For the REPUBLIC  
OF POLAND

Por la REPÚBLICA  
DE POLONIA

Pour le PORTUGAL

For PORTUGAL

Por PORTUGAL

JÚLIO DANTAS  
JOSÉ GALHARDO

Pour la RÉPUBLIQUE  
POPULAIRE ROUMAINE

For the RUMANIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE RUMANIA

Pour le ROYAUME-UNI  
DE LA GRANDE-BRETAGNE  
ET DE L'IRLANDE DU NORD

For the UNITED KINGDOM  
OF GREAT BRITAIN  
AND NORTHERN IRELAND

Por el REINO UNIDO  
DE LA GRAN BRETAÑA  
E IRLANDA DEL NORTE

J. L. BLAKE

Pour la RÉPUBLIQUE  
DE SAINT-MARIN

For the REPUBLIC  
OF SAN MARINO

Por la REPÚBLICA  
DE SAN MARINO

*ad referendum:*  
LIFSHITZ

Pour le SAINT-SIÈGE

For the HOLY SEE

Por la SANTA SEDE

CH. COMTE  
J. PAUL BUENSOD

Pour la SUÈDE

For SWEDEN

Por SUECIA

STURE PETRÉN  
ERIK HEDFELDT

Pour la CONFÉDÉRATION  
SUISSE

For the CONFEDERATION  
OF SWITZERLAND

Por la CONFEDERACIÓN  
HELVÉTICA

PLINIO BOLLA  
HANS MORF  
HENRI THÉVENAZ

Pour la RÉPUBLIQUE  
SYRIENNE

For the REPUBLIC  
OF SYRIA

Por la REPÚBLICA DE SIRIA

Pour la TCHÉCOSLOVAQUIE

For CZECHOSLOVAKIA

Por CHECOESLOVAQUIA

Pour la THAÏLANDE

For THAILAND

Por TAILANDIA

Pour la TURQUIE

For TURKEY

Por TURQUÍA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE L'UKRAINE

For the UKRANIAN SOVIET  
SOCIALIST REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE UCRANIA

Pour l'UNION DE L'AFRIQUE  
DU SUD

For the UNION  
OF SOUTH AFRICA

Por la UNIÓN SUDAFRICANA

Pour l'UNION DES  
RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Por la UNIÓN DE LAS  
REPÚBLICAS SOCIALISTAS  
SOVIÉTICAS

Pour la RÉPUBLIQUE  
ORIENTALE DE L'URUGUAY

For the ORIENTAL REPUBLIC  
OF URUGUAY

Por la REPÚBLICA ORIENTAL  
DE URUGUAY

JULIÁN NOGUEIRA  
y EDUARDO PEROTTI

Pour les ÉTATS-UNIS  
DE VENEZUELA

For the UNITED STATES  
OF VENEZUELA

Por los ESTADOS UNIDOS  
DE VENEZUELA

Pour l'ÉTAT DE VIET-NAM

For the STATE OF VIET-NAM

Por el ESTADO DE VIETNAM

Pour le YÉMEN

For YEMEN

Por YEMEN

Pour la RÉPUBLIQUE  
FÉDÉRATIVE POPULAIRE  
DE YUGOSLAVIE

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Por la REPÚBLICA FEDERAL  
POPULAR DE YUGOESLAVIA

DR. BERTHOLD EISNER

Certified a true and complete copy of the original Universal Copyright Convention, signed at Geneva on 6 September 1952, and of a declaration annexed thereto relating to Article XVII thereof, and of a resolution concerning Article XI thereof, annexed thereto.

*Paris, 3 November 1952*

*Karen Jelke!*

Legal Adviser  
of the United Nations Educational,  
Scientific and Cultural Organization

*Protocole annexe I à la Convention universelle pour la protection du droit d'auteur concernant la protection des œuvres des personnes apatrides et des réfugiés*

Les Etats parties à la Convention universelle pour la protection du droit d'auteur (ci-dessous désignée sous le nom de « Convention ») et devenant Parties au présent Protocole,

Sont convenus des dispositions suivantes:

1. Les personnes apatrides et les réfugiés ayant leur résidence habituelle dans un Etat contractant sont, pour l'application de la présente Convention, assimilés aux ressortissants de cet Etat.

2. a) Le présent Protocole sera signé et soumis à la ratification ou à l'acceptation par les Etats signataires, et il pourra y être adhéré, conformément aux dispositions de l'Article VIII de la Convention.

b) Le présent Protocole entrera en vigueur pour chaque Etat à la date du dépôt de l'instrument de ratification, d'acceptation ou d'adhésion y relatif, à condition que cet Etat soit déjà Partie à la Convention.

En foi de quoi les soussignés dûment autorisés, ont signé le présent Protocole.

Fait à Genève, le 6 septembre 1952, en français, en anglais et en espagnol, les trois textes faisant foi, en un exemplaire unique qui sera déposé auprès du Directeur général de l'Unesco, qui en adressera une copie certifiée conforme

*Protocol I annexed to the Universal Copyright Convention concerning the application of that Convention to the works of stateless persons and refugees*

The States parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention") have accepted the following provisions:

1. Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the Convention, be assimilated to the nationals of that State.

2. a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

b) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of

*Protocolo I anexo a la Convención Universal sobre Derecho de Autor relativo a la aplicación de la Convención a las obras de apátridas y refugiados*

Los Estados partes en el presente Protocolo, que también lo son de la Convención Universal sobre Derecho de Autor (en adelante denominada la « Convención ») han aceptado las siguientes disposiciones:

1. Los apátridas y los refugiados que tengan su residencia habitual en un Estado Contratante serán, para los efectos de la presente Convención, asimilados a los nacionales de ese Estado.

2. a) El presente Protocolo se firmará y se someterá a la ratificación, aceptación o accesión como si las disposiciones del Artículo VIII de la Convención se aplicaran al mismo.

b) El presente Protocolo entrará en vigor, para cada Estado, en la fecha del depósito de, instrumento de ratificación, aceptación o accesión del Estado interesado o en la fecha de entrada en vigor de la Convención con respecto a tal Estado, de acuerdo con la fecha que sea posterior.

*Stateless persons and refugees.*

*Entry into force.*  
*Post, p. 2828.*

En fe de lo cual, los infrascritos, estando debidamente autorizados para ello, firman el presente Protocolo.

En la ciudad de Ginebra, a los seis días del mes de septiembre de 1952, en inglés, francés y español, siendo igualmente auténticos los tres textos, en una sola copia la cual será depositada con el Director General de la Organización

aux Etats signataires, au Conseil Fédéral Suisse, ainsi qu'au Secrétaire général des Nations Unies pour enregistrement par les soins de celui-ci.

Unesco. The Director-General shall send certified copies to the signatory States, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration.

de las Naciones Unidas para la Educación, la Ciencia y la Cultura. El Director General enviará copias certificadas a los Estados signatarios y al Consejo de la Confederación Helvética, así como al Secretario General de las Naciones Unidas para su registro.

Pour L'AFGHANISTAN

For AFGHANISTAN

Por AFGANISTÁN

Pour la RÉPUBLIQUE  
POPULAIRE D'ALBANIE

For the PEOPLE'S REPUBLIC  
OF ALBANIA

Por la REPÚBLICA POPULAR  
DE ALBANIA

Pour la RÉPUBLIQUE  
FÉDÉRALE D'ALLEMAGNE

For the GERMAN FEDERAL  
REPUBLIC

Por la REPÚBLICA FEDERAL  
ALEMANA

HOLZAPFEL

Pour ANDORRE

For ANDORRA

Por ANDORRA

MARCEL PLAISANT  
PUGET

Pour le ROYAUME DE  
L'ARABIE SAOUDITE

For the KINGDOM  
OF SAUDI-ARABIA

Por el REINO DE ARABIA  
SAUDITA

TIAS 3324

Pour la RÉPUBLIQUE  
ARGENTINE

For the ARGENTINE  
REPUBLIC

Por la REPÚBLICA  
ARGENTINA

E. MENDILAHARZU

Pour la FÉDÉRATION  
DE L'AUSTRALIE

For the FEDERATION  
OF AUSTRALIA

Por la FEDERACIÓN  
DE AUSTRALIA

H. R. WILMOT  
*ad ref.*

Pour l'AUTRICHE

For AUSTRIA

Por AUSTRIA

DR KURT FRIESEBOER

Pour la BELGIQUE

For BELGIUM<sup>[1]</sup>

Por BÉLGICA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE BIÉLORUSSIE

For the BYELORUSSIAN  
SOVIET SOCIALIST  
REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE BIELORRUSIA

<sup>1</sup> Signed Dec. 30, 1952.

Pour l'UNION BIRMANE

For the UNION OF BURMA

Por la UNIÓN BIRMANA

Pour la BOLIVIE

For BOLIVIA

Por BOLIVIA

Pour le BRÉSIL

For BRAZIL

Por BRASIL

ILDEFONSO MASCARENHAS DA SILVA

Pour la RÉPUBLIQUE  
POPULAIRE DE BULGARIE

For the BULGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE BULGARIA

Pour le ROYAUME  
DU CAMBODGE

For the KINGDOM  
OF CAMBODIA

Por el REINO DE CAMBODIA

Pour le CANADA

For CANADA

Por CANADÁ

DR. VICTOR L. DOBÉ<sup>1</sup>  
C. STEIN  
G. G. BECKETT

Pour CEYLAN

For CEYLON

Por CEILÁN

Pour le CHILI

For CHILE

Por CHILE

Pour la CHINE

For CHINA

Por CHINA

Pour la RÉPUBLIQUE  
DE COLOMBIE

For the REPUBLIC  
OF COLOMBIA

Por la REPÚBLICA  
DE COLOMBIA

Pour la RÉPUBLIQUE  
DE CORÉE

For the REPUBLIC  
OF KOREA

Por la REPÚBLICA DE COREA

Pour le COSTA RICA

For COSTA RICA

Por COSTA RICA

Pour CUBA

For CUBA

Por CUBA

J. J. REMOS  
N. CHEDIAK  
HILDA LABRADA BERNAL

Pour le DANEMARK

For DENMARK

Por DINAMARCA

TORBEN LUND

Pour la RÉPUBLIQUE  
DOMINICAINE

For the DOMINICAN  
REPUBLIC

Por la REPÚBLICA  
DOMINICANA

Pour l'ÉGYPTE

For EGYPT

Por EGIPTO

Pour la RÉPUBLIQUE  
DE EL SALVADOR

For the REPUBLIC  
OF EL SALVADOR

Por la REPÚBLICA  
DE EL SALVADOR

H. ESCOBAR SERRANO  
AMY

Pour l'ÉQUATEUR

For ECUADOR

Por ECUADOR

Pour l'ESPAGNE

For SPAIN

Por ESPAÑA

Pour les ÉTATS-UNIS  
D'AMÉRIQUE

For the UNITED STATES  
OF AMERICA

Por los ESTADOS UNIDOS  
DE AMÉRICA

LUTHER H. EVANS

Pour l'ÉTHIOPIE

For ETHIOPIA

Por ETIOPÍA

Pour la FINLANDE

For FINLAND

Por FINLANDIA

Pour la FRANCE

For FRANCE

Por FRANCIA

MARCEL PLAISANT  
PUGET  
J. ESCARRA  
MARCEL BOUTET

Pour la GRÈCE

For GREECE

Por GRECIA

Pour le GUATÉMALA

For GUATEMALA

Por GUATEMALA

*ad referendum*  
ALB. DUPONT-WILLEMIN

Pour la RÉPUBLIQUE  
D'HAÏTI

For the REPUBLIC  
OF HAITI

Por la REPÚBLICA  
DE HAITÍ

A. ADDOB

Pour la RÉPUBLIQUE  
DE HONDURAS

For the REPUBLIC  
OF HONDURAS

Por la REPÚBLICA  
DE HONDURAS

BASILIO DE TELEPNEF

Pour la RÉPUBLIQUE  
POPULAIRE HONGROISE

For the HUNGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE HUNGRÍA

Pour l'INDE

For INDIA

Por INDIA

B. N. LOKUR

Pour la RÉPUBLIQUE  
D'INDONÉSIE

For the REPUBLIC  
OF INDONESIA

Por la REPÚBLICA  
DE INDONESIA

Pour l'IRAN

For IRAN

Por IRÁN

Pour l'IRAQ

For IRAQ

Por IRAQ

Pour l'IRLANDE

For IRELAND

Por IRLANDA

EDWARD A. CLEARY  
PATRICK J. MCKENNA

Pour l'ISLANDE

For ICELAND

Por ISLANDIA

Pour l'ÉTAT D'ISRAËL

For the STATE OF ISRAEL<sup>[1]</sup>

Por el ESTADO DE ISRAEL

<sup>1</sup> Signed Dec. 16, 1952.

Pour l'ITALIE

For ITALY

Por ITALIA

ANTONIO PENNETTA  
FILIPPO PASQUERA

Pour le JAPON

For JAPAN<sup>[1]</sup>

Por JAPÓN

Pour le ROYAUME  
HACHÉMITE DE JORDANIE

For the HASHEMITE  
KINGDOM OF JORDAN

Por el REINO HACHEMITA  
DE JORDANIA

Pour le ROYAUME DU LAOS

For the KINGDOM OF LAOS

Por el REINO DE LAOS

Pour le LIBAN

For the LEBANON

Por LIBANO

<sup>1</sup> Signed Jan. 3, 1953.

Pour le LIBÉRIA

For LIBERIA

Por LIBERIA

NAT. MASSAQUOI  
J. ALB. JONES

Pour la LIBYE

For LIBYA

Por LIBIA

Pour le LIECHTENSTEIN

For LIECHTENSTEIN

Por LIECHTENSTEIN

Pour le LUXEMBOURG

For LUXEMBURG

Por LUXEMBURGO

J. STUBM

Pour le MEXIQUE

For MEXICO

Por MÉXICO

Pour MONACO

For MONACO

Por MÓNACO

SOLAMITO  
C. BARREIRA

Pour le NÉPAL

For NEPAL

Por NEPAL

Pour le NICARAGUA

For NICARAGUA

Por NICARAGUA

MULLHAUPT

Pour la NORVÈGE

For NORWAY

Por NORUEGA

ELIF MOE

Pour la NOUVELLE-ZÉLANDE

For NEW ZEALAND

Por NUEVA ZELANDIA

Pour le PAKISTAN

For PAKISTAN

Por PAKISTÁN

Pour le PANAMA

For PANAMA

Por PANAMÁ

Pour le PARAGUAY

For PARAGUAY

Por PARAGUAY

Pour les PAYS-BAS

For the NETHERLANDS

Por los PAÍSES BAJOS

Pour le PÉROU

For PERU<sup>[1]</sup>

Por PERÚ

<sup>1</sup> Signed Dec. 2, 1952.

Pour la RÉPUBLIQUE  
DES PHILIPPINES

For the REPUBLIC  
OF THE PHILIPPINES

Por la REPÚBLICA  
DE FILIPINAS

Pour la RÉPUBLIQUE  
DE POLOGNE

For the REPUBLIC  
OF POLAND

Por la REPÚBLICA  
DE POLONIA

Pour le PORTUGAL

For PORTUGAL

Por PORTUGAL

JÚLIO DANTAS  
José GALHARDO

Pour la RÉPUBLIQUE  
POPULAIRE ROUMAINE

For the RUMANIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE RUMANIA

Pour le ROYAUME-UNI  
DE LA GRANDE-BRETAGNE  
ET DE L'IRLANDE DU NORD

For the UNITED KINGDOM  
OF GREAT BRITAIN  
AND NORTHERN IRELAND

Por el REINO UNIDO  
DE LA GRAN BRETAÑA  
E IRLANDA DEL NORTE

J. L. BLAKE

Pour la RÉPUBLIQUE  
DE SAINT-MARIN

For the REPUBLIC  
OF SAN MARINO

Por la REPÚBLICA  
DE SAN MARINO

*ad referendum:*  
LIPSCHITZ

Pour le SAINT-SIÈGE

For the HOLY SEE

Por la SANTA SEDE

CH. COMTE  
J. PAUL BUENSOD

Pour la SUÈDE

For SWEDEN

Por SUECIA

STURE PETRÉN  
ERIK HEDFELDT

Pour la CONFÉDÉRATION  
SUISSE

For the CONFEDERATION  
OF SWITZERLAND

Por la CONFEDERACIÓN  
HELVÉTICA

PLINIO BOLLA  
HANS MORF  
HENRI THÉVENAZ

Pour la RÉPUBLIQUE  
SYRIENNE

For the REPUBLIC  
OF SYRIA

Por la REPÚBLICA DE SIRIA

Pour la TCHÉCOSLOVAQUIE

For CZECHOSLOVAKIA

Por CHECOESLOVAQUIA

Pour la THAÏLANDE

For THAILAND

Por TAILANDIA

Pour la TURQUIE

For TURKEY

Por TURQUÍA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE L'UKRAINE

For the UKRANIAN SOVIET  
SOCIALIST REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE UCRANIA

Pour l'UNION DE L'AFRIQUE  
DU SUD

For the UNION  
OF SOUTH AFRICA

Por la UNIÓN SUDAFRICANA

Pour l'UNION DES  
RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Por la UNIÓN DE LAS  
REPÚBLICAS SOCIALISTAS  
SOVIÉTICAS

Pour la RÉPUBLIQUE  
ORIENTALE DE L'URUGUAY

For the ORIENTAL REPUBLIC  
OF URUGUAY

Por la REPÚBLICA ORIENTAL  
DE URUGUAY

JULIÁN NOGUEIRA  
IT EDUARDO PEROTTI

Pour les ÉTATS-UNIS  
DE VENEZUELA

For the UNITED STATES  
OF VENEZUELA

Por los ESTADOS UNIDOS  
DE VENEZUELA

Pour l'ÉTAT DE VIET-NAM

For the STATE OF VIET-NAM

Por el ESTADO DE VIETNAM

Pour le YÉMEN

For YEMEN

Por YEMEN

Pour la RÉPUBLIQUE  
FÉDÉRATIVE POPULAIRE  
DE YOUGOSLAVIE

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Por la REPÚBLICA FEDERAL  
POPULAR DE YUGOSLAVIA

DR. BERTHOLD EISNER

Certified a true and complete copy of the original Protocol I  
annexed to the Universal Copyright Convention concerning  
the application of that Convention to the works of stateless  
persons and refugees.

Paris, 3 November 1952



Legal Adviser  
of the United Nations Educational,  
Scientific and Cultural Organization

*Protocole annexé 2 à la Convention universelle pour la protection du droit d'auteur, concernant l'application de la Convention aux œuvres de certaines organisations internationales*

Les Etats parties à la Convention universelle pour la protection du droit d'auteur (ci-dessous désignée sous le nom de « Convention ») et devenant Parties au présent Protocole,

Sont convenus des dispositions suivantes:

1. a) La protection prévue à l'alinéa 1 de l'Article II de la Convention universelle pour la protection du droit d'auteur s'applique aux œuvres publiées pour la première fois par l'Organisation des Nations Unies, par les Institutions spécialisées reliées aux Nations Unies ou par l'Organisation des Etats Américains.

b) De même la protection prévue à l'alinéa 2 de l'Article II de la Convention s'applique aux susdites organisations ou institutions.

2. a) Le présent Protocole sera signé et soumis à la ratification ou à l'acceptation par les Etats signataires, et il pourra y être adhéré, conformément aux dispositions de l'Article VIII de la Convention.

b) Le présent Protocole entrera en vigueur pour chaque Etat à la date du dépôt de l'instrument de ratification, d'acceptation ou d'adhésion y relatif, à condition que cet Etat soit déjà Partie à la Convention.

En foi de quoi les soussignés dûment autorisés, ont signé le présent Protocole.

*Protocol 2 annexed to the Universal Copyright Convention, concerning the application of that Convention to the works of certain international organisations*

The State parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention"),

Have accepted the following provisions:

1. (a) The protection provided for in article II (1) of the Convention shall apply to works published for the first time by the United Nations, by the Specialized Agencies in relationship therewith, or by the Organisation of American States;

(b) Similarly, article II (2) of the Convention shall apply to the said organisation or agencies.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or, on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

*Protocolo 2 anexo a la Convención Universal sobre Derecho de Autor relativo a la aplicación de la Convención a las obras de ciertas organizaciones internacionales*

Los Estados partes en el presente Protocolo, y que son partes igualmente en la Convención Universal sobre derecho de autor (en adelante denominada la « Convención »), han adoptado las disposiciones siguientes:

1. a) La protección prevista en el artículo II (1) de la Convención se aplicará a las obras publicadas por primera vez por las Naciones Unidas, por las Instituciones especializadas ligadas a ellas, o por la Organización de Estados Americanos.

b) Igualmente el artículo II (2) de la Convención se aplicará a dichas organizaciones e instituciones.

2. a) El Protocolo se firmará y se someterá a la ratificación, aceptación o accesión como si las disposiciones del artículo VIII de la Convención se aplicara al mismo.

b) El presente Protocolo entrará en vigor para cada Estado en la fecha del depósito del instrumento de ratificación, aceptación o accesión del Estado interesado o en la fecha de entrada en vigor de la Convención con respecto a tal Estado, de acuerdo con la fecha que sea posterior.

En fe de lo cual los infranescritos estando debidamente autorizados para ello, firman el presente Protocolo.

Works published by certain international organizations.

*Ante*, p. 2733.

*Ante*, p. 2740.

Entry into force.  
*Post*, p. 2828.

Fait à Genève, le 6 septembre 1952, en français, en anglais et en espagnol, les trois textes faisant foi, en un exemplaire unique qui sera déposé auprès du Directeur général de l'Unesco, qui en adressera une copie certifiée conforme aux Etats signataires, au Conseil Fédéral Suisse, ainsi qu'au Secrétaire général des Nations Unies pour enregistrement par les soins de celui-ci.

Done at Geneva, this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the Unesco.

The Director-General shall send certificated copies to the signatory States, to the Swiss Federal Council, and to the Secretary-General of the United Nations for registration.

Firmado en la ciudad de Ginebra, a los 6 días del mes de septiembre de 1952, en inglés, francés y español, siendo igualmente auténticos los tres textos, en una sola copia la cual será depositada ante el Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura.

El Director General enviará copias certificadas a los Estados signatarios y al Secretario General de las Naciones Unidas para su registro.

Pour L'AFGHANISTAN

For AFGHANISTAN

Por AFGANISTÁN

Pour la RÉPUBLIQUE  
POPULAIRE D'ALBANIE

For the PEOPLE'S REPUBLIC  
OF ALBANIA

Por la REPÚBLICA POPULAR  
DE ALBANIA

Pour la RÉPUBLIQUE  
FÉDÉRALE D'ALLEMAGNE

For the GERMAN FEDERAL  
REPUBLIC

Por la REPÚBLICA FEDERAL  
ALEMANA

HOLZAPFEL

Pour ANDORRE

For ANDORRA

Por ANDORRA

MARCEL PLAISANT  
J. DE ERICKS  
M. DE LA CALZADA  
FUGET

Pour le ROYAUME DE  
L'ARABIE SAOUDITE

For the KINGDOM  
OF SAUDI-ARABIA

Por el REINO DE ARABIA  
SAUDITA

Pour la RÉPUBLIQUE  
ARGENTINE

For the ARGENTINE  
REPUBLIC

Por la REPÚBLICA  
ARGENTINA

E. MENDILAHARZU

Pour la FÉDÉRATION  
DE L'AUSTRALIE

For the FEDERATION  
OF AUSTRALIA

Por la FEDERACIÓN  
DE AUSTRALIA

H. R. WILMOT  
*ad ref.*

Pour l'AUTRICHE

For AUSTRIA

Por AUSTRIA

DR KURT FRIEBERGER

Pour la BELGIQUE

For BELGIUM<sup>[1]</sup>

Por BÉLGICA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE BIELORUSSIE

For the BYELORUSSIAN  
SOVIET SOCIALIST  
REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE BIELORRUSIA

<sup>1</sup> Signed Dec. 30, 1952.

Pour l'UNION BIRMANE

For the UNION OF BURMA

Por la UNIÓN BIRMANA

Pour la BOLIVIE

For BOLIVIA

Por BOLIVIA

Pour le BRÉSIL

For BRAZIL

Por BRASIL

ILDEFONSO MASCARENHAS DA SILVA

Pour la RÉPUBLIQUE  
POPULAIRE DE BULGARIE

For the BULGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE BULGARIA

Pour le ROYAUME  
DU CAMBODGE

For the KINGDOM  
OF CAMBODIA

Por el REINO DE CAMBODIA

Pour le CANADA

For CANADA

Por CANADÁ

DR. VICTOR L. DOBÉ  
C. STEIN  
G. G. BECKETT

Pour CEYLAN

For CEYLON

Por CEILÁN

Pour le CHILI

For CHILE

Por CHILE

GALLIANO

Pour la CHINE

For CHINA

Por CHINA

Pour la RÉPUBLIQUE  
DE COLOMBIEFor the REPUBLIC  
OF COLOMBIAPor la REPÚBLICA  
DE COLOMBIA

Pour la RÉPUBLIQUE  
DE CORÉE

For the REPUBLIC  
OF KOREA

Por la REPÚBLICA DE COREA

Pour le COSTA RICA

For COSTA RICA

Por COSTA RICA

Pour CUBA

For CUBA

Por CUBA

J. J. REMOS  
N. CHEDIAK  
HILDA LABBADA BERNAL

Pour le DANEMARK

For DENMARK

Por DINAMARCA

TORBEN LUND

Pour la RÉPUBLIQUE  
DOMINICAINE

For the DOMINICAN  
REPUBLIC

Por la REPÚBLICA  
DOMINICANA

Pour l'ÉGYPTE

For EGYPT

Por EGIPTO

Pour la RÉPUBLIQUE  
DE EL SALVADOR

For the REPUBLIC  
OF EL SALVADOR

Por la REPÚBLICA  
DE EL SALVADOR

H. ESCOBAR SERRANO  
AMY

Pour l'ÉQUATEUR

For ECUADOR

Por ECUADOR

Pour l'ESPAGNE

For SPAIN

Por ESPAÑA

J. DE ERICE  
M. DE LA CALZADA

Pour les ÉTATS-UNIS  
D'AMÉRIQUE

For the UNITED STATES  
OF AMERICA

Por los ESTADOS UNIDOS  
DE AMÉRICA

LUTHER H. EVANS

Pour l'ÉTHIOPIE

For ETHIOPIA

Por ETIOPÍA

Pour la FINLANDE

For FINLAND

Por FINLANDIA

Y. J. HAKULINEN

Pour la FRANCE

For FRANCE

Por FRANCIA

MARCEL PLAISANT  
PUGET  
J. ESCARRA  
MARCEL BOUTET

Pour la GRÈCE

For GREECE

Por GRECIA

Pour le GUATEMALA

For GUATEMALA

Por GUATEMALA

*ad referendum*  
ALB. DUPONT-WILLEMIN

Pour la RÉPUBLIQUE  
D'HAÏTI

For the REPUBLIC  
OF HAITI

Por la REPÚBLICA  
DE HAITÍ

A. ADDOR

Pour la RÉPUBLIQUE  
DE HONDURAS

For the REPUBLIC  
OF HONDURAS

Por la REPÚBLICA  
DE HONDURAS

BASILIO DE TELEPNEF

Pour la RÉPUBLIQUE  
POPULAIRE HONGROISE

For the HUNGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE HUNGRÍA

Pour l'INDE

For INDIA

Por INDIA

B. N. LOKUR

Pour la RÉPUBLIQUE  
D'INDONÉSIE

For the REPUBLIC  
OF INDONESIA

Por la REPÚBLICA  
DE INDONESIA

Pour l'IRAN

For IRAN

Por IRÁN

Pour l'IRAQ

For IRAQ

Por IRAQ

Pour l'IRLANDE

For IRELAND

Por IRLANDA

EDWARD A. CLEARY  
PATRICK J. MCKENNA

Pour l'ISLANDE

For ICELAND

Por ISLANDIA

Pour l'ÉTAT D'ISRAËL

For the STATE OF ISRAEL [1]

Por el ESTADO DE ISRAEL

<sup>1</sup> Signed Dec. 16, 1952.

Pour l'ITALIE

For ITALY

Por ITALIA

ANTONIO PENNETTA  
FILIPPO PASQUERA

Pour le JAPON

For JAPAN <sup>[1]</sup>

Por JAPÓN

Pour le ROYAUME  
HACHÉMITE DE JORDANIE

For the HASHEMITE  
KINGDOM OF JORDAN

Por el REINO HACHEMITA  
DE JORDANIA

Pour le ROYAUME DU LAOS

For the KINGDOM OF LAOS

Por el REINO DE LAOS

Pour le LIBAN

For the LEBANON

Por LÍBANO

<sup>1</sup> Signed Jan. 3, 1953.

Pour le LIBÉRIA

For LIBERIA

Por LIBERIA

NAT. MASSAQUOI  
J. ALB. JONES

Pour la LIBYE

For LIBYA

Por LIBIA

Pour le LIECHTENSTEIN

For LIECHTENSTEIN

Por LIECHTENSTEIN

Pour le LUXEMBOURG

For LUXEMBURG

Por LUXEMBURGO

J. STURM

Pour le MEXIQUE

For MEXICO

Por MÉXICO

G. FERNÁNDEZ DEL CASTILLO

Pour MONACO

For MONACO

Por MÓNACO

SOLAMITO  
C. BARREIRA

Pour le NÉPAL

For NEPAL

Por NEPAL

Pour la NICARAGUA

For NICARAGUA

Por NICARAGUA

MULLHAUPT

Pour la NORVÈGE

For NORWAY

Por NORUEGA

EILIF MOE

Pour la NOUVELLE-ZÉLANDE

For NEW ZEALAND

Por NUEVA ZELANDIA

Pour le PAKISTAN

For PAKISTAN

Por PAKISTÁN

Pour le PANAMA

For PANAMA

Por PANAMÁ

Pour le PARAGUAY

For PARAGUAY

Por PARAGUAY

Pour les PAYS-BAS

For the NETHERLANDS

Por los PAÍSES BAJOS

Pour le Pérou

For PERU [1]

Por PERÚ

<sup>1</sup> Signed Dec. 2, 1952.

Pour la RÉPUBLIQUE  
DES PHILIPPINES

For the REPUBLIC  
OF THE PHILIPPINES

Por la REPÚBLICA  
DE FILIPINAS

Pour la RÉPUBLIQUE  
DE POLOGNE

For the REPUBLIC  
OF POLAND

Por la REPÚBLICA  
DE POLONIA

Pour le PORTUGAL

For PORTUGAL

Por PORTUGAL

JÓLIO DANTAS  
José GALHARDO

Pour la RÉPUBLIQUE  
POPULAIRE ROUMAINE

For the RUMANIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE RUMANIA

Pour le ROYAUME-UNI  
DE LA GRANDE-BRETAGNE  
ET DE L'IRLANDE DU NORD

For the UNITED KINGDOM  
OF GREAT BRITAIN  
AND NORTHERN IRELAND

Por el REINO UNIDO  
DE LA GRAN BRETAÑA  
E IRLANDA DEL NORTE

J. L. BLAKE

Pour la RÉPUBLIQUE  
DE SAINT-MARIN

For the REPUBLIC  
OF SAN MARINO

Por la REPÚBLICA  
DE SAN MARINO

*ad referendum:*  
LIPSCHITZ

Pour le SAINT-SIÈGE

For the HOLY SEE

Por la SANTA SEDE

CH. COMTE  
J. PAUL BUENSOD

Pour la SUÈDE

For SWEDEN

Por SUECIA

STURE PETRÉN  
ERIK HEDFELDT

Pour la CONFÉDÉRATION  
SUISSE

For the CONFEDERATION  
OF SWITZERLAND

Por la CONFEDERACIÓN  
HELVÉTICA

PLINIO BOLLA  
HANS MORF  
HENRI THÉVENAZ

Pour la RÉPUBLIQUE  
SYRIENNE

For the REPUBLIC  
OF SYRIA

Por la REPÚBLICA DE SIRIA

Pour la TCHÉCOSLOVAQUIE

For CZECHOSLOVAKIA

Por CHECOESLOVAQUIA

Pour la THAÏLANDE

For THAILAND

Por TAILANDIA

Pour la TURQUIE

For TURKEY

Por TURQUÍA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE L'UKRAINEFor the UKRANIAN SOVIET  
SOCIALIST REPUBLICPor la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE UCRANIAPour l'UNION DE L'AFRIQUE  
DU SUDFor the UNION  
OF SOUTH AFRICA

Por la UNIÓN SUDAFRICANA

Pour l'UNION DES  
RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Por la UNIÓN DE LAS  
REPÚBLICAS SOCIALISTAS  
SOVIÉTICAS

Pour la RÉPUBLIQUE  
ORIENTALE DE L'URUGUAY

For the ORIENTAL REPUBLIC  
OF URUGUAY

Por la REPÚBLICA ORIENTAL  
DE URUGUAY

JUAN NOGUERA  
Y EDUARDO PEROTTI

Pour les ÉTATS-UNIS  
DE VENEZUELA

For the UNITED STATES  
OF VENEZUELA

Por los ESTADOS UNIDOS  
DE VENEZUELA

Pour l'ÉTAT DE VIET-NAM

For the STATE OF VIET-NAM

Por el ESTADO DE VIETNAM

Pour le YÉMEN

For YEMEN

Por YEMEN

Pour la RÉPUBLIQUE  
FÉDÉRATIVE POPULAIRE  
DE YOUGOSLAVIE

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Por la REPÚBLICA FEDERAL  
POPULAR DE YUGOSLAVIA

DR. BERTHOLD EISNER

Certified a true and complete copy of the original Protocol 2  
annexed to the Universal Copyright Convention, concerning  
the application of that Convention to the works of certain  
international organizations.

Paris, 3 November 1952



Legal Adviser  
of the United Nations Educational,  
Scientific and Cultural Organization

*Protocole 3 annexé à la Convention universelle pour la protection du droit d'auteur, relatif à la ratification, acceptation ou adhésion conditionnelle*

Les Etats Parties au présent Protocole,

Considérant que l'application de la Convention universelle pour la protection du droit d'auteur (ci-dessous désignée sous le nom de « Convention ») à des Etats parties aux divers systèmes existants de protection internationale du droit d'auteur, augmenterait considérablement la valeur de la Convention,

Sont convenus de ce qui suit:

1. Tout Etat Partie au présent Protocole pourra, au moment du dépôt de son instrument de ratification, d'acceptation ou d'adhésion, déclarer, par notification écrite, que le dépôt de cet instrument n'aura d'effet, aux fins de l'article IX de la Convention, qu'à la date où un autre Etat nommément désigné aura déposé son instrument de ratification, d'acceptation ou d'adhésion.

2. La notification prévue au paragraphe premier ci-dessus sera jointe à l'instrument auquel elle se rapporte.

3. Le Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture informera tous les Etats qui auraient signé la Convention ou qui y auraient adhéré, de toute notification reçue conformément au présent Protocole.

4. Le présent Protocole portera la même date et restera ouvert à

*Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance or accession to that Convention*

States parties hereto,

Recognizing that the application of the Universal Copyright Convention (hereinafter referred to as the "Convention") to States participating in all the international copyright systems already in force will contribute greatly to the value of the Convention;

Have agreed as follows:

1. Any State party hereto may, on depositing its instrument of ratification or acceptance of or accession to the Convention, notify the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "Director-General") that that instrument shall not take effect for the purposes of Article IX of the Convention until any other State named in such notification shall have deposited its instrument.

2. The notification referred to in paragraph 1 above shall accompany the instrument to which it relates.

3. The Director-General shall inform all States signatory or which have then acceded to the Convention of any notifications received in accordance with this Protocol.

4. This Protocol shall bear the same date and shall remain open

*Protocolo 3 anexo a la Convención Universal sobre Derecho de Autor, relativo a la fecha efectiva de los instrumentos de ratificación, aceptación o adhesión a dicha Convención*

Los Estados partes,

Reconociendo que la aplicación de la Convención Universal sobre Derecho de Autor (en adelante denominada « la Convención ») en los Estados participantes en los sistemas internacionales de Derecho de Autor, actualmente en vigencia, contribuirá grandemente a la importancia de esta Convención;

Han acordado lo siguiente:

1. Cada Estado parte en el presente Protocolo podrá, al depositar su instrumento de ratificación, aceptación o adhesión a la Convención, notificar al Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura (en adelante denominado el Director General) que tal instrumento no tendrá efecto para los propósitos del Artículo IX de la Convención hasta tanto cualquier otro Estado citado por nombre en tal notificación hubiere depositado su instrumento.

2. La notificación a que se refiere el párrafo 1 anterior acompañará el instrumento al cual corresponde.

3. El Director General informará a todos los Estados signatarios o a aquellos que hubieren accedido hasta entonces a la Convención de las notificaciones recibidas conforme al presente Protocolo.

4. El presente Protocolo llevará la misma fecha y quedará abierto

*Ante, p. 2740.*

la signature durant la même période que la Convention.

5. Le présent Protocole sera soumis à la ratification ou à l'acceptation des Etats signataires. Tout Etat qui n'aura pas signé le présent Protocole pourra y adhérer.

6. a) La ratification, l'acceptation ou l'adhésion sera opérée par le dépôt d'un instrument à cet effet auprès du Directeur général de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

b) Le présent Protocole entrera en vigueur au moment du dépôt du quatrième instrument de ratification, d'acceptation ou d'adhésion. Le Directeur général informera tous les Etats intéressés de la date d'entrée en vigueur du Protocole. Les instruments déposés après cette date produiront leurs effets à dater de leur dépôt.

En foi de quoi les soussignés, dûment autorisés, ont signé le présent Protocole.

Fait à Genève, le 6 septembre 1952, en français, en anglais et en espagnol, les trois textes faisant foi, en un exemplaire unique qui sera annexé à l'exemplaire original de la Convention. Le Directeur général en adressera une copie certifiée conforme aux Etats signataires, au Conseil Fédéral Suisse, ainsi qu'au Secrétaire général des Nations Unies pour enregistrement par les soins de celui-ci.

1 Aug. 19, 1954.

for signature for the same period as the Convention.

5. It shall be subject to ratification or acceptance by the signatory States. Any State which has not signed this Protocol may accede thereto.

6. a) Ratification or acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

b) This Protocol shall enter into force on the date of deposit of not less than four instruments of ratification or acceptance or accession.<sup>[1]</sup> The Director-General shall inform all interested States of this date. Instruments deposited after such date shall take effect on the date of their deposit.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva, the sixth day of September 1952, in the English, French and the Spanish languages, the three texts being equally authoritative, in a single copy which shall be annexed to the original copy of the Convention. The Director-General shall send certified copies to the signatory States to the Swiss Federal council, and to the Secretary-General of United Nations for registration.

a la firma durante el mismo periodo de la Convención.

5. El presente Protocolo se someterá a la ratificación o aceptación de los Estados signatarios. Cualquier Estado que no haya firmado el presente Protocolo podrá acceder al mismo.

6. (a) Su ratificación, aceptación o accesión se efectuará por medio del depósito del instrumento respectivo ante el Director General.

(b) El presente Protocolo entrará en vigor en la fecha del depósito de no menos de cuatro instrumentos de ratificación, aceptación o accesión. El Director General informará a los Estados interesados de tal fecha. Los instrumentos depositados después de tal fecha, entrarán en vigor en la fecha de depósito.

En fó de lo cual los infrascritos, estando debidamente autorizados para ello, firman el presente Protocolo.

Firmado en la ciudad de Ginebra, a los seis días del mes de septiembre de 1952, en inglés, francés y español, siendo igualmente auténticos los tres textos, en una sola copia, la cual aparecerá como anexo al texto original de la Convención. El Director General enviará copias certificadas a los Estados signatarios, y al Consejo Federal de la Confederación Helvética, así como al Secretario-General de las Naciones Unidas para su registro.

Pour L'AFGHANISTAN

For AFGHANISTAN

Por AFGANISTÁN

Pour la RÉPUBLIQUE  
POPULAIRE D'ALBANIE

For the PEOPLE'S REPUBLIC  
OF ALBANIA

Por la REPÚBLICA POPULAR  
DE ALBANIA

Pour la RÉPUBLIQUE  
FÉDÉRALE D'ALLEMAGNE

For the GERMAN FEDERAL  
REPUBLIC

Por la REPÚBLICA FEDERAL  
ALEMANA

HOLZAPFEL

Pour ANDORRE

For ANDORRA

Por ANDORRA

MARCEL PLAISANT  
PUGET

Pour le ROYAUME DE  
L'ARABIE SAOUDITE

For the KINGDOM  
OF SAUDI-ARABIA

Por el REINO DE ARABIA  
SAUDITA

Pour la RÉPUBLIQUE  
ARGENTINE

For the ARGENTINE  
REPUBLIC

Por la REPÚBLICA  
ARGENTINA

Pour la FÉDÉRATION  
DE L'AUSTRALIE

For the FEDERATION  
OF AUSTRALIA

Por la FEDERACIÓN  
DE AUSTRALIA

H. R. WILMOT  
*ad ref.*

Pour l'AUTRICHE

For AUSTRIA

Por AUSTRIA

DR KURT FRIEBERGER

Pour la BELGIQUE

For BELGIUM [1]

Por BÉLGICA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE BIÉLORUSSIE

For the BYELORUSSIAN  
SOVIET SOCIALIST  
REPUBLIC

Por la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE BIELORRUSIA

<sup>1</sup> Signed Dec. 30, 1952.

Pour l'UNION BIRMANE

For the UNION OF BURMA

Por la UNIÓN BIRMANA

Pour la BOLIVIE

For BOLIVIA

Por BOLIVIA

Pour le BRÉSIL

For BRAZIL

Por BRASIL

ILDEFONSO MASCARENHAS DA SILVA

Pour la RÉPUBLIQUE  
POPULAIRE DE BULGARIE

For the BULGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE BULGARIA

Pour le ROYAUME  
DU CAMBODGE

For the KINGDOM  
OF CAMBODIA

Por el REINO DE CAMBODIA

Pour le CANADA

For CANADA

Por CANADÁ

DR. VICTOR L. DORÉ  
C. STEIN  
G. G. BECKETT

Pour CEYLAN

For CEYLON

Por CEILÁN

Pour le CHILI

For CHILE

Por CHILE

Pour la CHINE

For CHINA

Por CHINA

Pour la RÉPUBLIQUE  
DE COLOMBIE

For the REPUBLIC  
OF COLOMBIA

Por la REPÚBLICA  
DE COLOMBIA

Pour la RÉPUBLIQUE  
DE CORÉE

For the REPUBLIC  
OF KOREA

Por la REPÚBLICA DE COREA

Pour le COSTA RICA

For COSTA RICA

Por COSTA RICA

Pour CUBA

For CUBA

Por CUBA

Pour le DANEMARK

For DENMARK

Por DINAMARCA

TORBEN LUND

Pour la RÉPUBLIQUE  
DOMINICAINE

For the DOMINICAN  
REPUBLIC

Por la REPÚBLICA  
DOMINICANA

Pour l'ÉGYPTE

For EGYPT

Por EGIPTO

Pour la RÉPUBLIQUE  
DE EL SALVADOR

For the REPUBLIC  
OF EL SALVADOR

Por la REPÚBLICA  
DE EL SALVADOR

H. ESCOBAR SERRANO  
AMY

Pour l'ÉQUATEUR

For ECUADOR

Por ECUADOR

Pour l'ESPAGNE

For SPAIN

Por ESPAÑA

Pour les ÉTATS-UNIS  
D'AMÉRIQUE

For the UNITED STATES  
OF AMERICA

Por los ESTADOS UNIDOS  
DE AMÉRICA

LUTHER H. EVANS

Pour l'ÉTHIOPIE

For ETHIOPIA

Por ETIOPÍA

Pour la FINLANDE

For FINLAND

Por FINLANDIA

Y. J. HAKULINEN

Pour la FRANCE

For FRANCE

Por FRANCIA

MARCEL PLAISANT  
PUGET  
J. ESCARRA  
MARCEL BOUTET

Pour la GRÈCE

For GREECE

Por GRECIA

Pour le GUATÉMALA

For GUATEMALA

Por GUATEMALA

*ad referendum*  
ALB. DUPONT-WILLEMIN

Pour la RÉPUBLIQUE  
D'HAÏTI

For the REPUBLIC  
OF HAITI

Por la REPÚBLICA  
DE HAITÍ

A. ADDOB

Pour la RÉPUBLIQUE  
DE HONDURAS

For the REPUBLIC  
OF HONDURAS

Por la REPÚBLICA  
DE HONDURAS

BASILIO DE TELEPNEF

Pour la RÉPUBLIQUE  
POPULAIRE HONGROISE

For the HUNGARIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE HUNGRÍA

Pour l'INDE

For INDIA

Por INDIA

Pour la RÉPUBLIQUE  
D'INDONÉSIE

For the REPUBLIC  
OF INDONESIA

Por la REPÚBLICA  
DE INDONESIA

Pour l'IRAN

For IRAN

Por IRÁN

Pour l'IRAQ

For IRAQ

Por IRAQ

Pour l'IRLANDE

For IRELAND

Por IRLANDA

EDWARD A. CLEARY  
PATRICK J. MCKENNA

Pour l'ISLANDE

For ICELAND

Por ISLANDIA

Pour l'ÉTAT D'ISRAËL

For the STATE OF ISRAEL<sup>[1]</sup>

Por el ESTADO DE ISRAEL

<sup>1</sup> Signed Dec. 16, 1952.

TIAS 3324

Pour l'ITALIE

For ITALY

Por ITALIA

ANTONIO PENNETTA  
FILIPPO PASQUERA

Pour le JAPON

For JAPAN [1]

Por JAPÓN

Pour le ROYAUME  
HACHÉMITE DE JORDANIEFor the HASHEMITE  
KINGDOM OF JORDANPor el REINO HACHEMITA  
DE JORDANIA

Pour le ROYAUME DU LAOS

For the KINGDOM OF LAOS

Por el REINO DE LAOS

Pour le LIBAN

For the LEBANON

Por LÍBANO

\* Signed Jan. 3, 1953.

Pour le LIBÉRIA

For LIBERIA

Por LIBERIA

Pour la LIBYE

For LIBYA

Por LIBIA

Pour le LIECHTENSTEIN

For LIECHTENSTEIN

Por LIECHTENSTEIN

Pour le LUXEMBOURG

For LUXEMBURG

Por LUXEMBURGO

J. STURM

Pour le MEXIQUE

For MEXICO

Por MÉXICO

Pour MONACO

For MONACO

Por MÓNACO

Pour le NÉPAL

For NEPAL

Por NEPAL

Pour le NICARAGUA

For NICARAGUA

Por NICARAGUA

MULLHAUPT

Pour la NORVÈGE

For NORWAY

Por NORUEGA

EILIF MOE

Pour la NOUVELLE-ZÉLANDE

For NEW ZEALAND

Por NUEVA ZELANDIA

Pour le PAKISTAN

For PAKISTAN

Por PAKISTÁN

Pour le PANAMA

For PANAMA

Por PANAMÁ

Pour le PARAGUAY

For PARAGUAY

Por PARAGUAY

Pour les PAYS-BAS

For the NETHERLANDS

Por los PAÍSES BAJOS

G. H. C. BODENHAUSEN

Pour le PÉROU

For PERU<sup>[1]</sup>

Por PERÚ

<sup>1</sup> Signed Dec. 2, 1952.

Pour la RÉPUBLIQUE  
DES PHILIPPINES

For the REPUBLIC  
OF THE PHILIPPINES

Por la REPÚBLICA  
DE FILIPINAS

Pour la RÉPUBLIQUE  
DE POLOGNE

For the REPUBLIC  
OF POLAND

Por la REPÚBLICA  
DE POLONIA

Pour le PORTUGAL

For PORTUGAL

Por PORTUGAL

JÚLIO DANTAS  
José GALHARDO

Pour la RÉPUBLIQUE  
POPULAIRE ROUMAINE

For the RUMANIAN  
PEOPLE'S REPUBLIC

Por la REPÚBLICA POPULAR  
DE RUMANIA

Pour la ROYAUME-UNI  
DE LA GRANDE-BRETAGNE  
ET DE L'IRLANDE DU NORD

For the UNITED KINGDOM  
OF GREAT BRITAIN  
AND NORTHERN IRELAND

Por el REINO UNIDO  
DE LA GRAN BRETAÑA  
E IRLANDA DEL NORTE

J. L. BLAKE

Pour la RÉPUBLIQUE  
DE SAINT-MARIN

For the REPUBLIC  
OF SAN MARINO

Por la REPÚBLICA  
DE SAN MARINO

*ad referendum :*  
LIPSCHITZ

Pour le SAINT-SIÈGE

For the HOLY SEE

Por la SANTA SEDE

CH. COMTE  
J. PAUL BUENSOND

Pour la SUÈDE

For SWEDEN

Por SUECIA

STURE PETRÉN  
ERIK HEDFELDT

Pour la CONFÉDÉRATION  
SUISSE

For the CONFEDERATION  
OF SWITZERLAND

Por la CONFEDERACIÓN  
HELVÉTICA

Pour la RÉPUBLIQUE  
SYRIENNE

For the REPUBLIC  
OF SYRIA

Por la REPÚBLICA DE SIRIA

Pour la TCHÉCOSLOVAQUIE

For CZECHOSLOVAKIA

Por CHECOESLOVAQUIA

Pour la THAÏLANDE

For THAILAND

Por TAILANDIA

Pour la TURQUIE

For TURKEY

Por TURQUÍA

Pour la RÉPUBLIQUE  
SOCIALISTE SOVIÉTIQUE  
DE L'UKRAINEFor the UKRAINIAN SOVIET  
SOCIALIST REPUBLICPor la REPÚBLICA  
SOCIALISTA SOVIÉTICA  
DE UCRANIAPour l'UNION DE L'AFRIQUE  
DU SUDFor the UNION  
OF SOUTH AFRICA

Por la UNIÓN SUDAFRICANA

Pour l'UNION DES  
RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Por la UNIÓN DE LAS  
REPÚBLICAS SOCIALISTAS  
SOVIÉTICAS

Pour la RÉPUBLIQUE  
ORIENTALE DE L'URUGUAY

For the ORIENTAL REPUBLIC  
OF URUGUAY

Por la REPÚBLICA ORIENTAL  
DE URUGUAY

JULIÁN NOGUEIRA  
y EDUARDO PEBOTTI

Pour les ÉTATS-UNIS  
DE VENEZUELA

For the UNITED STATES  
OF VENEZUELA

Por los ESTADOS UNIDOS  
DE VENEZUELA

Pour l'ÉTAT DE VIET-NAM

For the STATE OF VIET-NAM

Por el ESTADO DE VIETNAM

Pour le YÉMEN

For YEMEN

Por YEMEN

Pour la RÉPUBLIQUE  
FÉDÉRATIVE POPULAIRE  
DE YOUGOSLAVIE

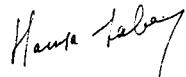
For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Por la REPÚBLICA FEDERAL  
POPULAR DE YUGOSLAVIA

DR. BERTHOLD EISNER

Certified a true and complete copy of the original Protocol 3  
annexed to the Universal Copyright Convention concerning  
the effective date of instruments of ratification or acceptance  
of or accession to that Convention.

*Paris, 3 November 1952*



Legal Adviser  
of the United Nations Educational,  
Scientific and Cultural Organization

WHEREAS the Senate of the United States of America by their resolution of June 25, 1954, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention, together with the three related protocols;

WHEREAS the said convention and the three related protocols were duly ratified by the President of the United States of America on November 5, 1954, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in paragraph 1 of Article IX of the said convention that it shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession, among which there shall be those of four states which are not members of the International Union for the Protection of Literary and Artistic Works;

*Ante*, p. 2740.

WHEREAS instruments of ratification or accession were, by June 16, 1955, deposited by the following twelve states, including seven which are not members of the International Union for the Protection of Literary and Artistic Works: Andorra, Cambodia, Pakistan, Laos, Haiti, Spain, United States of America, Costa Rica, Chile, Israel, German Federal Republic and Monaco;

WHEREAS, pursuant to the aforesaid provision of paragraph 1 of Article IX of the said convention, the convention will come into force on September 16, 1955, three months after June 16, 1955, the date of deposit of the twelfth instrument;

WHEREAS it is provided in paragraph 2 b) of protocol 1 annexed to the universal copyright convention, concerning the application of that convention to the works of stateless persons and refugees, and in paragraph 2 b) of protocol 2 annexed to the universal copyright convention, concerning the application of that convention to the works of certain international organizations, that the respective protocols shall enter into force for each state on the date of deposit of the instrument of ratification, acceptance or accession of the state concerned or on the date of entry into force of the convention with respect to such state, whichever is the later;

*Ante*, p. 2767.

WHEREAS instruments of ratification or accession with respect to the said protocol 1 were deposited by the following states: Andorra, Cambodia, Pakistan, Laos, Haiti, United States of America, Costa Rica, Israel, German Federal Republic and Monaco;

*Ante*, p. 2787.

WHEREAS instruments of ratification or accession with respect to the said protocol 2 were deposited by the following states: Andorra, Cambodia, Pakistan, Laos, Haiti, Spain, United States of America, Costa Rica, Chile, Israel, German Federal Republic and Monaco;

WHEREAS, pursuant to the aforesaid provision in paragraph 2 b) of the said protocol 1 and protocol 2, the protocols will enter into force on September 16, 1955, the date of entry into force of the convention;

WHEREAS it is provided in paragraph 6 b) of protocol 3 annexed to the universal copyright convention, concerning the effective date of instruments of ratification or acceptance of or accession to that convention, that the protocol shall enter into force on the date of deposit of not less than four instruments of ratification or acceptance or accession and that instruments deposited after such date shall take effect on the date of their deposit;

WHEREAS, pursuant to the aforesaid provision in paragraph 6 b) of the said protocol 3, the protocol entered into force on August 19, 1954, the date of deposit of the fourth instrument, and entered into force with respect to the United States of America on December 6, 1954, the date of deposit of its instrument:

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention and the said protocols 1, 2 and 3, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after September 16, 1955 with respect to the said convention and protocols 1 and 2, and on and after December 6, 1954 with respect to the said protocol 3, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this fifth day of August in the year of our Lord one thousand nine hundred fifty-five and of the Independence of the United States of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES  
*Secretary of State*

# BELGIUM

## Participation of Belgian Forces in United Nations Operations in Korea

*Agreement signed at Washington July 15, 1955;  
Entered into force July 15, 1955.*

TIAS 3325  
July 15, 1955

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### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BELGIUM CONCERNING PARTICIPATION OF THE BELGIAN FORCES IN UNITED NATIONS OPERATIONS IN KOREA

This Agreement between the Government of the United States of America (the executive agent of the United Nations Forces in Korea) and the Government of Belgium shall govern relationships in matters specified herein for forces furnished by the Government of Belgium for the operations under the Commanding General of the Armed Forces of the Member States of the United Nations in Korea (hereinafter referred to as "Commander") designated by the Government of the United States of America pursuant to resolutions of United Nations Security Council of June 25, 1950, June 27, 1950, and July 7, 1950.

#### ARTICLE 1

The Government of the United States of America agrees to furnish the Belgian forces with available materials, supplies, services, and facilities which the Belgian forces will require for these operations, and which the Government of Belgium is unable to furnish. The Government of the United States of America and the Government of Belgium will maintain accounts of materials, supplies, services, and facilities furnished by the Government of the United States of America to the Government of Belgium, its forces, or agencies. Reimbursement for such materials, supplies, services, and facilities will be accomplished by the Government of Belgium upon presentation of statements of account by the Government of the United States of America. Such payment will be effected by the Government of Belgium in United States dollars. Issues of materials and supplies to the

Belgian forces will not operate to transfer title to the Government of Belgium in advance of reimbursement.

#### ARTICLE 2

Pursuant to Article 1, appropriate technical and administrative arrangements will be concluded between authorized representatives of the Government of the United States of America and authorized representatives of the Government of Belgium.

#### ARTICLE 3

Classified items, specialized items, or items in short supply furnished to the Government of Belgium by the Government of the United States of America will be returned to the Government of the United States of America upon request, as a credit against the cost of materials, supplies, and services previously furnished. If the Government of Belgium determines at the time of redeployment of its forces that materials or supplies received from the Government of the United States of America hereunder are not desired for retention, such materials or supplies may be offered to the Government of the United States of America and, if accepted, their residual value as determined by the Government of the United States of America will be used as a credit against reimbursement for materials, supplies, and services previously furnished.

#### ARTICLE 4

Each of the parties to this agreement agrees not to assert any claim against the other party for injury or death of members of its armed forces or for loss, damage, or destruction of its property or property of members of its armed forces caused in Korea by members of the armed forces of the other party. Claims of any other Government or its nationals against the Government or nationals of the Government of Belgium or vice versa shall be a matter for disposition between the Government of Belgium and such third government or its nationals.

#### ARTICLE 5

The Government of Belgium will maintain accounts of materials, supplies, services, and facilities furnished by other governments to personnel or agencies of the Government of Belgium, either directly or through the Commander. Settlement of any claim arising as a result of the furnishing of such materials, supplies, services, and facilities to the Government of Belgium by such third governments, whether directly or through the Commander,

shall be a matter for consideration between such third governments and the Government of Belgium.

#### ARTICLE 6

The requirements of the Belgian forces for Korean currency will be supplied under arrangements approved by the Commander; provided, however, that settlement of any obligation of the Government of Belgium for use of such currency will be a matter of consideration between the Government of Belgium and the competent authorities of Korea. If, with the approval of the Commander, personnel and agencies of the Government of Belgium use media of exchange other than Korean currency in Korea, obligations arising therefrom will be a matter for consideration and settlement between the Government of Belgium and the other concerned governments.

#### ARTICLE 7

The Government of Belgium agrees that all orders, directives, and policies of the Commander issued to the Belgian forces or its personnel shall be accepted and carried out by them as given and that in the event of disagreement with such orders, directives, or policies, formal protest may be presented subsequently.

#### ARTICLE 8

Nothing in this agreement shall be construed to affect existing agreements or arrangements between the parties for the furnishing of materials, supplies, services, or facilities.

#### ARTICLE 9

This agreement shall come into force upon the date of signature thereof, and shall apply to all materials, supplies, services, and facilities furnished or rendered on, before, or after that date, to all claims referred to in Article 4 arising on, before, or after that date, and to all technical and administrative arrangements concluded pursuant to Article 2 on, before, or after that date.

**ACCORD CONCLU ENTRE LE GOUVERNEMENT DES  
ETATS-UNIS D'AMERIQUE ET LE GOUVERNEMENT  
BELGE CONCERNANT LA PARTICIPATION DES FORCES  
BELGES AUX OPERATIONS DES NATIONS-UNIES EN  
COREE**

Cet accord conclu entre le Gouvernement des Etats-Unis d'Amérique (l'agent exécutif des Forces des Nations-Unies en Corée) et le Gouvernement Belge régira les relations dans les questions spécifiées ci-dessous en ce qui concerne les forces armées fournies par le Gouvernement belge en vue des opérations ayant lieu en Corée sous les ordres du Général commandant les Forces armées des Etats membres des Nations-Unies (désigné ci-dessous sous le nom de "Commandant"), désigné par le Gouvernement des Etats-Unis d'Amérique conformément aux résolutions prises par le Conseil de Sécurité des Nations Unies les 25 juin 1950, 27 juin 1950, et 7 juillet 1950.

**ARTICLE 1**

Le Gouvernement des Etats-Unis d'Amérique convient de fournir aux Forces belges les matériels, approvisionnements, services et facilités disponibles dont les Forces belges auront besoin pour ces opérations et que le Gouvernement belge n'est pas à même de leur fournir. Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement belge tiendront à jour des comptes des matériels, approvisionnements, services et facilités qui auront été fournis par le Gouvernement des Etats-Unis d'Amérique au Gouvernement belge, à ses forces et à ses organismes. Le remboursement dû pour ces matériels, approvisionnements, services et facilités sera effectué par le Gouvernement belge sur présentation de relevés de compte par le Gouvernement des Etats-Unis d'Amérique. Le paiement sera effectué par le Gouvernement belge en dollars des Etats-Unis. La fourniture de matériels et approvisionnements n'aura pas pour effet de transférer un droit de propriété au Gouvernement belge avant que le remboursement n'ait été effectué.

**ARTICLE 2**

Conformément aux dispositions de l'article 1, des arrangements d'ordre technique et administratif seront conclus entre les représentants autorisés du Gouvernement des Etats-Unis d'Amérique et les représentants autorisés du Gouvernement belge.

**ARTICLE 3**

Les articles "classifiés" les articles "spécialisés" ou les articles existant en quantité réduite qui auront été fournis au Gouvernement belge par le Gouvernement des Etats-Unis d'Amérique seront restitués au Gouvernement des Etats-Unis d'Amérique à sa demande et viendront en déduction des frais à rembourser pour les matériels, approvisionnements et services fournis antérieurement. Si le Gouvernement belge décide, au moment du retrait de ses forces, qu'il ne désire pas garder les matériels ou approvisionnements reçus du Gouvernement des Etats-Unis d'Amérique en vertu du présent accord, il pourra offrir ces matériels ou approvisionnements au Gouvernement des Etats-Unis d'Amérique et, s'ils sont acceptés, leur valeur résiduelle telle qu'elle sera déterminée par le Gouvernement des Etats-Unis d'Amérique viendra en déduction du remboursement dû pour les matériels, approvisionnements et services fournis antérieurement.

**ARTICLE 4**

Chacune des parties au présent accord convient de ne faire valoir aucun droit contre l'autre partie du fait de blessure ou décès de membres de ses forces armées ou de perte, détérioration ou destruction de ses biens ou des biens de membres de ses forces armées, causés en Corée par des membres des forces armées de l'autre partie. Les revendications de tout autre Gouvernement ou de ses nationaux contre le Gouvernement belge ou des nationaux du Gouvernement belge ou vice-versa feront l'objet d'un règlement entre le Gouvernement belge et le dit Gouvernement ou ses nationaux.

**ARTICLE 5**

Le Gouvernement belge tiendra à jour des comptes des matériels, approvisionnements, services et facilités fournis par d'autres Gouvernements aux personnes ou organismes dépendant du Gouvernement belge, soit directement soit par l'intermédiaire du Commandant. Le règlement de toutes revendications résultant de la fourniture de ces matériels, approvisionnements, services et facilités au Gouvernement belge par les dits tiers Gouvernements, soit directement soit par l'intermédiaire du Commandant, fera

l'objet d'un examen entre les dits tiers gouvernements et le Gouvernement belge.

#### ARTICLE 6

La monnaie coréenne dont les Forces belges auront besoin leur sera fournie en vertu d'arrangements approuvés par le Commandant; il est toutefois entendu que le règlement de toute obligation du Gouvernement belge résultant de l'emploi de cette monnaie aura lieu entre le Gouvernement belge et les autorités coréennes compétentes. Si, avec l'approbation du Commandant, les personnes et organismes dépendant du Gouvernement belge utilisent en Corée des moyens d'échanges autres que la monnaie coréenne, les obligations qui en résulteront seront examinées et réglées entre le Gouvernement belge et les autres Gouvernements intéressés.

#### ARTICLE 7

Le Gouvernement belge convient que tous ordres, directives et réglementations du Commandant adressés aux Forces belges ou aux militaires qui en font partie seront acceptés et exécutés par eux tels qu'ils leur ont été donnés et que, en cas de désaccord au sujet desdits ordres, directives ou réglementations, une protestation officielle pourra être introduite ultérieurement.

#### ARTICLE 8

Rien dans le présent accord ne pourra être interprété de manière à affecter les accords ou arrangements existants, conclus entre les parties en vue de la fourniture de matériels, approvisionnements, services ou facilités.

#### ARTICLE 9

Le présent accord entrera en vigueur à la date de sa signature et s'appliquera à tous les matériels, approvisionnements, services et facilités fournis ou rendus à, avant ou après cette date, à toutes les revendications dont il est question à l'article 4 ayant leur origine à, avant ou après cette date et à tous les arrangements d'ordre technique et administratif conclus conformément aux dispositions de l'article 2 à, avant ou après cette date.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this agreement.

DONE at Washington, in the English and French languages, the two texts having equal authenticity, this fifteenth day of July, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:  
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

HERBERT HOOVER Jr

FOR THE GOVERNMENT OF BELGIUM:  
POUR LE GOUVERNEMENT BELGE:

SILVERCRUYYS

EN FOI de quoi, les sous-signés, dûment autorisés par leurs gouvernements respectifs, ont apposé leur signature au bas du présent accord.

FAIT à Washington, en double expédition, en langues anglaise et française, les deux textes faisant également foi, le quinze juillet 1955.

# CANADA

## GREAT LAKES FISHERIES

TIAS 3326  
Sept. 10, 1954

*Convention signed at Washington September 10, 1954;  
Ratification advised by the Senate of the United States of  
America June 1, 1955;  
Ratified by the President of the United States of America  
June 6, 1955;  
Ratified by Canada October 6, 1955;  
Ratifications exchanged at Ottawa October 11, 1955;  
Proclaimed by the President of the United States of America  
October 20, 1955;  
Entered into force October 11, 1955.*

---

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS a convention on Great Lakes fisheries between the United States of America and Canada was signed by their respective plenipotentiaries at Washington on September 10, 1954, the original of which convention is word for word as follows:

## CONVENTION ON GREAT LAKES FISHERIES BETWEEN THE UNITED STATES OF AMERICA AND CANADA

The Government of the United States of America and the Government of Canada,

Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,

Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by the United States of America and Canada are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern,

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the United States of America, and

William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference; and

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and

Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference,

who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

### ARTICLE I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area". This Convention shall also apply to the tributaries of each of the above waters

The Convention  
Area.

to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (*Petromyzon marinus*) in the Convention Area.

## ARTICLE II

"The Commission."

1. The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold *in camera*.

## ARTICLE III

Selection of Chairman, etc.

1. At the first meeting of the Commission and at every second subsequent annual meeting thereafter the members shall select from among themselves a Chairman and a Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ per-

sonnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

#### ARTICLE IV

The Commission shall have the following duties:

- (a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose;
- (b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;
- (c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;
- (d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and
- (e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

**ARTICLE V**

In order to carry out the duties set forth in Article IV, the Commission may:

- (a) conduct investigations;
- (b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and
- (c) hold public hearings in the United States of America and Canada.

**ARTICLE VI**

*Use of official agencies, private organizations, etc.*

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.
2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

**ARTICLE VII**

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

**ARTICLE VIII**

*Payment of expenses.*

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

*Annual budget.*

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

**ARTICLE IX**

*Report and recommendations.*

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

## ARTICLE X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

## ARTICLE XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

## ARTICLE XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

Review.

## ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

Entry into force;  
duration.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of September, 1954.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

WALTER BEDELL SMITH

WM C HERRINGTON

FOR THE GOVERNMENT OF CANADA:

A. D. P. HEENEY.

STEWART BATES.

WHEREAS the Senate of the United States of America by their Resolution of June 1, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on June 6, 1955, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on October 11, 1955;

AND WHEREAS it is provided in Article XIII of the said convention that the convention shall enter into force on the date of the exchange of the instruments of ratification;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after October 11, 1955, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this twentieth day of October  
in the year of our Lord one thousand nine hundred  
[SEAL] fifty-five and of the Independence of the United States  
of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES

*Secretary of State*

# THAILAND

## Sale and Purchase of Tin Concentrates

*Agreement signed at Bangkok September 9, 1955;  
Entered into force September 9, 1955.*

TIAS 3327  
Sept. 9, 1955

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An Agreement for the Sale and Purchase of Tin Concentrates Between  
The Government of the United States of America and The Gov-  
ernment of Thailand

### ARTICLE I

The Government of Thailand guarantees the delivery, during the term of this Agreement, of a minimum of 600 long tons and a maximum of 800 long tons of tin contained in concentrates for purchase by the United States Government through the Federal Facilities Corporation (successor to the Reconstruction Finance Corporation).

### ARTICLE II

The United States Government, through the Federal Facilities Corporation, agrees to purchase and pay for in United States dollars the above quantity of tin contained in concentrates conforming to the quality set forth in the attached contract forms [¹] and delivered during the term of this Agreement.

### ARTICLE III

It is agreed that in the event export control in conformity with Article VII of the International Tin Agreement of March 1, 1954, comes into effect during the term of this Agreement, the amount of tin contained in concentrates covered by this Agreement may be revised by mutual consent.

### ARTICLE IV

The price to be paid for tin in concentrates accepted under this Agreement delivered in a warehouse in Thailand designated by the FFC will be based on the following formula: The prevailing Singapore price in Straits dollars per picul at the time of said delivery transformed into U. S. cents per pound by using the conversion figure .2453 and subtracting from the result 1.50 U. S.

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<sup>1</sup> Not printed.

cents. (For concentrates delivered FOB vessel, this deduction will be 1.25 U. S. cents.) If at any time the average of the buying and selling rate of the Straits dollar is lower than 3.04 or higher than 3.08 per U. S. dollar, either party may suspend the force of this Agreement until a new conversion figure may have been agreed upon. Purchase will be made in accordance with the terms and conditions set forth in the attached contract forms. Deductions for treatment losses, treatment charges, penalties for impurities, and other relevant stipulations are set forth in these contract forms.

#### ARTICLE V

The delivery of the tin contained in concentrates specified in this Agreement will, as far as possible, be in approximately equal monthly quantities and the Federal Facilities Corporation will not be obligated to purchase in excess of 500 tons of tin contained in concentrates during any calendar month throughout the term of this Agreement.

#### ARTICLE VI

The Government of Thailand guarantees repayment in U. S. dollars of any overpayment made by the Federal Facilities Corporation to sellers in Thailand under this Agreement.

#### ARTICLE VII

This Agreement enters into force on the day of signature and terminates October 31, 1955.

In witness whereof, the undersigned, duly authorized representatives for the purposes, have affixed their respective signatures to the Agreement.

Done in Bangkok, Thailand, in duplicate, this ninth day of September, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

NORBERT L. ANSCHUETZ

Norbert L. Anschuetz

[SEAL] *United States Chargé d'Affaires, A. I.*

FOR THE GOVERNMENT OF THAILAND

WAN WAI THAYAKON KROMMÜN NARADHIP BONGSPRABANDH

H. R. H. Prince Wan Waithayakon Krommun

Naradhip Bongsprabandh

[SEAL] *Minister of Foreign Affairs*

# SWITZERLAND

## Reciprocal Trade

*Agreement supplementing the agreement of January 9, 1936.*

TIAS 3328

*Signed at Geneva June 8, 1955;*

June 8, 1955

*Entered into force July 11, 1955.*

*And proclamation by the President of the United States of America;*

*Carrying out the supplementary agreement with Switzerland;*

*Issued June 25, 1955;*

*Effective July 11, 1955.*

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### SUPPLEMENTARY AGREEMENT

BETWEEN THE UNITED STATES OF AMERICA AND SWITZERLAND

### ACCORD SUPPLEMENTAIRE

ENTRE LES ETATS-UNIS D'AMERIQUE ET LA SUISSE

The President of the United States of America and  
the Swiss Federal Council:

Considering the reciprocal concessions and ad-  
vantages for the promotion of trade provided for  
in the existing trade agreement entered into be-  
tween the United States of America and Switzerland  
on January 9, 1936, which trade agreement, with  
accompanying declaration, was supplemented by  
exchanges of notes of September 19, 1940, October  
4, 1940, November 5, 1940 and November 14, 1940,  
and of October 13, 1950;

Taking cognizance of action taken by the President  
of the United States of America on July 27, 1954,  
under the supplemental provisions of the said  
trade agreement as set forth in the exchange of  
notes of October 13, 1950, with respect to certain  
products described in item 367(a) of Schedule II  
of the said trade agreement; and

Recognizing the desirability of maintaining the  
general level of reciprocal and mutually advan-  
tageous concessions in the said trade agreement;

Hereby agree as follows:

1. On the day this supplementary agreement enters  
into force "supplemental Schedule II" annexed  
to this supplementary agreement shall become  
a supplement to Schedule II of the said trade  
agreement of January 9, 1936 (hereinafter re-  
ferred to as "original Schedule II"), and all  
the pertinent provisions of the said trade  
agreement of January 9, 1936, including the  
terminating provisions and the note preceding

Le Président des Etats-Unis d'Amérique et le Conseil fédéral suisse:

Considérant les concessions et les avantages réciproques stipulés en vue de développer le commerce dans l'accord commercial en vigueur, qui a été conclu entre les Etats-Unis d'Amérique et la Suisse le 9 janvier 1936 et qui, avec la déclaration l'accompagnant, a été complété par des échanges de notes le 19 septembre 1940, le 4 octobre 1940, le 5 novembre 1940 et le 14 novembre 1940, et le 13 octobre 1950;

Prenant connaissance de la décision prise le 27 juillet 1954 par le Président des Etats-Unis d'Amérique conformément aux dispositions supplémentaires dudit accord commercial, énoncées dans les notes échangées le 13 octobre 1950, décision qui portait sur certains produits désignés sous le paragraphe 367 (a) de la liste II dudit accord commercial; et

Reconnaissant qu'il est désirable de maintenir le niveau général des concessions réciproques et mutuellement avantageuses stipulées dans ledit accord commercial;

sont convenus de ce qui suit:

1. A la date d'entrée en vigueur du présent accord supplémentaire, la "liste supplémentaire II" jointe au présent accord supplémentaire constituera un supplément à la liste II dudit accord commercial du 9 janvier 1936 (appelée ci-après "liste originale II") et toutes les dispositions pertinentes dudit accord commercial du 9 janvier 1936, y compris les dispositions de dénonciation et la note précédant la nomenclature des marchandises dans la

the items in original Schedule II, shall (subject to the provisions of paragraphs 2 and 3) apply to the items listed in the said supplemental Schedule II in the same manner and to the same extent as they apply to the items in original Schedule II:

Provided, That any article described in original Schedule II and also in supplemental Schedule II shall be considered as no longer provided for in original Schedule II.

2. In the event that the action taken by the President of the United States of America on July 27, 1954, and referred to hereinabove in this supplementary agreement is modified or terminated by action which shall result in lower rates of duty for any of the products described in item 367(a) of original Schedule II of the said trade agreement of January 9, 1936, with respect to which the said action of July 27, 1954, was taken, the Government of the United States of America and the Government of Switzerland will consult promptly with each other regarding appropriate action to be taken with respect to this supplementary agreement. If agreement is not reached the Government of the United States of America may modify or withdraw, on 90 days' written notice, the concessions granted in the supplemental Schedule II annexed to this supplementary agreement to such extent as may be appropriate in the circumstances.
3. The reference in Article II of the said trade agreement of January 9, 1936, to the day of signature of that agreement shall be, in respect of the articles described in the supplemental

liste originale II, s'appliqueront (sous réserve des dispositions des paragraphes 2 et 3) aux marchandises énumérées dans ladite liste supplémentaire II de la même manière et dans la même mesure qu'aux marchandises de la liste originale II:

A condition que tout article désigné dans la liste originale II et également dans la liste supplémentaire II soit considéré comme ne faisant plus partie de la liste originale II.

2. Au cas où la décision prise, le 27 juillet 1954, par le Président des Etats-Unis d'Amérique et mentionnée dans le présent accord supplémentaire serait modifiée ou rapportée par une décision ayant pour effet de réduire les droits de douane sur l'une quelconque des marchandises désignées sous le paragraphe 367 (a) de la liste originale II dudit accord commercial du 9 janvier 1936 et qui faisaient l'objet de la décision du 27 juillet 1954, le Gouvernement des Etats-Unis d'Amérique et le Gouvernement suisse se consulteront sans retard sur les dispositions appropriées à prendre à l'égard du présent accord supplémentaire. Si aucun accord n'est intervenu, le Gouvernement des Etats-Unis d'Amérique pourra modifier ou retirer les concessions accordées dans la liste supplémentaire II jointe au présent accord supplémentaire, dans la mesure appropriée par les circonstances, moyennant un préavis écrit de 90 jours.
3. La référence contenue dans l'article II dudit accord commercial du 9 janvier 1936 au jour de la signature de cet accord sera, en ce qui concerne les marchandises désignées dans la liste supplé-

Schedule II annexed to  
this supplementary agree-  
ment, the date of this  
supplementary agreement.

mentaire II annexée au  
présent accord supplé-  
mentaire, la date dudit  
accord supplémentaire.

4. This supplementary  
agreement shall enter  
into force on July 11,  
1955.

4. Le présent accord  
supplémentaire entrera  
en vigueur le 11 juillet  
1955.

IN WITNESS WHEREOF the  
respective Plenipoten-  
tiaries have signed this  
agreement and have affix-  
ed their seals thereto.

EN FOI DE QUOI, les  
Plénipotentiaires des  
deux parties contrac-  
tantes ont signé le  
présent accord et y ont  
apposé leurs sceaux.

DONE in duplicate, in  
the English and French  
languages, both authen-  
tic, at Geneva, Switzer-  
land, this eighth day  
of June, nineteen hundred  
and fifty-five.

FAIT en deux exem-  
plaires, en anglais  
et en français, les  
deux textes faisant  
foi, à Genève, Suisse,  
le huit juin, mille  
neuf cent cinquante-  
cinq.

FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA:  
POUR LE PRESIDENT DES ETATS-UNIS D'AMERIQUE:

[SEAL] SAMUEL C. WAUGH

FOR THE SWISS FEDERAL COUNCIL:  
POUR LE CONSEIL FEDERAL SUISSE:

FRITZ HALM.

[SEAL]

[SUPPLEMENTAL SCHEDULE II]

[LISTE SUPPLEMENTAIRE II]

## SUPPLEMENTAL SCHEDULE II

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles   | Rate of Duty                       |
|---|---|------------------------------------|
| 5   | Products chiefly used as assistants in preparing or finishing textiles (except fatty alcohols and fatty acids, sulphated, and salts of sulphated fatty acids), not specially provided for   | 12-1/2% ad val.                    |
| 27(a)(3)<br>(4)(5)                                  | Products, by whatever name known, which are similar to any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930, and which are obtained, derived, or manufactured in whole or in part from any of the products provided for in either of said paragraphs, and all mixtures, including solutions, consisting in whole or in part of any of the products provided for in subdivision (1), (2), or (3) of paragraph 27(a), Tariff Act of 1930: |                                    |
|   | Products chiefly used as assistants in preparing or finishing textiles  | 3-1/2¢ per lb. and 20% ad val.     |
| 28(a)   | Medicinals obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930:<br><br>2-Benzyl-4, 5-imidazoline hydrochloride, methylphenethylhydantoin, phenylbenzylaminoethyl imidazoline hydrochloride, and all other medicinals derived from imidazoline or hydantoin   | 3-1/2¢ per lb. and 22-1/2% ad val. |

NOTE: In the event that the United States adopts any measure which precludes the application of "American selling price" as a basis for determining the dutiable value of any article described in this Schedule or in original Schedule II and dutiable

## LISTE SUPPLEMENTAIRE II

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles   | Taux du droit                      |
|--|--|------------------------------------|
| 5  | Produits utilisés principalement comme auxiliaires dans la préparation ou l'apprêtage des textiles (à l'exception des alcools gras et acides gras, sulfatés, et sels d'acides gras sulfatés), non spécialement prévus  | 12-1/2% ad val.                    |
| 27(a) (3)<br>(4)(5)                                      | Produits, quelle que soit leur dénomination, qui sont similaires à n'importe lequel des produits prévus au paragraphe 27 ou 1651 de la Loi tarifaire de 1930 et qui sont obtenus, dérivés ou fabriqués en tout ou en partie de n'importe quel des produits prévus à l'un ou l'autre desdits paragraphes, et tous les mélanges, y compris les solutions, composés en tout ou en partie de n'importe lequel des produits prévus à la subdivision (1), (2), ou (3) du paragraphe 27(a) de la Loi tarifaire de 1930:<br><br>Produits utilisés principalement comme auxiliaires dans la préparation ou l'apprêtage des textiles | 3-1/2% la livre et 20% ad val.     |
| 28(a)  | Médicaments obtenus, dérivés ou fabriqués en tout ou en partie de n'importe quel des produits prévus au paragraphes 27 ou 1651 de la Loi tarifaire de 1930:<br><br>2-Benzyl-4, 5-imidazoline chlorhydrate, méthylphénéthylhydantoïne, phénylbenzyleminoéthyle imidazoline chlorhydrate, et tous autres médicaments dérivés de l'imidazoline ou de l'hydantoïne   | 3-1/2% la livre et 22-1/2% ad val. |

NOTE: Au cas où les Etats-Unis adopteraient une mesure rendant impossible l'application du "prix de vente américain" comme base pour la fixation de la valeur imposable de n'importe quel article désigné dans cette liste ou dans la liste originale II est imposable sous le para-

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty |
|---|--|--------------|
| NOTE: (con.)  |  |              |
|   | under paragraph 27 or 28, Tariff Act of 1930, as provided for in paragraphs 27(c) and 28(c) of the said tariff act, it shall be free to adjust the rate of duty for any such article on which duty is required to be assessed on the basis of "American selling price" to offset in whole or in part the difference in amount of duty which would otherwise result from the adoption of such measure.  |              |
| 360   | Surveying instruments and parts thereof, wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, not specially provided for  | 35% ad val.  |
| 368(a)  | Clockwork mechanisms, and any mechanism, device, or instrument intended or suitable for measuring distance, speed, or fares, or the flowage of water, gas, or electricity, or similar uses, or for regulating, indicating, or controlling the speed of arbors, drums, disks, or similar uses, or for recording time, or for recording, indicating, or performing any operation or function at a pre-determined time or times, all the above (except depth-sounding mechanisms, devices, or instruments, pigeon timers, and ships' logs, valued over \$10 each; except synchronous and subsynchronous motors specified in paragraph 368(a), Tariff Act of 1930; and except the articles enumerated or described in paragraph 367, Tariff Act of 1930; and not including any |              |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles | Taux du droit |
|--|--------------------------|---------------|
|--|--------------------------|---------------|

## NOTE: (suite):

graphes 27 ou 28 de la Loi tarifaire de 1930, tel que prévu aux paragraphes 27(c) et 28(c) de ladite Loi tarifaire, ils seront libres d'ajuster le droit de douane applicable à n'importe lequel de tels articles pour lequel le droit doit être fixé sur la base du "prix de vente américain" et ce, pour compenser en tout ou en partie la différence dans le montant du droit, qui, à défaut, résulterait de l'adoption de telle mesure.

|        |   |             |
|--------|---|-------------|
| 360    | Instruments de topographie et leurs parties, entièrement en métal ou dont le métal constitue l'élément de principale valeur, et non plaqués d'or, d'argent, ni de platine, finis ou non finis, non spécialement prévus  | 35% ad val. |
| 368(a) | Mouvements d'horlogerie, ainsi que tous les mécanismes, dispositifs ou instruments destinés ou propres à mesurer la distance, la vitesse, ou le prix d'une course, ou le courant de l'eau, du gaz ou de l'électricité ou à des usages similaires, ou à régler, indiquer ou contrôler la vitesse des arbres, des tambours, des disques, ou à des usages similaires, ou à enregistrer le temps, ou à enregistrer, indiquer ou effectuer un travail ou une besogne à un moment ou à des moments fixés d'avance, tous ces articles (à l'exception des mécanismes, dispositifs ou instruments de sondes, des chronomètres enregistreurs pour concours de pigeons, et des lochs, d'une valeur supérieure à \$10 la pièce; à l'exception des moteurs synchrones ou asynchrones spécifiés au paragraphe 368(a) de la Loi tarifaire de 1930; et à l'exception des articles énumérés ou désignés au paragraphe 367 de la Loi tarifaire de 1930; et non compris toutes les |             |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty                     |
|---|--|----------------------------------|
| 368(a)<br>(con.)                                    | Clockwork mechanisms, etc. (con.):<br><br>clocks, lever or other clock movements, time-keeping, time-measuring, or time-indicating mechanisms, devices, or instruments, or any mechanism, device, or instrument intended or suitable for measuring or indicating time); all the foregoing, whether or not in cases, containers, or housings:<br><br>Mechanisms, devices, or instruments intended or suitable for measuring the flowage of electricity, and valued over \$15 each | \$2.25 each and 22-1/2% ad val.  |
|   | Time switches, valued each --<br>Over \$2.25 but not over \$5  | 75¢ each and 20% ad val.         |
|   | Over \$5 but not over \$10   | \$1.50 each and 20% ad val.      |
|   | Other (except mechanisms, devices, or instruments intended or suitable for measuring the flowage of electricity, and except time switches), valued each --<br>Not over \$1.10  | 27-1/2¢ each and 32-1/2% ad val. |
|   | Over \$1.10 but not over \$2.25  | 50¢ each and 32-1/2% ad val.     |
|   | Over \$2.25 but not over \$5   | 75¢ each and 32-1/2% ad val.     |
|   | Over \$5 but not over \$10   | \$1.50 each and 32-1/2% ad val.  |
|   | Over \$10  | \$2.25 each and 35% ad val.      |
|   | Any of the foregoing "other" mechanisms, devices, or instruments containing jewels shall be subject to an additional cumulative duty of  | 12-1/2¢ for each jewel           |

| Loi tarifaire<br>de 1950 des<br>Etats-Unis<br>Paragraphe | Désignation des articles  | Taux du droit                      |
|--|---|------------------------------------|
| 368(a)<br>(suite)  | Mouvements d'horlogerie, etc. (suite):  |                                    |
|  | horloges, les mouvements d'horloges, à ancre ou autres, les mécanismes, dispositifs ou instruments pour enregistrer, mesurer ou indiquer le temps, ou les mécanismes, dispositifs ou instruments destinés ou propres à mesurer ou indiquer le temps); tous ces articles, avec ou sans boîtes, contenant ou étuis: |                                    |
|  | Mécanismes, dispositifs ou instruments destinés ou propres à mesurer le courant de l'électricité, d'une valeur:   | \$2.25 la pièce et 22-1/2% ad val. |
|  | Supérieure à \$15 la pièce  |                                    |
|  | Interruptyeurs-horaires d'une valeur:   |                                    |
|  | Supérieure à \$2.25, mais ne dépassant pas \$5 la pièce   | 75¢ la pièce et 20% ad val.        |
|  | Supérieure à \$5, mais ne dépassant pas \$10 la pièce   | \$1.50 la pièce et 20% ad val.     |
|  | Autres (à l'exception des mécanismes, dispositifs ou instruments destinés ou propres à mesurer le courant de l'électricité, et à l'exception des interrupteurs-horaires), d'une valeur:   | 27-1/2¢ la pièce                   |
|  | Ne dépassant pas \$1.10 la pièce  | et 32 1/2% ad val.                 |
|  | Supérieure à \$1.10, mais ne dépassant pas \$2.25 la pièce  | 50¢ la pièce et 32-1/2% ad val.    |
|  | Supérieure à \$2.25, mais ne dépassant pas \$5 la pièce   | 75¢ la pièce et 32-1/2% ad val.    |
|  | Supérieure à \$5, mais ne dépassant pas \$10 la pièce   | \$1.50 la pièce et 32-1/2% ad val. |
|  | Supérieure à \$10 la pièce  | \$2.25 la pièce et 35% ad val.     |
|  | Tous ces "autres" mécanismes, dispositifs ou instruments contenant des rubis seront soumis à un droit additionnel cumulatif de  | 12-1/2¢ pour chaque rubis          |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty  |
|---|--|---|
| 368(c)  | Parts for articles provided for in paragraph 368(a), Tariff Act of 1930 (except parts for clocks, for lever or other clock movements, for time-keeping, time-measuring, or time-indicating mechanisms, devices, or instruments, for synchronous and subsynchronous motors, for any mechanism, device, or instrument intended or suitable for measuring or indicating time, for depth-sounding mechanisms, devices, or instruments valued over \$10 each, or for ship's logs valued over \$10 each) shall be dutiable as follows: |   |
| (1)   | Parts (except plates provided for in paragraph 368(c)(2), Tariff Act of 1930, and jewels) imported in the same shipment with complete articles the parts of which are provided for in this item (whether or not suitable for use in such articles), but not including any portion of all the parts in the shipment which exceeds in value 1-1/2% of the value of such complete articles  | 22-1/2% ad val.   |
| (2)   | A plate suitable for assembling thereon the clockwork mechanism constituting or contained in any article for which parts are provided for in this item   | One-half the duty applicable to the complete article for which the plate is suitable    |
| (3)   | Each assembly or subassembly (unless dutiable under paragraph 368(c)(1) or (4), Tariff Act of 1930), consisting of two or more parts or pieces of metal or other material joined or fastened together, intended or suitable for any article for which parts are provided for in this item  | 12-1/2¢ for each jewel, if any, and 1-1/2¢ for each other part or piece and 35% ad val. |

Loi tarifaire,  
de 1930 des  
Etats-Unis  
Paragraphe

## Désignation des articles

## Taux du droit

368(c) Les parties des articles prévus au paragraphe 368(a) de la Loi tarifaire de 1930 (à l'exception des parties pour horloges, pour mouvements d'horloges à ancre ou autres, pour mécanismes, dispositifs ou instruments pour enregistrer, mesurer ou indiquer le temps, pour moteurs synchrones et asynchrones, pour les mécanismes, dispositifs ou instruments destinés ou propres à mesurer ou indiquer le temps, pour mécanismes, dispositifs ou instruments de sonde d'une valeur supérieure à \$10 la pièce, ou pour lochs d'une valeur supérieure à \$10 la pièce) seront imposables comme suit:

- |     |  |  |
|-----|--|--|
| (1) | Parties (à l'exception des platines prévues au paragraphe 368(c)(2) de la Loi tarifaire de 1930, et des rubis) importées dans le même envoi avec des articles complets dont les parties sont prévues dans cette rubrique (propres ou non à être utilisées dans de tels articles), mais non compris la fraction de toutes les pièces de l'envoi dépassant 1-1/2% de la valeur desdits articles complets | 22-1/2¢ ad val.  |
| (2) | Une platine se prêtant à l'assemblage d'un mouvement d'horlogerie qui constitue un article quelconque dont des parties sont prévues dans la présente rubrique ou qui y est contenu   | La moitié du droit applicable à l'article complet auquel la platine convient                       |
| (3) | Tout assemblage ou sous-assemblage (à moins qu'il ne soit imposable sous le paragraphe 368(c)(1) ou (4) de la Loi tarifaire de 1930) consistant de deux ou plusieurs parties ou pièces de métal ou d'autre matière réunies ou attachées ensemble, destiné ou propre à un article quelconque dont des parties sont prévues dans la présente rubrique  | 12-1/2¢ pour chaque rubis, s'il y en a, et 1-1/2¢ pour chaque autre partie ou pièce et 35¢ ad val. |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty   |
|---|--|--|
| 368(c)<br>(con.)                                    | Parts etc. (con.):   |  |
| (4)   | Each assembly or subassembly<br>consisting in part of a plate<br>or plates provided for in<br>subdivision (2) of this<br>item  | 12-1/2¢ for each<br>jewel, if any,<br>and the rate pro-<br>vided for in this<br>Schedule for such<br>plate or plates,<br>and 2-1/2¢ for<br>each other part<br>or piece |
| (6)   | Parts provided for in paragraph<br>368(c)(6), Tariff Act of 1930,<br>for any article for which<br>parts are provided for in this<br>item   | 45% ad val.  |
| 917   | Underwear, knit, finished or un-<br>finished, wholly or in chief<br>value of cotton or other vege-<br>table fiber, not specially pro-<br>vided for, and valued over<br>\$4 per pound   | 20% ad val.  |
| 1504(a)   | Braids, plaits, laces, and willow<br>sheets or squares, in chief value<br>of straw, chip, paper, grass, palm<br>leaf, willow, osier, rattan, real<br>horsehair, cuba bark, or manila<br>hemp, and braids and plaits in<br>chief value of ramie, all the fore-<br>going suitable for making or orna-<br>menting hats, bonnets, or hoods, if<br>containing a substantial part of<br>rayon or other synthetic textile (but<br>not in chief value thereof) and<br>valued over \$1.75 per pound | 12¢ ad val.  |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles  | Taux du droit  |
|--|---|--|
| 368(c)<br>(suite)  | Les parties des articles, etc. (suite):   |  |
| (4)  | Tout assemblage ou sous-assemblage consistant partiellement en une platine ou en platinas prévues à la subdivision (2) du présent paragraphe  | 12-1/2¢ pour chaque rubis, s'il y en a, et le taux prévu dans cette liste pour telle platine ou telles platinas, et 2-1/2¢ pour chaque autre partie ou pièce |
| (6)  | Parties prévues au paragraphe 368(c)(6) de la Loi tarifaire de 1930, pour tout article pour lequel des parties sont prévues dans le présent paragraphe  | 45% ad val.  |
| 917  | Sous-vêtements, tricotés, finis ou non finis, entièrement en coton ou autres fibres végétales, ou dont ces matières constituent l'élément de principale valeur, non spécialement prévue, et d'une valeur supérieure à \$4 la livre  | 20% ad val.  |
| 1504(a)  | Galons, tresses et lacets, et feuilles ou carrés de saule, dont la paille, les copeaux, le papier, l'herbe, les feuilles de palmier, le saule, l'oeier, le rotin, le crin naturel, l'écorce de Cuba ou le chanvre de Manille, constituent l'élément de principale valeur, et les galons et les tresses dont la ramie constitue l'élément de principale valeur, tous ces articles convenant à la confection ou à l'ornementation de chapeaux, bonnets ou de coiffures, contenant une partie appréciable de rayonne ou d'un autre textile synthétique (mais dont celle-ci ou celui-ci n'en constitue pas la valeur principale) et d'une valeur supérieure à \$1.75 la livre | 12% ad val.  |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles   | Rate of Duty                                  |
|---|---|---|
| 1529(a)   | Braids (including braids or bannings made wholly or in part of braids), suitable for making or ornamenting hats, bonnets, or hoods, loom woven and ornamented in the process of weaving, or made by hand, or on a lace, knitting, or braiding machine, composed wholly or in chief value of rayon or other synthetic textile, or of yarn, threads, or filaments other than cotton, valued \$1.60 or more per pound  | 50¢ per lb. but not less than 22-1/2% ad val. |
| 1529(a)   | Hats, bonnets, and hoods, not knit or crocheted, wholly or in chief value of rayon or other synthetic textile and wholly or in part of braids suitable for making or ornamenting hats, bonnets, or hoods, but not in part of lace, lace fabrics, lace articles, or material which is embroidered, tamboured, appliquéd, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork | 45% ad val.                                   |
| 1529(a)   | Insertings, edgings, galloons, flounce, and all-overs; articles in chief value of one or more of the foregoing, except articles of wearing apparel not hereinafter specified by name; curtains, panels, pannings, valances, sheets, pillow-cases, bedspreads, bolster cases,  |   |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles   | Taux du droit                                   |
|--|--|---|
| 1529(a)  | Tresses (y compris les tresses ou bandes confectionnées entièrement ou en partie de tresses), convenant à la confection ou la garniture de chapeaux, bonnets ou coiffures, tissées au métier et ornées pendant le tissage ou faites à la main ou au métier à dentelles, à tricoter, ou à tresser, composées entièrement en rayonne ou en un autre textile synthétique, ou en filés, fils, ou filament autres que de coton, ou dont l'une de ces matières constitue l'élément de principale valeur, d'une valeur de \$1.60 ou plus la livre   | 50¢ la livre, mais pas moins de 22-1/2% ad val. |
| 1529(a)  | Chapeaux, bonnets et coiffures, ni tricotés, ni faits au crochet, entièrement en rayonne ou en un autre textile synthétique ou dont l'une de ces matières constitue l'élément de principale valeur, et entièrement ou en partie de tresses convenant à la confection ou à la garniture de chapeaux, bonnets ou coiffures, mais non pas en partie de dentelles, de tissus en dentelles, d'articles en dentelles, ou de tissu brodé, tambouré, appliqué, orné de perles, de perles-tubes ou de pailllettes, ou dont certains fils ont été supprimés, tirés, percés ou coupés, et avec fils introduits après le tissage pourachever ou embellir le travail à jour | 45% ad val.                                     |
| 1529(a)  | Entre-deux, ganses, galons, volants, et leizes; articles dont un ou plusieurs des ouvrages ci-dessus constituent l'élément de principale valeur, à l'exception de vêtements non dénommés ci-après; rideaux, carreaux, panneaux, valances, draps de lit, taies d'oreillers, couvre-lits, housses de traversins, ensembles de lits   |   |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty |
|---|--|--------------|
| 1529(a)<br>(con.)                                   | Insertings, edgings, etc. (con.):<br><br>bed sets, mats, doilies, rounds,<br>ovals, oblongs, squares, motifs,<br>bureau or table scarfs and sets,<br>piano scarfs, chair back and chair<br>arm covers, antimacassars, table<br>cloths, napkins, bridge or luncheon<br>sets, handkerchief cases, glove<br>cases, handbags, purses, collars,<br>cuffs, collar and cuff sets, ja-<br>bots, yokes, plastrons, aprons,<br>and boudoir caps; all the fore-<br>going, finished or unfinished,<br>however provided for in para-<br>graph 1529(a), Tariff Act of<br>1930, which are embroidered or<br>tamboured and which are wholly<br>or in chief value of cotton<br>(not including any laces, lace<br>fabrics, or lace articles, made<br>in any part on a lace machine,<br>or articles or materials embroi-<br>dered or tamboured in any part<br>by hand or otherwise than with<br>the use of multiple-needle, Cor-<br>nely, or Bonnaz embroidery ma-<br>chines, but not excluding<br>articles or materials the edges<br>of which are embroidered with<br>the use of other machines and<br>not excluding articles or materials<br>by reason of the incidental ornamen-<br>tation thereof by hand by means of<br>spider work, fagotting, or similar<br>stitches, extending across open-<br>work resulting from the removal of<br>a part of the fabric): |              |
|   | Curtains, panels, paneling, and<br>valances  | 30% ad val.  |
|   | Other  | 45% ad val.  |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles   | Taux du droit |
|--|--|---------------|
| 1529(a)<br>(suite)                                       | Entre-deux, gaine etc. (suite):  |               |
|  | (bed sets), dessous, napperons, ronde,<br>ovalee, oblonge, carrés, motif, che-<br>mine et ensemble pour bureaux ou ta-<br>bles, dessus de pianos, couvre-dos-<br>siere et couvre-bras de fauteuil,<br>voilettes de fauteuil, nappes de<br>table, serviettes de table, ensembles<br>pour bridge ou luncheon, echarpes à<br>mouchoirs, sachets à gants, sacs à<br>main, bourse, cols, manchettes, pa-<br>rures de cols et manchettes, jabots,<br>empilements, plastrons, tabliers<br>et bonnets de boudoir; tous les ar-<br>ticles ci-dessus, finis ou non fi-<br>nis, quelle que soit leur dénomina-<br>tion dans le paragraphe 1529(a) de<br>la Loi tarifaire de 1930, qui sont<br>brodés ou tambourés, entièrement en<br>coton ou dont le coton constitue<br>l'élément de principale valeur (non<br>compris les dentelles, tissus en<br>dentelle, ou articles en dentelles,<br>dont une partie quelconque est ob-<br>tenue au métier à dentelles, ou ar-<br>ticles ou tissus brodés ou tambourés<br>à la main sur une partie quelconque<br>ou d'une autre manière que par<br>l'emploi de machine à broder à<br>aiguilles multiples, Cornely ou Bon-<br>naz, mais sans exclure des articles<br>ou tissus dont les bordures sont bro-<br>dées par l'emploi d'autres machines<br>et n'excluant pas les articles ou<br>tissus en raison de leur ornementa-<br>tion occasionnelle à la main au<br>moyen de pointe d'araignée, de pointe<br>de raccord à jour (faggotting) ou de<br>points similaires, s'étendant à tra-<br>vers l'ouvrage à jour résultant de<br>l'élimination d'une partie du tissu); |               |
|  | Rideaux, carreaux, panneaux et va-<br>lances   | 30% ad val.   |
|  | Autre  | 45% ad val.   |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Article  | Rate of Duty                          |
|---|---|---------------------------------------|
| 1529(a)   | <p>Inneertinge, edgings, galloone, floucninge, and all-overe, any of the foregoing which are burnt-out lace, and finished or unfinished articles in chief value of one or more of the foregoing; all the foregoing, however provided for in paragraph 1529(a), Tariff Act of 1930:</p> <p>Curtaine, panele, paneling, and valancee, wholly or in chief value of cotton</p> <p>Other</p>   | <p>30% ad val.</p> <p>45% ad val.</p> |
| 1529(a)   | Lace window curtaine, finiehied or unfiniehied, wholly or in chief value of vegetable fiber, however provided for in paragraph 1529(a), Tariff Act of 1930  | 45% ad val.                           |
| 1529(b)   | <p>Handkerchiefe, wholly or in part of lace, and handkerchiefe embroidered (whether with a plain or fancy initial, monogram, or otherwiee, and whether or not the embroidery is on a ecalloped edge), tamboured, appliquéd, or from which threade have been omitted, drawn, punched, or cut, and with threade introduced after weaving to finish or ornament the openwork, not including one row of straight hemetitching adjoining the hem; all the foregoing, finished or unfinished:</p> <p>If not containing any hand made lace and not made in any part by hand (except that the heme may be hand rolled or hand made and except for incidental hand work necee-</p> |                                       |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles   | Taux du droit   |
|--|--|---|
| 1529(a)  | <p>Entre-deux, ganses, galons, volants, et laizes, l'un ou plusieurs des articles prénommés qui sont des dentelles chimiques, et des articles finis ou non finis, dont un ou plusieurs des articles ci-dessus constitue l'élément de principale valeur; tous ces articles quelle que soit leur dénomination dans le paragraphe 1529(a) de la Loi tarifaire de 1930:</p> <p>Rideaux, carreaux, panneaux et valances, entièrement en coton ou dont le coton constitue l'élément de principale valeur</p> <p>Autres</p>   | <p style="text-align: center;">30% ad val.</p> <p style="text-align: center;">45% ad val.</p> |
| 1529(a)  | Rideaux de fenêtres, en dentelles, finis ou non finis, entièrement en fibres végétales ou dont les fibres végétales constituent l'élément de principale valeur, quelle que soit leur dénomination dans le paragraphe 1529(a) de la Loi tarifaire de 1930   | 45% ad val.   |
| 1529(b)  | <p>Mouchoirs de poche, entièrement ou partiellement en dentelle et mouchoirs de poche brodés (soit avec une initiale ou un monogramme unis ou de fantaisie ou autrement brodés, et que la broderie soit ou non sur une bordure festonnée), tambourés, appliqués, ou dont certains fils ont été supprimés, tirés, percés ou coupés, et avec fils introduits après le tissage pourachever ou embellir l'ouvrage à jour, non compris un rang rectiligne de points clairs touchant à l'ourlet; tous ces articles, finis ou non finis;</p> <p>Ne contenant pas de dentelle faite à la main et dont aucune partie n'est faite à la main (à l'exception que les ourlets peuvent être roulés à la main ou faits à la main et à l'exception de travail occasionnel fait à la main, néces-</p> |   |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles  | Rate of Duty               |
|---|--|----------------------------|
| 1529(b)<br>(con.)                                   | Handkerchiefs, etc. (con.):<br>sary to finish the machine<br>work or to mend or correct<br>defects):<br><br>Composed wholly or in chief<br>value of cotton, whether<br>or not made with hand<br>rolled or hand made hems,<br>and valued per dozen: |                            |
|   | Over 70 cents but not<br>over \$1.50   | 2¢ each and<br>20% ad val. |
|   | Over \$1.50  | 1¢ each and<br>15% ad val. |
|   | Composed wholly or in chief<br>value of vegetable fiber<br>other than cotton, if<br>unhemmed and without<br>any finished edge, and<br>valued at 45 cents or<br>more per dozen  | 1¢ each and<br>15% ad val. |
|   | Composed wholly or in chief<br>value of vegetable fiber<br>other than cotton, if<br>finished and valued at<br>80 cents or more per<br>dozen  | 1¢ each and<br>15% ad val. |
|   | Composed wholly or in chief<br>value of rayon or other<br>synthetic textile:<br><br>Made with hand rolled or<br>hand made hems   | 2¢ each and<br>20% ad val. |
|   | Not made with hand rolled<br>or hand made hems, and<br>valued over 70 cents per<br>dozen   | 2¢ each and<br>20% ad val. |

Loi tarifaire  
de 1930 des  
Etats-Unis  
Paragraphe

## Désignation des articles

## Taux du droit

|                    |   |                            |
|--------------------|---|----------------------------|
| 1529(b)<br>(suite) | Mouchoirs de poche etc. (suite):<br><br>saire pourachever le travail à la machine ou pour réparer ou corriger des défauts):<br><br>Composés entièrement en coton ou dont le coton constitue l'élément de principale valeur, comportant ou non des ourlets roulés à la main ou faits à la main, d'une valeur:<br><br>Supérieure à 70 cents mais ne dépassant pas \$1.50 la douzaine<br>Supérisure à \$1.50 la douzaine | 2¢ la pièce et 20% ad val. |
|                    | Composés entièrement en fibre végétale autre que le coton ou dont telle fibre végétale constitue l'élément de principale valeur, si non ourlés et sans aucun bord achevé et d'une valeur égale ou supérieure à 45 cents la douzaine   | 1¢ la pièce et 15% ad val. |
|                    | Composés entièrement en fibre végétale autre que le coton ou dont telle fibre végétale constitue l'élément de principale valeur, finis et d'une valeur égale ou supérieure à 80 cents la douzaine   | 1¢ la pièce et 15% ad val. |
|                    | Composés entièrement en rayonne ou autre textile synthétique ou dont la rayonne ou autre textile synthétique constitue l'élément de principale valeur:<br><br>Comportant des ourlets roulés à la main ou faits à la main<br>Ne comportant pas des ourlets roulés à la main ou faits à la main, et d'une valeur égale ou supérieure à 70 cents la douzaine   | 2¢ la pièce et 20% ad val. |
|                    |   | 2¢ la pièce et 20% ad val. |

| United States<br>Tariff Act<br>of 1930<br>Paragraph | Description of Articles   | Rate of Duty |
|---|---|--------------|
| 1551  | Photographic cameras and parts thereof,<br>not specially provided for:<br><br>Motion-picture cameras and parts<br>thereof | 15% ad val.  |

| Loi tarifaire<br>de 1930 des<br>Etats-Unis<br>Paragraphe | Désignation des articles  | Taux du droit |
|--|---|---------------|
| 1551   | Appareils de prises de vues photographiques et leurs parties, non spécialement prévus:<br><br>Appareils de prises de vues cinématographiques et leurs parties | 15% ad val.   |

[3099]

**CARRYING OUT THE SUPPLEMENTARY AGREEMENT  
WITH SWITZERLAND****BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION**

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, on January 9, 1936, he entered into a trade agreement with the Swiss Federal Council, including two schedules and a declaration annexed thereto (49 Stat. (pt. 2) 3918), and by a proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), he proclaimed the said trade agreement, which proclamation has been supplemented by a proclamation of May 7, 1936 (49 Stat. (pt. 2) 3959), and a proclamation of November 28, 1940 (54 Stat. (pt. 2) 2461);

2. WHEREAS the said trade agreement specified in the first recital was supplemented on October 13, 1950, by certain provisions set forth in the 13th recital of the President's proclamation of November 26, 1951 (Proclamation No. 2954, 66 Stat. C6);

3. WHEREAS, by Proclamation No. 3062 of July 27, 1954 (3 CFR, 1954 SUPP., p. 29), acting under and by virtue of the authority vested in the President by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, and in accordance with the said trade agreement specified in the first recital as supplemented on October 13, 1950, the President proclaimed modifications of duty concessions granted by the United States with respect to certain products described in item 367 (a) of Schedule II of the said trade agreement, effective at the close of business July 27, 1954;

4. WHEREAS the said trade agreement specified in the first recital, as supplemented on October 13, 1950, provides for compensatory modifications thereof, whenever action is taken pursuant to Paragraph 1 of the supplemental provisions referred to in the second recital of this proclamation, in order to maintain, to the extent practicable, the general level of reciprocal and mutually advantageous concessions in the said trade agreement;

5. WHEREAS I have found as a fact that under the circumstances recited above existing duties or other import restrictions of the United States of America or of Switzerland are unduly burdening and restricting the foreign trade of the United States of America;

6. WHEREAS, pursuant to section 3.(a) of the Trade Agreements Extension Act of 1951 (65 Stat. 72), I transmitted to the United States Tariff Commission for investigation and report a list of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with Switzerland looking towards possible restoration of the general level of reciprocal and mutually advantageous concessions in the said trade agreement, and the said Tariff Commission has made an investigation in accordance with section 3 of said Trade Agreements Extension Act and thereafter reported to the President its findings based thereon;

7. WHEREAS reasonable public notice of the intention to negotiate a supplementary trade agreement with Switzerland was given and the views presented by persons interested in the negotiation of such supplementary agreement were received and considered;

8. WHEREAS, after seeking and obtaining information and advice with respect thereto from the Departments of State, Agriculture, Commerce, and Defense, and from other sources, I entered into a trade agreement on June 8, 1955, with the Swiss Federal Council, further supplementing the said trade agreement specified in the first recital, a copy of which supplementary agreement of June 8, 1955, including the supplemental schedule annexed thereto, authentic in both the English and French languages, is annexed to this proclamation;

*Ante*, p. 2845.

9. WHEREAS I find that the compensatory modifications provided for in the said supplementary trade agreement specified in the eighth recital constitute appropriate action toward maintaining the general level of reciprocal and mutually advantageous concessions in the said trade agreement specified in the first recital, and that the purpose set forth in section 350 (a) of the Tariff Act of 1930, as amended, will be promoted by such compensatory modifications of existing duties and other import restrictions and continuance of existing customs and excise treatment as are set forth and provided for in the said supplementary trade agreement;

10. WHEREAS it is provided in paragraph numbered 4 of the

said supplementary agreement specified in the eighth recital that it shall enter into force on July 11, 1955;

11. WHEREAS I find that such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment of articles as are hereinafter proclaimed in Part I of this proclamation will be required or appropriate, on and after July 11, 1955, to carry out the said supplementary trade agreement specified in the eighth recital;

12. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, on October 30, 1947, he entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), and by Proclamation No. 2764 of January 1, 1948 (62 Stat. (pt. 2) 1465), he proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out the said exclusive agreement, which proclamation has been supplemented by Proclamation 2929 of June 2, 1951, (65 Stat. C12) and by the proclamations referred to in the twelfth recital thereof; and

13. WHEREAS I determine that, in view of the finding set forth in the eleventh recital of this proclamation, the deletion of the second item 28 (a) (as amended by the said proclamation of June 2, 1951) from the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, will be required or appropriate to carry out the said exclusive trade agreement specified in the twelfth recital of this proclamation on and after July 11, 1955:

Now, THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

#### PART I

To the end that the said supplementary trade agreement specified in the eighth recital may be carried out, such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America

as are provided for in the said supplementary agreement of June 8, 1955, shall be effective on and after July 11, 1955.

#### PART II

To the end that the said exclusive trade agreement specified in the twelfth recital may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall be further amended by deleting therefrom the second item 28 (a), as amended by the said proclamation of June 2, 1951, effective on and after July 11, 1955.

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

DONE at the City of Washington this 25th day of June, in the year of our Lord nineteen hundred and fifty-five, and  
[SEAL] of the Independence of the United States of America  
the one hundred and seventy-ninth.

DWIGHT D EISENHOWER

By the President

JOHN FOSTER DULLES  
*Secretary of State*

# HAITI

## Technical Cooperation: Artibonite Valley

TIAS 3329  
May 11 and  
June 24, 1955  
*Post*, p. 6067.

*Agreement effected by exchange of notes  
Signed at Port-au-Prince May 11 and June 24, 1955;  
Entered into force June 24, 1955.*

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*The American Ambassador to the Haitian Secretary of State for  
Foreign Relations*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
PORT-AU-PRINCE, HAITI,

No. 206

*May 11, 1955.*

EXCELLENCY:

I have the honor to refer to the General Agreement for Technical Cooperation between the Government of the United States of America and the Government of Haiti effected by an exchange of notes signed at Port-au-Prince on May 2, 1951, and to the request of the Government of Haiti that the Government of the United States of America acting through The Institute of Inter-American Affairs of the Foreign Operations Administration, or a successor agency (referred to below as the "Institute"), assist the Government of Haiti, acting through the Artibonite Valley Authority (referred to below as the "ODVA"), to carry out certain of the ODVA's obligations under Article V, subparagraph b and Article VII of the amendatory agreement dated August 22, 1951, [1] amending and supplementing the agreement dated July 6, 1949 [1] between the Government of Haiti and the Export-Import Bank of Washington, D. C. by furnishing for the ODVA to the extent agreed upon by the ODVA and the Institute, personnel who will provide advisory and management services for the Project for the development of the Artibonite Valley in Haiti (referred to below as the "Project") pursuant to the aforesaid provisions of the aforesaid Agreement. The Government of the United

TIAS 2414.  
3 UST, pt. 1, p. 545.

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<sup>1</sup> Not printed.

States of America is agreeable to the continued furnishing of such assistance through the Institute, to the extent set forth below:

1. The Institute agrees, if the ODVA should so request, to assist the ODVA to carry out its responsibilities by providing an advisor to the Technical Director whom ODVA will appoint and, to the extent considered necessary by the ODVA and the Institute, the services of additional technicians for advising the other personnel which ODVA will use to carry out the Project and, for a period not to exceed one year subject to extension upon agreement of the ODVA and the Institute, the services of management personnel. Should the Institute provide such management personnel, it is understood that such personnel will be responsible to the ODVA, that the ODVA will continue to be fully responsible for the project's management and that full time counterpart personnel will be provided by ODVA to be trained for assumption of administrative management and technical responsibility for the Project with the specific aim that each individual so assigned shall assume his appropriate position at the earliest date that the ODVA and the Institute determine to be feasible within the time limit above indicated.

After the assumption of each position by ODVA counterpart personnel, the corresponding Institute employee will assume an advisory role only.

2. The ODVA agrees to supply such funds as may be necessary for the purpose of carrying out the Project; provided, however, that the salaries and other expenses of all regular and contractual employees of the Government of the United States of America detailed to perform services hereunder shall be paid by the said Government or the contracting agency thereof. The funds of ODVA supplied hereunder will be administered by the Technical Director and will be used for the salaries and expenses of personnel, supplies and equipment, contractual services and other necessary expenses for carrying out such activities as the ODVA, with the Institute's advice may determine to be necessary.

In addition, the ODVA agrees to:

- a) Make available such office space, office equipment and furnishing and such other facilities, materials, equipment, supplies, buildings and services as may be necessary for the Project, including adequate housing facilities for the Haitian and U. S. Personnel to be stationed in the Artibonite Valley.
- b) Make use, to the extent available, of the services of the

other governmental agencies of the Republic for carrying out the Project.

3. The ODVA and the Institute agree that the ODVA, through the Technical Director of the Project, shall have full responsibility for all the personnel assigned to the Project, for the technical phases of the Project and its administration. The Technical Director will report directly and be responsible to the ODVA for the execution of the said phases of the Project.
4. The ODVA and the Institute agree that a complete long term operations plan shall be developed by the ODVA (in detail for the first year), with cost estimates and budgets in summary for the first development period, currently estimated at 9 years. This long term plan will be reviewed not less than once a year and detailed annual operating and development plans and budgets will be made by ODVA well in advance of the beginning of each fiscal year. The Technical Director of the Project shall, after the completion of the annual plans and budgets, have full administrative authority for their execution and shall be given wide latitude of choice, under the general supervision of the ODVA Board, in determining the most economical and desirable methods of execution of each annual plan.
5. With a view toward the achievement of maximum economy and efficiency in administrative management of the Project, the general policies and administrative procedures that are to govern the carrying out of the Project shall be determined by ODVA with the advice of the IIAA personnel. Such policies and procedures shall deal with items such as the disbursement and accounting for funds, the incurrence of obligations of ODVA, the purchase, use, inventory, control and disposition of property, the appointment and discharge of officers and other personnel employed to carry out the Project and the terms and conditions of their employment. In developing such procedures, the provisions of the aforesaid Agreement with the Export-Import Bank, together with any amendments approved by both parties, and Haitian fiscal and administrative regulations will be complied with to the extent applicable.
6. The books and records of the ODVA relating to the Project shall be open at all times for inspection and audit by authorized representatives of the ODVA, the Institute and the Bank.
7. The Institute personnel assigned to the Project and the members of their families shall be exempt from all Haitian income tax and social security taxes with respect to income upon which they are obligated to pay income or social security taxes to

their own Governments, and from import duties on personal property intended for their own use.

Such employees and accompanying members of their families shall receive the same treatment with respect to the payment of the customs and import duties on personal effects, equipment and supplies imported into Haiti for their own use and will be afforded such other privileges as are accorded by the Government of Haiti to diplomatic personnel of the United States Embassy in Haiti.

These arrangements shall come into force on the date of the receipt of Your Excellency's reply and shall remain in force until June 30, 1956, or until 30 days after either Agency has informed the other Agency in writing of its intention to terminate these arrangements, whichever is the earlier.

It shall be understood, of course, that any question as to the extent to which these arrangements satisfy any requirements of the aforesaid agreement with Export-Import Bank shall be determined by the Bank.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Roy Tasco Davis

His Excellency

M. MAUCLAIR ZÉPHIRIN,

*Secretary of State for Foreign Relations,  
Port-au-Prince.*

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*The Haitian Secretary of State for Foreign Relations ad interim to  
the American Ambassador*

Secrétairerie d'Etat  
des  
Relations Extérieures  
COMITE PERMANENT  
POUR  
L'ASSISTANCE TECHNIQUE

RÉPUBLIQUE D'HAÏTI  
*Port-au-Prince, le 24 juin 1955*

SG/AT/387

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception de la Note de Votre Excellence en date du 11 Mai écoulé, no. 206, dont les termes en français sont les suivants:

"Excellence"

J'ai l'honneur de me référer à l'Accord Général de Coopération

Technique entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement d'Haiti conclu par échange de Notes signées à Port-au-Prince le 2 Mai 1951, et à la demande du Gouvernement d'Haiti que le Gouvernement des Etats-Unis d'Amérique, agissant par l'intermédiaire de l'Institut des Affaires Interaméricaines de l'Administration des Opérations Etrangères ou d'un organisme qui lui succède (ci-après désigné par l'expression "l'Institut"), aide le Gouvernement d'Haiti, agissant par l'intermédiaire de l'Organisme de Développement de la Vallée de l'Artibonite (ci-après désigné par l'expression "ODVA") à exécuter certaines obligations de l'ODVA aux termes de l'Article V, alinéa b) et de l'Article VII de l'accord modificatif en date du 22 août 1951 amendant et complétant l'accord intervenu le 6 juillet 1949 entre le Gouvernement d'Haiti et la Export Import Bank de Washington DC., en mettant à la disposition de l'ODVA dans la mesure qui sera convenue entre l'ODVA et l'Institut, un personnel qui fournira des services consultatifs et administratifs pour le Projet de Développement de la Vallée de l'Artibonite en Haïti (ci-après désigné par l'expression "le Projet") conformément aux dispositions sus-indiquées du susdit Accord. Le Gouvernement des Etats-Unis d'Amérique accepte de continuer de fournir l'assistance en question par l'intermédiaire de l'Institut dans la mesure indiquée ci-après:

1.-L'Institut convient dans le cas où l'ODVA en fait la demande, d'aider celui-ci à exécuter ses engagements en fournissant un conseiller au Directeur technique que l'Odva désignera et dans la mesure jugée nécessaire par l'Odva et l'Institut, les services de techniciens supplémentaires chargés de conseiller l'autre personnel que l'ODVA emploiera pour exécuter le Projet et pour une période qui ne devra pas dépasser un an et sera sujette à prolongation après accord entre l'Odva et l'Institut les services d'un personnel administratif supérieur. Si l'Institut fournit ce personnel administratif supérieur il demeure entendu que ledit personnel sera responsable devant l'ODVA et que l'ODVA continuera d'assumer l'entièvre responsabilité de la direction du projet et qu'un personnel analogue travaillant à pleines journées sera fourni par l'ODVA pour être préparé à assumer la direction administrative et la responsabilité technique du Projet, l'objectif étant que chaque personne ainsi désignée occupera le poste approprié à la date la plus rapprochée qui sera jugée convenable par l'ODVA et l'Institut dans le délai indiqué plus haut.

Après l'Occupation de chacun des postes par le personnel analogue de l'ODVA, l'employé correspondant de l'Institut remplira seulement un rôle consultatif.

2.-L'ODVA accepte de fournir les fonds nécessaires à l'exécution du Projet, pourvu que, cependant les salaires et autres frais de tous les employés réguliers ou contractuels du Gouvernement des Etats-Unis d'Amérique désignés pour prêter leurs services en vertu de cet Accord soient à la charge dudit Gouvernement ou de l'Organisme dudit Gouvernement qui les a engagés. Les fonds de l'ODVA fournis en vertu de cet Accord seront administrés par le Directeur Technique et seront utilisés pour couvrir les salaires et frais du personnel, l'achat du matériel et de l'équipement, le paiement des services contractuels et les autres dépenses nécessaires à l'exécution des travaux que l'ODVA sur le conseil de l'Institut, pourra juger nécessaires.

En outre l'ODVA accepte de:

- a) fournir les bureaux, le matériel de bureau, l'ameublement et telles autres facilités, matériels, équipements, approvisionnements, bâtiments et services qui peuvent s'avérer nécessaires à l'exécution du Projet, y compris le logement approprié pour les employés haïtiens et américains qui seront en service dans la Vallée de l'Artibonite.
- b) utiliser dans la mesure du possible, les services des autres organismes gouvernementaux de la République pour l'exécution du projet.

3.-L'ODVA et l'Institut conviennent que l'ODVA par l'intermédiaire, du Directeur Technique du Projet sera entièrement responsable de tout le personnel affecté au Projet, des phases techniques et de l'administration de celui-ci. Le Directeur Technique adressera des rapports directement à l'ODVA et sera responsable par devant cet organisme de l'exécution des dites phases du Projet.

4.-L'ODVA et l'Institut conviennent qu'un plan complet d'opérations à long terme sera préparé par l'ODVA (en détail pour la première année) avec coût estimatif et budget en résumé pour la première période d'exploitation estimée couramment à 9 ans. Ce plan à long terme sera revu au moins une fois l'an et des plans annuels détaillés d'opération et d'exploitation et des budgets seront préparés par l'ODVA avant le début de chaque année fiscale. Le Directeur Technique du Projet aura, après la préparation des plans et budgets annuels l'entièr autorité administrative pour leur exécution et jouira d'une

grande latitudde pour déterminer, sous le contrôle général du Conseil de l'ODVA, les moyens les plus économiques et les mieux indiqués d'exécuter chaque plan annuel.

5.-Afin d'assurer le maximum d'économie et d'efficacité à la direction administrative du Projet, les principes généraux et les procédures administratives qui doivent régir l'exécution du Projet seront fixés par l'ODVA sur les conseils du personnel de l'IIAA. Ces principes et ces procédures règleront des questions telles que le maniement des fonds, les obligations à contracter par l'ODVA, l'achat, l'utilisation, l'inventaire, le contrôle et la disposition des biens, la nomination et le renvoi des agents et autres membres du personnel employés pour exécuter le Projet et les termes et conditions de leur engagement. Les dispositions de l'Accord susmentionné avec la Export Import Bank et les règlements fiscaux et administratifs haïtiens seront observés autant que possible dans l'élaboration de ces procédures.

6.-Les représentants autorisés de l'ODVA, de l'Institut et de la Banque auront accès à tout moment aux livres et archives de l'ODVA se rapportant au Projet pour les inspecter et les contrôler.

7.-Le personnel de l'Institut affecté au Projet et les membres de leurs familles seront exonérés du paiement de tous impôts sur le revenu et taxes d'assurances sociales haïtiens pour les revenus sur lesquels ils doivent payer ces impôts et taxes à leurs propres gouvernements et du paiement des droits de douane sur les effets destinés à leur usage privé.

Ces employés et les membres de leurs familles qui les accompagnent recevront le même traitement en ce qui concerne le paiement des droits de douane et des droits d'importation sur les effets personnels, l'équipement et les approvisionnements importés en Haïti pour leur usage personnel et jouiront des mêmes priviléges que ceux accordés par le Gouvernement d'Haïti au personnel diplomatique de l'Ambassade des Etats-Unis en Haïti.

Ces arrangements entreront en vigueur à la date de la réception de la réponse de Votre Excellence y relative et demeureront en vigueur jusqu'au 30 Juin 1956, ou jusqu'au trentième jour après que l'un des Organismes aura fait part à l'autre par écrit de son intention d'y mettre fin, le cas échéant.

Il demeure naturellement entendu que la Banque réglera toute question relative à la mesure dans laquelle ces arrangements répondent aux conditions stipulées dans le susdit Accord avec la Export Import Bank.

Je profite de cette occasion pour renouveler à Votre Excellence, les assurances de ma considération la plus haute et la plus distinguée.

S) : Roy Tasco Davis"

En réponse à cette communication, j'ai l'honneur de proposer à Votre Excellence l'adoption aussitôt que possible d'un nouvel arrangement administratif relatif à la fourniture de l'aide technique au Projet de Développement de la Vallée de l'Artibonite. Le nouvel arrangement devrait prévoir le louage de services techniques, par l'intermédiaire de sociétés privées américaines, avec la responsabilité financière de la FOA.

En attendant que ce nouvel arrangement soit conclu le Gouvernement accepte les propositions contenues dans la Note ci-dessus laquelle constitue avec la présente Réponse un Accord entre nos deux Gouvernements devant entrer en vigueur à la date de ce jour.

Je saisiss cette occasion, Monsieur l'Ambassadeur, pour renouveler à Votre Excellence, l'assurance de ma haute considération.

C. JUMELLE

Clément Jumelle  
Secrétaire d'Etat a.i.

Son Excellence

Monsieur Roy TASCO DAVIS,  
*Ambassadeur Extraordinaire et Plénipotentiaire des Etats-Unis d'Amérique.*  
Port-au-Prince.-

*Translation*

Department of State  
for  
Foreign Relations  
PERMANENT COMMITTEE  
FOR  
TECHNICAL ASSISTANCE  
SG/AT/387

REPUBLIC OF HAITI  
Port-au-Prince, June 24, 1955

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note no. 206 dated May 11, 1955, which is worded as follows:

[For the English language text of the note, see *ante*, p. 2876.]

In reply to this communication, I have the honor to propose to Your Excellency the adoption as soon as possible of a new administrative arrangement relative to the furnishing of technical aid to

the Project for the Development of the Artibonite Valley. The new arrangement should provide for engaging technical services through private American companies, under the financial responsibility of the Foreign Operations Administration.

Until such time as this new arrangement is concluded, the Government accepts the proposals contained in the foregoing note, which constitutes, with the present reply, an agreement between our two Governments that shall enter into force on today's date.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurances of my high consideration.

C. JUMELLE

Clément Jumelle  
*Secretary of State ad interim*

His Excellency

Roy Tasco Davis,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
Port-au-Prince.*

# BRAZIL

## Military Advisory Mission

*Agreement amending the agreement of July 29, 1948, as extended.*

TIAS 3330  
Apr. 13 and  
May 16, 1955

*Effectuated by exchange of notes*

*Signed at Rio de Janeiro April 13 and May 16, 1955;*

*Entered into force May 16, 1955.*

*The American Ambassador to the Brazilian Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

Rio de Janeiro, April 13, 1955

No. 275

EXCELLENCY:

I have the honor to refer to the note of Your Excellency, No. DPo/12/520.1(22) of January 20, 1955, [¹] to the note from your Ministry No. DPo/56/520.1(22) of March 24, 1955, [¹] and to previous correspondence concerning the revision of the contract signed on July 29, 1948 and extended for a period of four years in 1952, providing for the appointment of officers and enlisted men of the United States Army, Navy and Air Forces to constitute an Advisory Mission to the United States of Brazil.

TIAS 1778.  
62 Stat., pt. 2, p.  
<sup>2125.</sup>  
TIAS 2970.  
5 UST, pt. 1, p. 820.

In recapitulation of the points agreed to in the previous correspondence under reference, I have the honor to inform Your Excellency, under instructions from my Government, that the Government of the United States of America agrees to the following modifications of the agreement in question:

1. Article 6 of the Agreement shall be modified to read as follows:

"This mission shall consist of a minimum of one Colonel or Captain (Navy) and one enlisted man of the Army, Navy or Air Force of the United States of America whose designation shall be mutually agreed upon by the Governments of the United States of Brazil and of the United States of America."

<sup>1</sup> Not printed.

2. The sentence in Article 12 of the Agreement, which reads:

"Payments may be made in Brazilian national currency and when so made shall be computed at the highest official rate of exchange in Rio de Janeiro on the date on which due" shall be deleted and the following sentence be substituted therefor:

"Payment may be made in Brazilian currency and when so made shall be computed at the average rate of exchange prevailing in the free market in Rio de Janeiro during the month for which due".

3. There shall be added to Article 15 of the Agreement, after the words "United States of America" and before the last sentence beginning with the word "Transportation", the following sentence:

"The net weight of household effects and baggage, less automobile, which each member of the Mission (except the present members of the Mission to whom this provision does not apply) is entitled to transport, shall be the same as provided for by the 'Joint Travel Regulations for the Uniformed Services of the Government of the United States of America'".

4. It is understood that the foregoing modifications will become effective on the date of the receipt of the note from Your Excellency signifying acceptance thereof.
5. It is also understood that any officer or enlisted man who is now a member of the Mission shall continue to serve until the expiration of the period of two years mentioned in Article 2 of the Agreement.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

RAUL FERNANDES

*Minister of Foreign Affairs*

*Rio de Janeiro.*

*The Brazilian Minister of State to the American Ambassador*

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

*Em 16 de maio de 1955.*

DPO/DAI/79/520.1(22)

SENHOR EMBAXADOR,

Tenho a honra de acusar o recebimento da Nota nº 275, de 13 de abril último, na qual Vossa Excelência se refere à Correspondência prévia sobre a revisão do contrato da Missão Militar norte-americana, assinado a 29 de julho de 1948 e prorrogado por um período de quatro anos em 1952.

2. Recapitulando os pontos a respeito dos quais os dois Governos chegaram a acordo, foram aceitas as seguintes modificações ao contrato em aprêço:

Artigo 6º—Esta Missão será composta, no mínimo, de um coronel ou capitão de mar e guerra e de uma praça do Exército, da Aeronáutica ou da Marinha dos Estados Unidos da América do Norte com cujas nomeações concordem os Governos dos Estados Unidos do Brasil e dos Estados Unidos da América.

3. A frase abaixo do artigo 12º:

“... O pagamento poderá ser efetuado em moeda corrente brasileira e, quando assim for, será calculado tomando-se como base a mais alta cotação oficial de câmbio no Rio de Janeiro nessa data . . .”

passa a ter a seguinte redação:

“... O pagamento poderá ser efetuado em moeda corrente brasileira e, quando assim for, será calculado tomando-se por base a taxa média de câmbio, no mercado livre do Rio de Janeiro, durante o mês a que se referir”.

4. Será adicionado ao artigo 15º do Contrato, depois das palavras “Estados Unidos da América” e antes da última frase que começa pelas palavras “Esse transporte”, o seguinte:

“O peso líquido dos objetos domésticos e da bagagem, com exceção do automóvel, que cada membro da Missão tem o direito de importar, será o mesmo previsto pelo Regulamento da Junta de Viagens dos Serviços Militarizados do Governo dos Estados Unidos da América”.

5. Fica compreendido que todos os oficiais ou praças, atualmente membros da Missão, continuarão a prestar serviços até o término do seu período de dois anos mencionado no Artigo 2º do Contrato.

6. A Nota nº 275 de Vossa Excelência e a presente Nota do Governo brasileiro constituem a modificação oficial do Contrato assinado a 29 de julho de 1948, nos termos acima mencionados, a qual entrará em vigor no dia do recebimento desta Nota.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

Em nome do Ministro de Estado:

A. CAMILLO DE OLIVEIRA.

A Sua Excelência o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DPO/DAI/70/520.1(22)

May 16, 1955.

MR. AMBASSADOR,

I have the honor to acknowledge the receipt of note No. 275 of April 13, 1955, in which Your Excellency refers to the previous correspondence concerning the revision of the contract of the American Military Mission, signed on July 29, 1948, and extended for a period of four years in 1952.

2. In recapitulation of the points on which the two Governments agreed, the following modifications of the contract in question were accepted:

"Article 6. This mission shall be composed, at the minimum, of one colonel or navy captain and one enlisted man of the Army, Air Force, or Navy of the United States of America upon whose appointments the Governments of the United States of Brazil and the United States of America agree."

3. The following sentence of Article 12:

". . . Payment may be made in Brazilian national currency and, when so made, shall be computed by taking as a basis the highest official rate of exchange in Rio de Janeiro on that date . . ." will be changed to read as follows:

". . . Payment may be made in Brazilian national currency and when so made shall be computed by taking as a basis the average rate of exchange in the free market in Rio de Janeiro during the month which is referred to."

4. There shall be added to Article 15 of the contract, after the words "United States of America" and before the last sentence which begins with the words "That transportation," the following:

"The net weight of the household effects and baggage, with the exception of the automobile, which each member of the Mission is entitled to import, shall be the same as provided for by the Regulations of the Travel Board of the Militarized Services of the Government of the United States of America."

5. It is understood that all officers or enlisted men now members of the Mission will continue to serve until the expiration of their period of two years mentioned in Article 2 of the contract.

6. Your Excellency's note No. 275 and the present note of the Brazilian Government constitute the official amendment of the contract signed on July 29, 1948, in the terms mentioned above, which shall enter into force on the date of the receipt of this note.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

For the Minister of State:

A. CAMILLO DE OLIVEIRA.

His Excellency

JAMES CLEMENT DUNN,  
*Ambassador of the  
United States of America.*

# EL SALVADOR

## Technical Cooperation: Technical Labor Services Program

TIAS 3331  
Aug. 8, 1955

*Agreement signed at San Salvador August 8, 1955;  
Entered into force August 8, 1955.*

AGREEMENT ON A COOPERATIVE PROGRAM  
FOR TECHNICAL LABOR SERVICES  
BETWEEN THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF THE REPUBLIC  
OF EL SALVADOR.

CONVENIO SOBRE UN PROGRAMA COOPERATIVO  
DE SERVICIOS TECNICOS LABORALES  
ENTRE EL GOBIERNO DE EL  
SALVADOR Y EL GOBIERNO DE LOS  
ESTADOS UNIDOS DE AMERICA.

The Government of the United States of America and the Government of the Republic of El Salvador have agreed as follows:

El Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador, han convenido en lo siguiente:

### Article I. THE OPERATING AGENCIES

Pursuant to the General Agreement for Technical Cooperation signed on behalf of the two Governments at San Salvador on April 4, 1952 there shall be initiated in the Republic of El Salvador a Cooperative Program of Technical Labor Services. The obligations assumed herein by the Government of El Salvador will be performed by it through its Ministry of Labor and Social Welfare (hereinafter referred to as the "Ministry"). The obligations assumed herein by the Government of the United States of America will be performed by it through the International Cooperation Administration (hereinafter referred to as the "Administration"), an agency of the latter Government. The Administration may discharge its obligations under this Agreement through the Institute of Inter-American Affairs, the regional office of the Administration for Latin America and may secure the assistance of other agencies of the Government of the United States of America and of other public and private agencies. The present Agreement, and all activities carried out pursuant to it, shall be governed by the provisions of the said General Agreement for Technical Cooperation.

### Articulo I. ORGANISMOS EJECUTIVOS

De conformidad con el Acuerdo General sobre Cooperación Técnica, suscrito por ambos Gobiernos en San Salvador el dia 4 de Abril de 1952, se iniciará en la República de El Salvador un Programa Cooperativo de Servicios Técnicos Laborales. Las obligaciones que asume el Gobierno de El Salvador por medio de este Convenio serán ejecutadas a través del Ministerio de Trabajo y Previsión Social (en adelante denominado "El Ministerio"). Las obligaciones que por este mismo Convenio asume el Gobierno de los Estados Unidos de América serán cumplidas a través de la Administración de Cooperación Internacional (en adelante denominada "La Administración") organismo de este último Gobierno. La Administración podrá cumplir las obligaciones a que se refiere este Convenio por medio del Instituto de Asuntos Interamericanos, la Oficina Regional para Latinoamérica de la Administración, y podrá obtener la ayuda de otros organismos del Gobierno de los Estados Unidos, lo mismo que de otras entidades públicas y privadas. El presente Convenio, así como las actividades que se lleven a cabo de acuerdo con el mismo, se regirán por las disposiciones contenidas en el referido Acuerdo General sobre Cooperación Técnica.

### Article II. OBJECTIVES

The objectives of this Cooperative Program of Technical Labor Services are the following:

1. To facilitate the development of Technical Labor Services in El Salvador

### Artículo II. FINALIDADES

Las finalidades de este Programa Cooperativo de Servicios Técnicos Laborales son las siguientes:

1. Propiciar el desarrollo de los Servicios Técnicos Laborales en El Salvador,

through the cooperative action of the two Governments;

2. To stimulate and increase the interchange between the two countries, of knowledge, skills and techniques in the field of Technical Labor Services;

3. Through this cooperative undertaking, to promote and strengthen understanding and good will between the peoples of El Salvador and the United States of America, and to foster the growth of democratic ways of life.

#### Article III FIELDS OF ACTIVITY

This Cooperative Program of Technical Labor Services will include, to the extent that the parties from time to time agree thereon, operations of the following types:

1. Studies of the needs of El Salvador in the field of Technical Labor Services, and the resources which are available to meet these needs;

2. The formulation and continuous adaptation of a program to help meet such needs;

3. Technical guidance in the following fields: labor standards; labor inspection; industrial safety and hygiene; manpower and employment services; apprenticeship and other inside industry training for workers; labor statistics; worker education; cooperatives; women and children workers; social security and such other studies and projects fostering the development of technical labor services as the parties may agree upon.

4. Related training activities in Technical Labor Services for Salvadoran personnel, both within and outside El Salvador.

#### Article IV THE OPERATIONS MISSION IN EL SALVADOR

The Administration agrees to furnish technicians and specialists to provide

mediante la acción cooperativa de los Gobiernos;

2. Estimular e incrementar entre los dos países el intercambio de conocimientos, experiencias y técnicas laborales;

3. Mediante este esfuerzo cooperativo promover y fortalecer el entendimiento y la buena voluntad entre los pueblos de El Salvador y de los Estados Unidos de América, y fomentar el incremento de las formas de vida democráticas.

#### Artículo III CAMPOS DE ACTIVIDAD

En la medida en que las partes oportunamente lo acuerden, el Programa Cooperativo de Servicios Técnicos Laborales incluirán las siguientes clases de actividades;

1a. Investigación de las necesidades de El Salvador en el campo laboral y los recursos disponibles para llenar tales necesidades;

2a. La formulación y adaptación continua de un programa para ayudar a llenar tales necesidades;

3a. El asesoramiento técnico en las siguientes materias: normas de trabajo; inspección de trabajo; seguridad e higiene industrial; mano de obra y agencias de colocación; aprendizaje y otros sistemas de adiestramiento de trabajadores durante el empleo; estadísticas laborales; educación obrera; cooperativas; mujeres y menores; seguro social y cualesquiera otros estudios que promuevan el desarrollo de los servicios técnicos laborales, en la medida en que las partes acuerden.

4a. Actividades de entrenamiento técnico en asuntos laborales para personal Salvadoreño tanto dentro como fuera de la República.

#### Artículo IV. MISIÓN DE OPERACIONES EN EL SALVADOR

La Administración conviene en suministrar los Técnicos y Especialistas para

advisory services in the fields of Technical Labor Services set forth in Article III hereof. The technicians and specialists made available by the Administration under this Agreement, together with those made available under other program and project agreements, will constitute the United States of America Operations Mission in El Salvador. The organization and size of the Operations Mission will be determined by the Administration. The Operations Mission will be headed by a Director. The Director and other members of the Operations Mission shall be appointed by the Government of the United States of America but shall be acceptable to the Government of El Salvador.

The Operations Mission, in accordance with the project agreements agreed to by the Administration and the Ministry, shall assign technicians from among its members to cooperate with the Ministry in the execution of the labor programs agreed upon. The group of technicians thus assigned shall be known as the Labor Field Party and shall work under the supervision of the Director or his designee.

#### Article V CONTRIBUTIONS

1. The Administration will pay the salaries, allowances (including per diem costs for travel within El Salvador) and costs of international travel of the specialists assigned in accordance with Article III hereof, as well as other related costs of an administrative nature incurred by the Administration.

2. The Government of El Salvador will provide at its expense the following for use in carrying out projects under this agreement:

- a) Technicians and other personnel required to cooperate with the consultants and specialists assigned, by the Administration in the effective execution of the various projects.

el asesoramiento técnico en los campos de Servicios Técnicos Laborales expuestos en el Artículo III de este Convenio. Los Técnicos y Especialistas que la Administración facilite de conformidad con este Convenio, juntamente con aquellos otros que fuesen asignados bajo otros convenios de programas y proyectos, constituirán la Misión de Operaciones de los Estados Unidos de América en El Salvador. La organización y número de miembros de esta Misión de Operaciones será determinada por la Administración. La Misión de Operaciones, será encabezada por un Director. El Director y otros miembros de la Misión de Operaciones serán nombrados por el Gobierno de los Estados Unidos de América pero serán aceptables al Gobierno de El Salvador.

La Misión de Operaciones, conforme a los acuerdos de proyectos convenidos por la Administración y el Ministerio, designará de entre sus miembros, los técnicos que cooperarán con el Ministerio en la ejecución de los programas de trabajo que se hubieren acordado. El grupo de técnicos así nombrados deberán ser conocidos como Misión Técnica Laboral y trabajarán bajo la supervisión del Director o su delegado.

#### Artículo V. CONTRIBUCIONES

1. La Administración pagará los salarios, viáticos (incluyendo viáticos por viajes dentro de El Salvador) y gastos por viajes internacionales de los especialistas nombrados de acuerdo con el Artículo III de este Convenio así como otros gastos de carácter administrativo en que incurra la Administración.

2. El Gobierno de El Salvador proporcionará a su costo lo siguiente para emplearse en el desarrollo de los proyectos comprendidos en este convenio:

- a) Los técnicos y otro personal requeridos para colaborar con los asesores y especialistas nombrados por la Administración para la eficaz ejecución de los diversos proyectos.

- b) Office space, office equipment and furnishings, and stenographic, clerical and other services required by the consultants and specialists assigned by the Administration and by the technicians and other personnel assigned by the Ministry for the effective execution of their respective projects.
- c) Transportation, equipment and facilities for travel within El Salvador required for effective execution of the various projects.
- d) Such other facilities, materials, equipment, supplies, and services required for the effective carrying out of the various projects which compose this Technical Labor Services Program as may be agreed upon by the two parties.
- b) Oficinas, equipos y muebles, y los servicios secretariales que se necesiten para la eficaz ejecución de los respectivos proyectos, los asesores y especialistas nombrados por la Administración, y los técnicos y otro personal nombrados por el Ministerio.
- c) El transporte, equipo y facilidades para viajar dentro de El Salvador, que sea necesario para la eficaz ejecución de los diversos proyectos.
- d) Otras facilidades, materiales, equipo, suministros y servicios necesarios para la eficaz realización de los diversos proyectos que componen este programa de Servicios Técnicos Laborales, según lo acuerden las dos partes.

Article VI  
OPERATIONS

1. The Cooperative Program of Technical Labor Services shall consist of a series of projects jointly agreed upon. Each project shall be embodied in a written project agreement which shall be signed by the Minister or his designee, on behalf of the Ministry, and the Director of the Operations Mission or his designee, on behalf of the Administration. Each project agreement shall define the work to be done; shall specify the consultants, specialists, technicians and other personnel to be made available by both Governments; shall designate supplies, equipment and other facilities, to be contributed by both Governments or by third parties; and may contain such other matters as the parties may desire to include. At the request of the Ministry, the Administration may make available for a fixed period, a technical collaborator, to coordinate the various fields referred to in Article III.

2. The Ministry shall be respon-

Artículo VI  
OPERACIONES

1. El programa Cooperativo de Servicios Técnicos Laborales consistirá en una serie de proyectos que serán convenidos conjuntamente. Cada proyecto será objeto de un acuerdo suscrito por el Ministro o su delegado, por parte del Ministerio, y el Director de la Misión de Operaciones, o su delegado, por parte de la Administración. Cada acuerdo de proyecto definirá el trabajo a efectuarse; nombrará los asesores, especialistas y técnicos y otro personal que proporcionarán los dos Gobiernos; el equipo, suplementos y otras facilidades que proporcionarán los dos Gobiernos o una tercera parte; y otros asuntos que las partes deseen incluir. A petición del Ministerio, la Administración podrá mantener a disposición del mismo, por un determinado período, un colaborador técnico, para los diferentes campos a que se refiere el Artículo III.

2. El Ministerio tendrá a su cargo

sible for the administration and execution of the projects agreed upon, and for making effective use of the technical consultation and assistance furnished by the Administration in their development.

3. Upon substantial completion of any project, a Completion Memorandum shall be drawn up and signed by the Director or his designee, which shall include a record of the work done, the objectives sought to be achieved, the problems encountered and solved, and related basic data.

4. The selection of individuals in the field of Technical Labor Services to be sent for training in the United States of America or elsewhere pursuant to this program, under funds of the Administration shall be determined by the Minister or his designee and the Director or his designee.

5. There shall be rendered an annual report of the activities under this Agreement to the two Governments, and other reports at such intervals as may be appropriate.

6. Any materials, equipment and supplies remaining at the termination of this Cooperative Program shall be at the disposition of the Government of El Salvador.

#### Article VII. ADDITIONAL CONTRIBUTIONS

The projects, to be undertaken under this Agreement may include cooperation with national and local governmental agencies in El Salvador, as well as with organizations of a public or private character, and international organizations of which the United States of America and El Salvador are members.

la administración y ejecución de los proyectos que sean convenidos y del uso eficaz del asesoramiento y asistencia técnicas que proveerá la Administración en su desarrollo.

3. A la terminación substancial de cualquier proyecto, se redactará un Memorandum de conclusión suscrito por el Director o su delegado, incluyendo un informe del trabajo ejecutado, de los objetivos perseguidos, los problemas encontrados y resueltos y los demás datos básicos pertinentes.

4. La selección de personas para que reciban entrenamiento técnico en el campo de Servicios Técnicos Laborales que fuesen enviados para su adiestramiento a los Estados Unidos de América, o cualquier otro país, mediante el uso de fondos de la Administración, conforme al plan de trabajo convenido, serán hechos por el Ministro o su delegado y el Director o su delegado.

5. Se rendirá un informe anual de las actividades bajo este Convenio a ambos Gobiernos y otros informes a intervalos que sean convenientes.

6. Cualquier materiales, equipos y suministros restantes a la terminación de este programa cooperativo, quedarán a la disposición del Gobierno de El Salvador.

#### Artículo VII CONTRIBUCIONES ADICIONALES

Los proyectos que se desarrollarán bajo este Convenio podrán incluir la cooperación con organismos gubernamentales nacionales o locales en El Salvador así como con organizaciones públicas o de carácter privado y de organizaciones internacionales de las cuales sean miembros los Estados Unidos de América y El Salvador.

Article VIII  
RIGHTS AND EXEMPTIONS

Supplies, equipment and materials made available for use in the Cooperative Program of Technical Labor Services by the Government of the United States of America, either directly or by contract with a public or private organization, shall be exempt from import duties.

Article IX  
SOVEREIGN IMMUNITY

The parties declare their recognition that the Administration, being an agency of the Government of the United States of America, is entitled fully to the legal status and prerogatives that correspond to the Embassy of the United States of America in El Salvador in accordance with International and Diplomatic Law.

Article X  
ENTRY INTO FORCE AND DURATION

This Agreement may be referred to as the Cooperative Program Agreement for Technical Labor Services. It shall enter into force on the date on which it is signed and shall continue in force through December 31, 1958 or until three months from the date on which either Government shall notify the other, in writing of its intention to terminate it. It is understood, however, that the obligations of the parties under this Agreement for the period of its existence shall be subject to the availability of appropriations to both parties for the purposes of the Agreement and for the fulfillment of obligations agreed upon hereunder.

Done at San Salvador in duplicate in the English and Spanish languages, on the eight day of August, 1955 —

Artículo VIII  
DERECHOS Y EXENCIOS

Los suministros, equipos y materiales que el Gobierno de los Estados Unidos de América proporcione para que se utilicen en el Programa Cooperativo de Servicios Técnicos Laborales, ya fuere directamente o por contrato con alguna entidad pública o privada, gozarán de franquicia de derechos de importación.

Artículo IX  
INMUNIDADES GUBERNAMENTALES

Las Partes reconocen que la Administración, en su carácter de organismo del Gobierno de los Estados Unidos de América gozará plenamente del status jurídico y prerrogativas que corresponden según el Derecho Internacional y Derecho Diplomático a la Embajada de los Estados Unidos de América en El Salvador.

Artículo X  
VIGENCIA Y DURACION

Podrá aludirse a este Convenio bajo la denominación de Convenio sobre el Programa Cooperativo de Servicios Técnicos Laborales; entrará en vigor en su fecha y continuará en vigencia hasta el 31 de Diciembre de 1958, o a los tres meses de la fecha en que alguno de los Gobiernos notifique al otro, por escrito, su intención de darlo por terminado. Es entendido, sin embargo, que las obligaciones contraídas por las Partes conforme a este Convenio para el período de su vigencia, estarán sujetas a la condición de que ambas Partes, cuenten con asignaciones presupuestales destinadas a los fines del Convenio y al cumplimiento de los acuerdos que se adopten.

Hecho en San Salvador, en duplicado, en los idiomas Español e Inglés el reto día del mes de agosto del año 1955.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

ROBERT C. HILL

*Ambassador of the United States of  
America*

G. EDGAR HACKNEY

*Director of the United States  
Operations Mission*

FOR THE GOVERNMENT OF  
THE REPUBLIC OF EL  
SALVADOR:

J G TRABANINO

*Minister of Foreign Affairs*

MARIO H. SALAZAR

*Minister of Labor and Social  
Welfare*

POR EL GOBIERNO DE LA RE-  
PUBLICA DE EL SALVADOR:

J G TRABANINO

*Ministro de Relaciones Exteriores*

MARIO H. SALAZAR

*Ministro de Trabajo y Previsión  
Social*

POR EL GOBIERNO DE LOS  
ESTADOS UNIDOS DE AMER-  
ICA:

ROBERT C. HILL

*Embajador de los Estados Unidos  
de América.*

G. EDGAR HACKNEY

*Director, Misión de Operaciones  
de los Estados Unidos de América.*

[SEAL]

# COSTA RICA

## Health and Sanitation: Cooperative Program

*Agreement extending and amending the agreement of February 13, 1951.  
Signed at San José April 25, 1955;  
Entered into force April 25, 1955.*

TIAS 3332  
Apr. 25, 1955

### SUPPLEMENTAL AGREEMENT

### COOPERATIVE HEALTH PROGRAM IN COSTA RICA

#### *ARTICLE I*

The agreement for a cooperative health program between the Government of the United States and the Government of Costa Rica signed at San José on February 13, 1951, as supplemented, is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the parties thereunder after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other thirty days written notice of intention to terminate.

TIAS 2256  
2 UST 1017.

#### *ARTICLE II*

The agreement of February 13, 1951 referred to in Article I above is hereby amended as follows:

1. Article III, Paragraph 2, b is amended by adding the following after the word "nursing":

"and other activities in the field of health and sanitation as may be agreed upon between the Minister and the Chief of Field Party;"

2. Article VIII, paragraph 7 is amended to read as follows:

"The parties may later agree in writing upon the amount of funds that each will contribute to the cooperative program each year for use in carrying out the program during the period from July 1, 1951 through the termination date of this agreement."

***ARTICLE III***

It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to Costa Rica and the Minister of Public Health, or their designees, or by any successor officials or other authorized representatives of the two parties.

***ARTICLE IV***

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at San Jose this 25th day of April, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES

ROBERT F WOODWARD

*Ambassador of the United States*

Robert F. Woodward

PETER M MONCY

*Director of the United States Operations Mission*

*The Institute of Inter-American Affairs of the Foreign Operations Administration*

Peter M. Money

FOR THE GOVERNMENT OF COSTA RICA

FERNANDO FOURNIER

*Minister of Foreign Affairs*

Fernando Fournier

R. LORÍA CORTÉS

*Minister of Public Health*

Rodrigo Loría Cortés

ACUERDO SUPLEMENTARIO  
PROGRAMA COOPERATIVO DE SALUD EN COSTA RICA

*ARTICULO I*

El convenio para un programa cooperativo de salud entre el Gobierno de los Estados Unidos de América y el Gobierno de Costa Rica, firmado en San José el 13 de febrero de 1951, tal como ha sido modificado hasta ahora, se extiende por medio de este acuerdo hasta el 30 de junio de 1960. Las actividades especificadas en el acuerdo antes mencionado se extienden hasta el 30 de junio de 1960, en el entendimiento de que las obligaciones de las partes estarán sujetas después del 30 de junio de 1955 a la disponibilidad de fondos. El acuerdo mencionado puede ser terminado en cualquier momento por cualquiera de las dos partes, mediante notificación por escrito a la otra, con 30 días de anticipación, de la intención de terminarlo.

*ARTICULO II*

El convenio del 13 de febrero de 1951, citado en el Artículo I del presente acuerdo, se enmienda en la siguiente forma:

1. Artículo III, párrafo 2, b, se enmienda agregando lo siguiente después de la palabra "enfermería":

"y otras actividades en el campo de salud y saneamiento que el Ministro y el "Chief of Field Party" acuerden."

2. Artículo VIII, párrafo 7, se enmienda para que se lea como sigue:

"Las partes pueden ponerse de acuerdo más tarde por escrito, sobre el monto de los fondos con que cada una contribuirá cada año al programa cooperativo, los cuales serán usados para llevar a cabo el programa durante el período comprendido del 1º de julio de 1951 a la fecha de terminación de este acuerdo".

*ARTICULO III*

Se entiende que las dos partes pueden hacer aportes financieros al programa cooperativo de salud conforme a los arreglos hechos entre el Director de la Misión de Operaciones de los Estados Unidos en Costa Rica y el Ministro de Salubridad Pública, o sus

designados, o sus sucesores, u otros representantes autorizados de las dos partes.

#### *ARTICULO IV*

Este acuerdo entrará en vigencia en la fecha en que se firme.

Hecho en duplicado, en los idiomas inglés y español, en San José, el día 25 de abril, 1955.

POR EL GOBIERNO DE LOS ESTADOS UNIDOS

ROBERT F. WOODWARD

*Embajador de los Estados Unidos*

Robert F. Woodward

PETER M MONCY

*Director de la Misión de Operaciones de los Estados Unidos en Costa Rica*

*Instituto de Asuntos Inter-Americanos de la Administración de Operaciones Extranjeras*

Peter M. Moncy

POR EL GOBIERNO DE COSTA RICA

FERNANDO FOURNIER

*Ministro de Relaciones Exteriores*

Fernando Fournier

R LORÍA CORTÉS

*Ministro de Salubridad Pública*

Rodrigo Loría Cortés

# PERU

## Education: Cooperative Program

*Agreement extending the agreement of September 25 and 29, 1950.  
Effectuated by exchange of notes  
Signed at Lima February 23 and April 26, 1955;  
Entered into force April 28, 1955.*

TIAS 3333  
Feb. 23 and  
Apr. 26, 1955

*The American Ambassador to the Peruvian Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES  
OF AMERICA, LIMA,

No. 257

February 23, 1955.

**EXCELLENCY:**

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955, the cooperative program in education being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative education program effected by an exchange of notes signed at Lima September 25, 1950, and September 29, 1950, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955, shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative education program pursuant to arrangements entered into by the Director of the United States Operations Mission to Peru and the Minister of Public Education of Peru, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2160.  
1 UST 816.

If this proposal is acceptable to your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the exten-

sion may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of signature of an operational extension agreement [¹] as referred to in the preceding sentence.

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

HAROLD H. TITTMANN

His Excellency

Dr. DAVID AGUILAR CORNEJO,  
*Minister of Foreign Affairs, Lima.*

*The Peruvian Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

MINISTERIO DE RELACIONES EXTERIORES

NUMERO: (D)-6-3/36

LIMA, 26 de abril de 1955.

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo a honra referirme a la atenta nota de esa Embajada, nº 257, de 23 de febrero último, en la que se sometía a la consideración del Gobierno del Perú la cuestión de la prórroga, hasta el 30 de junio de 1960, del Convenio sobre el programa cooperativo de Educación, suscrito entre nuestros dos Gobiernos y con validez hasta el 30 del presente mes.

Dicha propuesta fué remitida oportunamente al Ministerio de Educación Pública, el que, en oficio nº 317, cuya copia me es grato enviar a Vuestra Señoría, señala su conformidad a la mencionada prórroga.

En consecuencia, tal como lo indica esa Misión, la nota a la que doy respuesta y esta comunicación, constituyen un Acuerdo de prórroga sobre la materia, el que entrará en vigencia en la fecha en que se firme un convenio de prórroga funcional del mismo.

Aprovecho la oportunidad para reiterar a Vuestra Señoría, los sentimientos de mi distinguida consideración.

D. F. AGUILAR

Al Honorable Señor CLARE H. TIMBERLAKE,  
*Encargado de Negocios a. i. de  
los Estados Unidos de América.  
Ciudad.*

<sup>1</sup> Apr. 28, 1955.

*Translation*

MINISTRY OF FOREIGN AFFAIRS

NUMBER: (D)-6-3/36

LIMA, April 26, 1955.

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to your Embassy's courteous note No. 257 of February 23, 1955, proposing to the Government of Peru the extension to June 30, 1960, of the agreement between our two Governments on the cooperative education program, which is in effect until the 30th of this month.

The said proposal was duly referred to the Ministry of Public Education, which, in communication No. 317, a copy of which I enclose, [1] signified its agreement to the extension.

Consequently, as your Mission states, the note to which I am replying and this communication constitute an extension agreement on the matter, which will enter into force on the date of signature of an operational extension agreement.

I avail myself of the opportunity to renew to you, Sir, the assurances of my distinguished consideration.

D. F. AGUILAR

The Honorable

CLARE H. TIMBERLAKE,

*Chargé d'Affaires ad interim of the  
United States of America,  
City.*

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<sup>1</sup> Not printed.



# EL SALVADOR

## Health and Sanitation: Cooperative Program

*Agreement extending the agreement of November 10 and December 13, 1950.* TIAS 3334  
Mar. 7 and  
June 14, 1955

*Effectuated by exchange of notes*

*Signed at San Salvador March 7 and June 14, 1955;  
Entered into force June 27, 1955.*

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*The American Ambassador to the Salvadoran Minister of Foreign Affairs*

No. 64

**EXCELLENCY:**

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955, the cooperative program in health being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative health program effected by an exchange of notes signed at San Salvador, November 10, 1950 and December 13, 1950, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955, shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days' written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to El Salvador and the Minister of Public Health of El Salvador, or their designees, or by any successor officials or other authorized representatives of the two parties.

If this proposal is acceptable to Your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the extension may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as con-

TIAS 2210  
2 UST 649

stituting an agreement which shall enter into force on the date of signature [ ] of an operational extension agreement as referred to in the preceding sentence.

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

ROBERT C. HILL  
*Ambassador of the United  
 States of America*

His Excellency

GUILLERMO TRABANINO  
*Minister of Foreign Affairs*

SAN SALVADOR, March 7, 1955

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*The Salvadoran Minister of Foreign Affairs to the American  
 Ambassador*

MINISTERIO DE RELACIONES EXTERIORES  
 REPUBLICA DE EL SALVADOR, C. A.  
 DEPARTAMENTO DE ORGANISMOS  
 INTERNACIONALES

A. 812.4-D. N° 1467

PALACIO NACIONAL:  
*San Salvador, 14 de junio de 1955.*

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la atenta nota N° 64 de Vuestra Excelencia, fechada el 7 de marzo del corriente año, sobre la extensión hasta el 30 de junio de 1960 del Programa Cooperativo de Salud y Saneamiento, el cual vence el 30 de los corrientes.

Al respecto me complazco en manifestar a Vuestra Excelencia que mi Gobierno está de acuerdo en la extensión propuesta, en la forma expresada en la nota citada, es decir, dejando sujetas las obligaciones de las dos partes con respecto al programa a las disponibilidades de fondos y en el entendido de que cualquiera de ellas, en cualquier fecha, puede dar por terminado el programa dando a la otra un aviso por escrito con treinta días de anticipación.

Es entendido, asimismo, que las dos partes pueden hacer contribuciones financieras al programa cooperativo en cumplimiento de arreglos hechos por el Ministro de Salud Pública y Asistencia Social de El Salvador y el Director de la Misión de Operaciones de los Estados Unidos en El Salvador, o sus designados, o por cualesquiera funcionarios que les sucedan u otros representantes autorizados de las dos partes.

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<sup>1</sup> June 27, 1955.

Mi Gobierno considera la presente nota y la de Vuestra Excelencia como constitutivas de un acuerdo, el cual entrará en vigor en la fecha de la firma del: acuerdo que establezca los términos operativos de la prórroga.

Mucho agradeceré a Vuestra Excelencia que se sirva presentar a mi Gobierno un proyecto de acuerdo sobre la forma de operar el convenio, a fin de que las Dependencias competentes del Gobierno salvadoreño procedan lo antes posible a su estudio.

Sírvase aceptar las seguridades de mi más alta consideración y distinguida estima.

J. G TRABANINO

J. Guillermo Trabanino  
*Ministro de Relaciones Exteriores*

Excelentísimo Señor Don ROBERTO C. HILL,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de America,  
Presente.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF EL SALVADOR, C. A.  
DEPARTMENT OF INTERNATIONAL  
ORGANIZATIONS

A. 812.4-D. No. 1467

NATIONAL PALACE  
*San Salvador, June 14, 1955.*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's note No. 64 dated March 7, 1955, concerning the extension to June 30, 1960, of the cooperative program of health and sanitation, which expires the 30th of the present month.

In this respect, I am pleased to advise Your Excellency that my Government is in agreement with the proposed extension, in the form prescribed in the referenced note, provided, that the obligations of the two parties with respect to this program shall be subject to the availability of funds, and with the understanding that either party, at any time, may terminate the program by giving the other party thirty days' written notice.

It is likewise understood that the two parties can make financial contributions to the cooperative program in fulfillment of agreements made between the Minister of Public Health and Social Welfare of El Salvador and the Director of the United States Operations Mission to El Salvador, or their delegates, or which-

ever officials succeed them or other authorized representatives of both parties.

My Government considers this present note and the note of Your Excellency as constituting an agreement, which will enter into force on the date of the signing of the agreement that establishes the operative terms of the extension.

It will be appreciated if Your Excellency will furnish my Government with a draft of the proposed operating agreement in order that the appropriate Departments of the Government of El Salvador may study it as soon as possible.

Please accept the assurance of my highest esteem.

J. G TRABANINO  
J. Guillermo Trabanino  
*Minister of Foreign Affairs*

His Excellency Mr. ROBERT C. HILL,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*San Salvador.*

# HONDURAS

## Health and Sanitation: Cooperative Program

*Agreement extending the agreement of September 21 and 28, 1950.*

TIAS 3335  
Apr. 27, 1955

*Effectuated by exchange of notes*

*Signed at Tegucigalpa April 27, 1955;*

*Entered into force April 29, 1955.*

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*The American Chargé d'Affaires ad interim to the Honduran  
Minister for Foreign Affairs*

No. 136

TEGUCIGALPA, D. C., April 27, 1955

EXCELLENCY:

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955 the cooperative program in health being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative health program effected by an exchange of notes signed at Tegucigalpa September 21, 1950 and September 28, 1950, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955 shall be subject to the availability of funds. The above mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to Honduras and the Minister of Health and Welfare of Honduras, or their designees, or by any successor officials or other authorized representatives of the two parties.

If this proposal is acceptable to your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the above-mentioned officials may work out and agree upon the operational terms for the extension. My Government will consider this note and your reply concurring

TIAS 2323.  
2 UST 1886.

therein as constituting an agreement which shall enter into force on the date of signature [<sup>1</sup>] of an operational extension agreement as referred to in the preceding sentence.

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

WYMBERLEY DER. COERR

His Excellency

Dr. ESTEBAN MENDOZA

*Minister for Foreign Affairs,  
Tegucigalpa, D.C.*

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*The Honduran Minister for Foreign Affairs to the American Chargé  
d'Affaires ad interim*

SECRETARIA DE RELACIONES EXTERIORES  
DE LA  
REPÚBLICA DE HONDURAS

No. 1843 A.L.

TEGUCIGALPA, D. C., 27 de abril de 1955

HONORABLE SEÑOR:

Acuso recibo a Vuestra Señoría de su nota #136 de esta misma fecha referente a la prórroga del acuerdo existente entre los Gobiernos de Honduras y los Estados Unidos de América, en el cual se establece el Programa de Cooperación para fines de salud y que debe terminar el 30 de junio de 1955.

Debidamente autorizado por mi Gobierno, me complazco en informar a Vuestra Señoría que el Gobierno de Honduras acepta gustoso la prórroga del Programa de Cooperación mencionado, en las bases y condiciones establecidas en la nota a que estoy dando contestación y que son las siguientes:

1a.-La prórroga se extenderá hasta el día 30 de junio de 1960 con la obligación de ambas partes de suministrar los fondos necesarios para llevar a cabo el Programa después del 30 de junio de 1955.

2a.-El Convenio en referencia puede ser terminado en cualquier tiempo y por cualquiera de las partes, con sólo dar aviso anticipado y escrito de 30 días, informando el deseo o intención de ponerle fin.

3a.-Las dos partes contratantes podrán hacer las contribuciones financieras en el Programa Cooperativo de Salud de acuerdo con los arreglos que hagan los representantes de ambos Gobiernos y que estén debidamente autorizados.

4a.-El Gobierno de Honduras considera que en vista de la propuesta hecha por Vuestra Señoría y la aceptación en esta nota

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<sup>1</sup> Apr. 29, 1955.

contenida, se ha celebrado un Convenio el cual entrará en vigencia en la fecha en que se firme el arreglo especial a que se refiere la cláusula anterior.

Aprovecho la oportunidad para renovar a Vuestra Señoría el testimonio de mi alta y distinguida consideración,

ESTEBAN MENDOZA

Esteban Mendoza

Honorable Señor WYMBERLEY D COERR.

*Encargado de Negocios a. i. de los Estados Unidos de América.*

*Embajada Americana  
Ciudad.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS  
OF THE  
REPUBLIC OF HONDURAS

No. 1843 A. L.

TEGUCIGALPA, D. C., April 27, 1955

SIR:

I acknowledge receipt of your note No. 136 of this date regarding the extension of the agreement between the Governments of Honduras and the United States of America providing for the cooperative health program, which is to terminate on June 30, 1955.

Having been duly authorized by my Government, I take pleasure in informing you that the Government of Honduras will be very happy to extend the above-mentioned cooperative program on the bases and conditions stated in the note to which I am replying, which are as follows:

1. It shall be extended to June 30, 1960, both parties being obligated to furnish the necessary funds to carry out the program after June 30, 1955.
2. The agreement in reference may be terminated at any time by either party giving 30 days' written notice of its desire or intention to terminate.
3. The two Contracting Parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by duly authorized representatives of the two Governments.
4. The Government of Honduras considers that, in view of the proposal made by you and the acceptance contained in this note, an agreement has been concluded which shall enter into force on the date of signature of the special arrangement referred to in the preceding article.

I avail myself of the opportunity to renew to you the assurance  
of my high and distinguished consideration.

ESTEBAN MENDOZA

Esteban Mendoza

The Honorable

WYMBERLEY D. COERR,

*Chargé d'Affaires ad interim*

*of the United States of America,*

*American Embassy,*

*City.*

# COSTA RICA

## Agriculture: Cooperative Program

*Agreement extending the agreement of September 18 and November 14, 1950.*      TIAS 3336  
Jan. 18 and  
Feb. 7, 1955

*Effectuated by exchange of notes*

*Signed at San José January 18 and February 7, 1955;  
Entered into force April 22, 1955.*

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*The American Ambassador to the Costa Rican Minister of Foreign Affairs*

AMERICAN EMBASSY,  
San José, January 18, 1955

No. 69

EXCELLENCY:

I have the honor to refer to the agreement for a cooperative agriculture program between the Government of the United States and the Government of Costa Rica effected by the exchange of notes signed at San José September 18, 1950 and November 14, 1950. I further have the honor to inform Your Excellency that my Government is prepared to extend the above-mentioned agreement through June 30, 1960; provided, that the agreement may be terminated earlier by either party giving the other 90 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to this cooperative program pursuant to arrangements entered into by the Director of the United States Operations Mission to Costa Rica (or any successor official), or his designee, and by the Minister of Agriculture and Industries of Costa Rica, or his designee, or by other representatives designated by the respective Governments.

TIAS 2172.  
2 UST 6.

If the above proposal is acceptable to your Government, I would appreciate receiving a reply to that effect. My Government will consider this and your reply concurring therein as constituting an agreement which will be effective on the date on which there enters into force [1] an agreement embodying the operational arrangements for continuation of the cooperative agriculture program.

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<sup>1</sup> Apr. 22, 1955.

Accept Excellency, the assurances of my highest and most distinguished consideration.

**ROBERT F. WOODWARD**

His Excellency  
**MARIO ESQUIVEL,**  
*Minister of Foreign Affairs,*  
*San José.*

*The Costa Rican Minister of Foreign Affairs to the American Ambassador*

República de Costa Rica  
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Departamento de Organizaciones Internacionales

100-OI-6576-T.

SAN JOSÉ, 7 de Febrero de 1955.-

**SEÑOR EMBAJADOR:**

Me es muy grato avisar recibo de la atenta nota No. 69 fechada 18 de enero último relativa al Acuerdo sobre un programa cooperativo agrícola entre el Gobierno de los Estados Unidos y el Gobierno de Costa Rica efectuado por medio del canje de notas firmadas en San José los días 18 de Setiembre y 14 de noviembre de 1950.

Al respecto me permito comunicar a Vuestra Excelencia que la propuesta expresada en la nota mencionada cuenta con todo el apoyo del Gobierno de Costa Rica, considerándose dicho acuerdo sumamente beneficioso para el país.

Hago propicia esta oportunidad para reiterar a Vuestra Excelencia los sentimientos de mi más alta y distinguida consideración.

**MARIO A ESQUIVEL**

Mario A. Esquivel

*Ministro de Relaciones Exteriores.*

Excelentísimo Señor

**ROBERT F. WOODWARD**

*Embajador de Estados Unidos*  
*Ciudad.-*

*Translation*

Republic of Costa Rica  
MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

Department of International Organizations

100-OI-6576-T.

SAN JOSÉ, February 7, 1955.

MR. AMBASSADOR:

I am happy to acknowledge receipt of note No. 69 dated January 18, 1955, concerning the agreement for a cooperative agriculture program between the Government of the United States and the Government of Costa Rica effected by the exchange of notes signed at San José on September 18 and November 14, 1950.

In that connection I take the liberty of informing Your Excellency that the proposal set forth in the aforementioned note has the full support of the Government of Costa Rica, the said agreement being considered most beneficial to the country.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

MARIO A ESQUIVEL

Mario A. Esquivel  
*Minister of Foreign Affairs*

His Excellency

ROBERT F. WOODWARD,  
*Ambassador of the United States,*  
*City.*



# TURKEY

## Status of United States Forces

*Agreement amending the minute of understanding of June 23, 1954.*

TIAS 3337

Apr. 22 and  
July 21, 1955

*Effect by exchange of notes*

*Signed at Ankara April 22 and July 21, 1955;*

*Entered into force July 21, 1955.*

*The American Chargé d'Affaires ad interim to the Turkish President of the Council of Ministers and Acting Minister of Foreign Affairs*

AMERICAN EMBASSY,  
Ankara, April 22, 1955.

No. 1325

EXCELLENCY,

I have the honor to refer to the Minute of Understanding Regarding Paragraph 7 of the "Agreement Between the Republic of Turkey and the United States of America Relative to the Implementation of the 'Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces'", concluded at Ankara on June 23, 1954.

TIAS 3020.  
5 UST, pt. 2, p. 1475.

I have been instructed to inform Your Excellency that the United States Government has now been able to make arrangements whereby claims arising out of the activities of personnel connected with Post Exchanges, Commissaries and Officers' Clubs will be handled in accordance with Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces. Therefore the Minute of Understanding referred to above may be considered to be amended to this extent insofar as the United States Government is concerned.

TIAS 2846.  
4 UST 1792.

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

Foy D. KOHLER

His Excellency

ADNAN MENDERES,

*President of the Council of Ministers  
and Acting Minister of Foreign Affairs  
of Turkey.*

*The Turkish Secretary General of the Ministry of Foreign Affairs  
to the American Ambassador*

TÜRKİYE CUMHURİYETİ  
HARİCİYE VEKÂLETİ<sup>1</sup>

S.I.C 3227

ANKARA, July 21, 1955

EXCELLENCY,

I have the honor to acknowledge receipt of your note of April 22, 1955 date as follows:

"I have the honor to refer to the Minute of Understanding Regarding Paragraph 7 of the "Agreement Between the Republic of Turkey and the United States of America Relative to the Implementation of the 'Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces'", concluded at Ankara on June 23, 1954.

"I have been instructed to inform Your Excellency that the United States Government has now been able to make arrangements whereby claims arising out of the activities of personnel connected with Post Exchanges, Commissaries and Officers' Clubs will be handled in accordance with Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces. Therefore the Minute of Understanding referred to above may be considered to be amended to this extent insofar as the United States Government is concerned.

"Accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to inform you that my Government is in agreement with the foregoing.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

M NURI BIRGI

His Excellency

A. M. WARREN

*Ambassador of the United States  
of America  
Ankara*

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<sup>1</sup> Republic of Turkey  
Ministry of Foreign Affairs

# UNITED KINGDOM

## Air Transport Services

*Agreement amending the agreement of February 11, 1946, as amended.  
Effectuated by exchange of notes  
Signed at Washington August 4 and 16, 1955;  
Entered into force August 16, 1955.*

TIAS 3338  
Aug. 4 and 16,  
1955

*The Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

August 4, 1955

EXCELLENCY:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland relating to air services between their respective territories, signed at Bermuda on February 11, 1946, as amended by the notes exchanged at Washington dated December 20, 1946, and January 27, 1947, and to inform you that in accordance with Article 8 thereof the Government of the United States proposes that the following additional routes be added to those scheduled in Section III of the Annex to the above-mentioned Agreement.

TIAS 1507.  
60 Stat. 1499.

TIAS 1640.  
61 Stat., pt. 3,  
p. 3089.

| (a) Annex<br>Point of<br>Departure | Section III (a): Add<br>Intermediate<br>Points | Destination in<br>U. S. territory       | Points<br>Beyond   |
|------------------------------------|--|---|--|
| 9. Nassau                          |  | New York                                |  |
| 10. London                         | Via a Polar<br>Route                           | San Fran-<br>cisco<br>or<br>Los Angeles | To be agreed<br>between the<br>parties at a<br>later date. |

| (b) Annex<br>Point of<br>Departure | Section III (b): Add<br>Intermediate<br>Points | Destination in<br>U. K. territory | Points<br>Beyond   |
|------------------------------------|--|-----------------------------------|--|
| 15. New York                       |  | Nassau                            |  |
| 16. San Fran-<br>cisco             | Via a Polar<br>Route                           | London                            | To be agreed<br>between the<br>parties at a<br>later date. |
| Los Angeles                        |  |                                   |  |
| Seattle                            |  |                                   |  |

If the additions to Section III of the Annex as set forth above are agreeable to the Government of the United Kingdom of Great Britain and Northern Ireland, I suggest that this note and your reply thereto should constitute an exchange of notes, for which Article 8 of the Agreement signed at Bermuda provides.

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

For the Secretary of State:

SAMUEL C WAUGH

His Excellency

The Right Honorable

Sir ROGER MAKINS, G.C.M.G., K.C.B.,

*British Ambassador.*

*The British Ambassador to the Secretary of State*

Ref: 8034/148/55

BRITISH EMBASSY,  
WASHINGTON, D. C.,

*August 16, 1955.*

Note No. 407

SIR,

I have the honour to refer to your Note dated the 4th of August, 1955, reading as follows:—

"Excellency:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland relating to air services between their respective territories, signed at Bermuda on February 11, 1946, as amended by the notes exchanged at Washington dated December 20, 1946, and January 27, 1947, and to inform you that in accord-

ance with Article 8 thereof the Government of the United States proposes that the following additional routes be added to those scheduled in Section III of the Annex to the above-mentioned Agreement.

| (a) <u>Annex</u>                            | Section III         | Add                            |   |
|---|---------------------|--------------------------------|---|
| Point of departure                          | Intermediate Points | Destination in U. S. territory | Points Beyond                                     |
| 9. Nassau                                   |                     | New York                       |   |
| 10. London                                  | Via a Polar Route   | San Francisco or Los Angeles   | To be agreed between the parties at a later date. |
| (b) <u>Annex</u>                            | Section III         | Add                            |   |
| Point of departure                          | Intermediate Points | Destination in U. K. territory | Points Beyond                                     |
| 15. New York                                |                     | Nassau                         |   |
| 16. San Francisco<br>Los Angeles<br>Seattle | Via a Polar Route   | London                         | To be agreed between the parties at a later date. |

If the additions to Section III of the Annex as set forth above are agreeable to the Government of the United Kingdom of Great Britain and Northern Ireland, I suggest that this note and your reply thereto should constitute an exchange of notes, for which Article 8 of the Agreement signed at Bermuda provides.

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

For the Secretary of State:"

2. I am pleased to inform you that the terms of your Note as stated above are agreeable to the Government of the United Kingdom, which regards Section III of the Annex to the aforementioned bilateral agreement relating to Air Services signed at Bermuda on the 11th of February, 1946, as amended accordingly.

3. I avail myself of this opportunity to renew to you the assurance  
of my highest consideration.

ROGER MAKINS

Roger Makins

The Honourable JOHN FOSTER DULLES,  
*Secretary of State of the United States,*  
*Department of State,*  
*Washington, D C.*

# PARAGUAY

## Air Force Mission

*Agreement extending and amending the agreement of October 27, 1943,  
as extended.*

TIAS 3339  
July 22, 1955

*Effectuated by exchange of notes  
Signed at Asunción July 22, 1955;  
Entered into force July 22, 1955;  
Operative retroactively October 27, 1953.*

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*The American Ambassador to the Paraguayan Minister of Foreign  
Affairs*

No. 17

AMERICAN EMBASSY,  
Asunción, July 22, 1955

EXCELLENCY:

I have the honor to refer to the United States Military Aviation Mission Agreement between the Governments of the Republic of Paraguay and of the United States of America signed at Washington on October 27, 1943, extended for a period of four years by an exchange of notes of October 27 and November 20, 1947, [1] and further extended by an exchange of notes of May 31 and July 30, 1951, for a period of two years. I refer also to the exchange of notes with regard to further extension of the Agreement, the Embassy's notes Nos. 92 of April 19, 1954, [1] and 187 of June 13, 1955, [1] and Your Excellency's replies DOTAL Nos. 18 and 782 of January 13 and July 15, 1955. [1]

EAS 343.  
57 Stat. 1100.

TIAS 2878.  
3 UST, pt. 3, p.  
4297.

In the present note are reiterated the suggestions for amending the Military Aviation Mission Agreement made in the Embassy's notes Nos. 92 and 187 referred to above. This is done in order that this note and a favorable reply by Your Excellency might of themselves constitute an agreement to extend the Military Aviation Mission Agreement.

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<sup>1</sup> Not printed.

My government desires to suggest the following amendments to this Agreement:

- (a) in the preamble, substitute the words "Air Force Mission" for Military Aviation Mission" and thereafter in the Agreement refer to it as the "Air Force Mission Agreement;"
- (b) in Article 6, substitute the words "Department of the Air Force" for the words "War Department;"
- (c) Throughout the Agreement where the words "United States Air Corps" appear, substitute "United States Air Force;"
- (d) in Article 6 omit the phrase "through its authorized representative in Washington;" and
- (e) amend Article 15 of the Agreement so that the article will read as follows:

"ARTICLE 15. (a) The cost of transportation for members of the Mission, members of their families, and for their household goods and personal effects, shall be borne by the Government of the United States of America in accordance with its laws and regulations.

(b) The cost of transportation of one private automobile for each member of the Mission, including the present members of the Mission, between the port of embarkation in the United States of America and his residence in the Republic of Paraguay, including all expenses incidental to unloading the automobile from the carrier and delivering it to the Mission member at his residence in the Republic of Paraguay, shall be borne by the Government of the Republic of Paraguay. This subparagraph (b) shall not apply to members of the Mission whose assignment to the Mission is not intended to be for at least one year.

- (c) (i) A Mission member who has been assigned to the Mission for two years or more shall, within a reasonable time prior to his departure from the Republic of Paraguay, be entitled to sell his private automobile without any restrictions or conditions.
- (ii) A Mission member who has been assigned to the Mission for less than two years, and who has a private automobile which he desires to sell prior to his departure from the Republic of Paraguay, shall first offer the automobile to the Government of the Republic of Paraguay at the declared

valuation at the time of import. If the Government of the Republic of Paraguay does not exercise its option within fifteen days, the Mission member shall be free to sell his private automobile with the sole condition that he pay the import duties in effect at the time the automobile entered the country.

(iii) For the purposes of this agreement, a Mission member shall be considered as being assigned to the Mission beginning on the date on which the Government of the Republic of Paraguay commences payment to the Mission member of net annual compensation and ending on the date on which it ceases such payments as provided in Article 13."

As thus amended, my Government desires to extend the Agreement effective October 27, 1953, until such time as it may be terminated as provided in either Article 4 or Article 5 of the Agreement.

If the proposals made in this note are acceptable to Your Excellency, my Government will consider this note and an affirmative response thereto as constituting an agreement extending the United States Military Aviation Agreement, as amended, effective as of the date noted above.

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

ARTHUR A. AGETON

His Excellency

Dr. HIPÓLITO SÁNCHEZ QUELL,  
Minister of Foreign Affairs  
of the Republic of Paraguay,  
Asunción.

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*The Paraguayan Minister of Foreign Affairs to the American  
Ambassador*

MINISTERIO DE RELACIONES EXTERIORES

DOTAI N° 837.-

ASUNCIÓN, 22 de julio de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de dirigirme a Vuestra Excelencia a fin de referirme al Acuerdo entre el Gobierno que Vuestra Excelencia tan dignamente representa y mi Gobierno, suscrito en Washington

el 27 de Octubre de 1943, mediante el cual se ha establecido la Misión Militar Aérea de los Estados Unidos de América en el Paraguay. Me refiero, asimismo, a las prórrogas de dicho Acuerdo formalizadas mediante los intercambios de notas de fechas 27 de Octubre y 20 de Noviembre de 1947, y de fechas 31 de Mayo y 30 de Julio de 1951. Me refiero también a las notas de esa Embajada, número 92 del 19 de Abril de 1954 y número 187, del 13 de Junio de 1955 y a mis respectivas respuestas, notas DOTAII números 18 y 782, de fechas 13 de Enero y 15 de Julio de 1955. Por último, me refiero a la nota de esa Embajada, número 17, de fecha de hoy, mediante la cual se reiteran las sugerencias para la enmienda del citado Acuerdo así como su prórroga adicional.

Mi Gobierno acepta las enmiendas propuestas por Vuestra Excelencia en la última de sus notas citadas; enmiendas a introducirse en el texto original del Acuerdo referente a la Misión Militar Aérea de los Estados Unidos de América en el Paraguay y que consisten en las que detalladamente se reproducen a continuación:

- a) La substitución, en el Preámbulo del Acuerdo, de las palabras "Misión Militar Aérea" por "Misión de la Fuerza Aérea"; y la referencia en lo sucesivo a dicho Acuerdo, como al "Acuerdo de la Misión de la Fuerza Aérea".
- b) La substitución en el artículo VI de las palabras "Secretaría de Guerra" por "Departamento de la Fuerza Aérea".
- c) La substitución en todas las partes del Acuerdo en que se consignan las palabras "Cuerpo de Aviación del Ejército de los Estados Unidos" por "Fuerza Aérea de los Estados Unidos".
- d) La supresión en el artículo VI, de la frase "a través de su representante autorizado en Washington". Y
- e) La substitución del texto original del Artículo XV (15) por el siguiente:  
"Artículo 15.—(a) El costo de transporte de los miembros de la Misión, los miembros de su familia y de sus menajes de casa y efectos personales, serán sufragados por el Gobierno de los Estados Unidos de América, de conformidad con sus leyes y reglamentos.  
(b) El costo de transporte de un automóvil particular para cada miembro de la Misión, inclusive los miembros actuales de la Misión, entre el puerto de embarque en los Estados Unidos de América y su residencia en la República del Paraguay, inclusive todos los

gastos incidentales al desembarque del automóvil, del transporte y de su entrega al miembro de la Misión en su residencia en la República del Paraguay, serán sufragados por el Gobierno de la República del Paraguay. Este sub-párrafo (b) no afectará a los miembros de la Misión cuando se prevé que su designación a la Misión no será por un plazo mínimo de un año.

(c) (1)—Un miembro de la Misión cuya designación a la Misión es de dos años o más, dentro de un tiempo razonable antes de su salida de la República del Paraguay tendrá el derecho de vender su automóvil particular sin limitaciones cualesquiera.

(2)—Un miembro de la Misión cuya designación a la Misión es por menos de dos años, y que tiene un automóvil particular que desea vender antes de su salida de la República del Paraguay, lo ofrecerá en primer lugar al Gobierno de la República del Paraguay por el valor declarado en la fecha de entrada. Si el Gobierno del Paraguay no aprovecha su opción dentro de quince días, el Miembro de la Misión quedará en libertad de acción para vender su automóvil particular con la sola condición de pagar los impuestos de importación vigentes en la fecha en que al automóvil entró en el país.

(3)—Para los fines de este Acuerdo, se considerará que la designación de cada miembro de la Misión empieza en la fecha en que el Gobierno de la República del Paraguay comienza a pagar al miembro de la Misión su remuneración anual neta y cesa en la fecha en que terminan dichos pagos de conformidad con el artículo 13”.

De conformidad con la propuesta contenida en la nota de Vuestra Excelencia, número 17, de fecha de hoy, mi Gobierno considera dicha nota y esta respuesta concurrente como constituyendo un Acuerdo que prorroga el Acuerdo de la Misión de la Fuerza Aérea de los Estados Unidos de América en el Paraguay,

de fecha 27 de Octubre de 1943, desde el 27 de Octubre de 1953 hasta la fecha en que pueda terminar según se prevé en los artículos IV y V del referido Acuerdo.

Hago propicia la oportunidad para renovar a Vuestra Excelencia las seguridades de mi consideración más distinguida.

[SEAL]

H. SÁNCHEZ QUELL  
*Ministro*

A Su Excelencia

El Señor Don ARTHUR A. AGETON,  
*EmbaJador Extraordinario y Plenipotenciario de los  
Estados Unidos de America.  
Ciudad.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS  
DOTAI No. 837.-

ASUNCIÓN, July 22, 1955.

MR. AMBASSADOR:

I have the honor to address Your Excellency for the purpose of referring to the agreement between the Government which Your Excellency so worthily represents and my Government, signed at Washington on October 27, 1943, by which the United States Military Aviation Mission in Paraguay was established. I likewise refer to the extensions of the said agreement that were formalized through the exchanges of notes of October 27 and November 20, 1947, and May 31 and July 30, 1951. I refer also to your Embassy's notes No. 92, of April 19, 1954, and No. 187, of June 13, 1955, and to my replies thereto, notes DOTAI Nos. 18 and 782, dated January 13 and July 15, 1955. Lastly, I refer to your Embassy's note No. 17, dated today, which reiterates the suggestions for the amendment of the aforesaid agreement as well as its further extension.

My Government accepts the amendments proposed by Your Excellency in the last of your above-mentioned notes, amendments which are to be introduced into the original text of the agreement relating to the United States Military Aviation Mission in Paraguay and which consist of those set forth in detail below:

[For the English language text of the detailed amendments, see *ante*, p. 2924.]

In accordance with the proposal contained in Your Excellency's note No. 17, dated today, my Government considers the said note and this reply concurring therewith as constituting an agreement extending the agreement of the United States Air Force Mission in Paraguay, dated October 27, 1943, from October 27, 1953, to the date on which it may terminate as provided in articles IV and V of the aforesaid agreement.

I avail myself of the opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

[SEAL]

H. SÁNCHEZ QUELL  
*Minister*

His Excellency

ARTHUR A. AGETON,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

TIAS 3339



# FRANCE

## Surplus Agricultural Commodities

*Agreement signed at Paris August 11, 1955;  
Entered into force August 11, 1955.*

TIAS 3340  
Aug. 11, 1955

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### AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

The Government of the United States of America and the Government of the French Republic:

Recognizing the mutual benefit of developing the market for agricultural commodities in a manner which would not displace usual markets of the United States and of France for these commodities, and also of utilizing the local currency in francs resulting from operations carried out under the present Agreement for economic and social purposes;

Desiring to set forth the understandings which will govern the sales, described below, of surplus agricultural commodities to France pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954;

Have agreed as follows:

68 Stat. 455:  
7 U.S.C. §§ 1701-  
1709.

#### ARTICLE I

##### *SALES FOR FRANCS*

1. Subject to the issuance and acceptance of purchase authorizations referred to in paragraph 2 of this Article, the United States Government undertakes to finance, up to September 30, 1955, the sale for francs of certain agricultural commodities determined to be surplus pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 to purchasers authorized by the French Government.

2. The United States Government will issue purchase authorizations which shall include provisions relating to the sale and delivery of commodities, the time and circumstances of deposit of francs accruing from such sales, and other relevant matters,

and which shall be subject to acceptance by the French Government. The commodity, and amount thereof, with respect to which tentative agreement has been reached by the two Governments, is listed in paragraph 3 of this Article.

3. The United States Government undertakes to finance the sale to France of the following commodity, in the value indicated (on an F. O. B. basis), up to September 30, 1955, under the terms of Title I of the said Act and of this Agreement.

|         | Value in<br>Dollars<br>(F.O.B.<br>Basis) | Terminal Date for<br>Conclusion of Contracts | Terminal Date for<br>Delivery |
|---------|--|--|-------------------------------|
| Tobacco | 650, 000                                 | December 31, 1955                            | March 31, 1956                |

## ARTICLE II

### *USES OF FRANCS*

1. The two Governments agree that francs accruing to the United States Government as a consequence of sales made pursuant to this Agreement will be used by the United States Government, in agreement with the French Government, to develop and facilitate, by the establishment of new markets in France or other countries, the utilization and consumption of agricultural commodities of interest to the two countries, in particular cotton and tobacco, as provided under sub-section (a) of Section 104 of the Act. It has been agreed that of the total amount of franc sales proceeds that will be become available pursuant to this Agreement, not more than one-tenth will be utilized for market development for tobacco, and not more than two-sevenths for the expenses in France of the National Cotton Council.

2. The two Governments agree that 10 percent of the total amount of the franc sales proceeds referred to in paragraph 1 of this Article will be reserved for use by the United States Government for payment of its obligations in the franc area as is provided for in sub-section (f) of Section 104 of the Act.

3. If by December 31, 1956, it has not been possible to develop an agreed program within the framework of paragraph 1 above for the utilization of all or any part of the francs which will become available pursuant to this Agreement, the two Governments may agree upon another use for such funds consistent with the provisions of Section 104 of the Act. In any case, after December 31, 1956, the United States Government shall have the right on its own responsibility to utilize any unexpended balances in such francs for the payment of any of its obligations in the franc area.

### ARTICLE III

#### *DEPOSIT OF FRANCS*

The French Government will take the necessary steps to provide, in accordance with the terms of the purchase authorizations referred to in paragraph 2 of Article I above, for the deposit in a special account in the name of the United States Government of an amount of francs equivalent to the dollar sales value of the commodities reimbursed or financed by the United States Government under this Agreement. Such dollar sales value shall include ocean freight and handling reimbursed or financed by the United States Government, except that it shall not include any extra cost of ocean freight resulting from a United States requirement that the commodities be transported on United States flag vessels. The conversion rate to be used in determining the amount of francs equivalent to the dollar sales value shall be the highest selling rate for dollars quoted on the free foreign exchange market at Paris on the date or dates of the dollar disbursements by the United States bank or banks handling the transaction or transactions in question (or, if there are no quotations for the dollar on that market on the date in question, the highest rate quoted for the dollar on the nearest preceding date on which there were such quotations); provided that, if the present French foreign exchange system should be changed, the two Governments will consult regarding the conversion rate to be applied, it being understood that such determination will be made in the light of the foreign exchange system generally applicable in France at that time to import transactions in the commodities of the type reimbursed or financed by the United States Government under this Agreement.

*Post, p. 4109.*

### ARTICLE IV

#### *GENERAL PROVISIONS*

1. The French Government agrees that it will take all possible measures to prevent the resale or transshipment to other countries before processing (except where such resale or transshipment is specifically approved by the United States Government), of surplus agricultural commodities purchased pursuant to the provisions of this Agreement.

2. The two Governments agree that they will take reasonable precautions to assure that all sales or purchases of surplus agricultural commodities pursuant to this Agreement will not unduly disrupt world prices of agricultural commodities, displace usual

marketings of the United States and France in these commodities, or materially impair trade relations among the countries of the free world.

#### ARTICLE V

##### *CONSULTATION*

The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to the operation of arrangements carried out pursuant to this Agreement.

#### ARTICLE VI

##### *SCOPE OF AGREEMENT*

It is understood that the foregoing provisions apply only to the purchase of the commodities referred to in Article I of this Agreement and that the conditions under which similar operations might be carried out in the future would be the subject of new discussions between the two Governments.

#### ARTICLE VII

##### *ENTRY INTO FORCE*

This Agreement shall enter into force upon signature.

Done at Paris, on August 11, 1955 in duplicate, in English and French, the two texts being of equal validity.

FOR THE UNITED STATES OF AMERICA:

B E L TIMMONS  
B. E. L. Timmons

FOR FRANCE:

P NACIVET  
Pierre Nacivet

ACCORD ENTRE LA FRANCE ET LES ETATS-UNIS  
D'AMERIQUE CONFORMEMENT AUX DISPOSITIONS  
DU TITRE I DE LA LOI DE 1954 TENDANT A  
DEVELOPPER ET A AIDER LE COMMERCE AGRICOLE

Le Gouvernement de la République Française et le Gouvernement  
des Etats-Unis d'Amérique :

Reconnaissant qu'il est de leur mutuel intérêt de  
développer le marché des produits agricoles, d'une façon  
telle que ces opérations ne risquent pas d'apporter des  
perturbations aux marchés habituels des Etats-Unis et de  
la France pour ces produits, et d'utiliser la contrevaleur  
en francs des opérations faites au titre du présent Accord  
à des fins d'intérêt économique et social ;

Désirant établir les arrangements applicables aux  
ventes, décrites ci-dessous, de produits agricoles en surplus  
à la France conformément au Titre I de la Loi de 1954, tendant  
à développer et à aider le commerce agricole ;

Sont convenus de ce qui suit :

ARTICLE IVENTES PAYABLES EN FRANCS

- 1°. Sous réserve de l'émission et de l'acceptation des autorisations d'achat visées au § 2 de cet Article, le Gouvernement des Etats-Unis est disposé à financer jusqu'au 30 septembre 1955 la vente avec paiement en francs de certains produits agricoles, qui sont considérés comme surplus aux termes du Titre I de la Loi de 1954 tendant à développer et à aider le commerce agricole, à des acheteurs autorisés par le Gouvernement français.
- 2°. Le Gouvernement des Etats-Unis émettra des autorisations d'achat qui comprendront des dispositions relatives à la vente et à la livraison des produits, à la date et aux modalités de dépôt de la contrevaluer en francs provenant de telles ventes et toutes autres dispositions adéquates qui seront soumises à l'acceptation du Gouvernement français. Le produit et le montant de celui-ci au sujet desquels les deux Gouvernements ont abouti à un accord préliminaire sont mentionnés au § 3 du présent Article.
- 3°. Le Gouvernement des Etats-Unis s'engage à financer la vente à la France du produit suivant pour la valeur indiquée sur une base FOB jusqu'au 30 septembre 1955 et suivant les termes du Titre I de la Loi précitée et du présent Accord.

| Produit | Valeur en \$<br>sur base FOB | Date limite pour la<br>conclusion des contrats | Date limite pour<br>la livraison |
|---------|------------------------------|--|----------------------------------|
| Tabac   | 650.000                      | 31 décembre 1955                               | 31 mars 1956                     |

ARTICLE IIUTILISATION DES FRANCS

- 1°. Les deux Gouvernements conviennent que les francs acquis par le Gouvernement des Etats-Unis à la suite des ventes faites conformément au présent Accord seront utilisés par celui-ci, en accord avec le Gouvernement français, pour développer et faciliter par l'établissement de nouveaux marchés, en France ou dans d'autres pays, l'utilisation et la consommation de produits agricoles intéressant les deux pays, notamment le coton et le tabac, conformément aux dispositions de la sous-Section (a) de la Section 104 de la Loi américaine susvisée. Il a été accepté d'un commun accord que, sur le montant total des produits en francs de ces ventes, tel qu'il sera rendu disponible conformément à cet Accord, des sommes qui n'excèderont pas le dixième et les deux septièmes de ce montant seront utilisées respectivement pour le développement du marché du tabac, et pour les dépenses du "National Cotton Council" en France.
- 2°. Les deux Gouvernements conviennent que 10 % du montant total de la contrevaleur en francs des ventes visées

au paragraphe I du présent Article seront laissés à la disposition du Gouvernement des Etats-Unis pour le règlement des obligations de celui-ci dans la zone franc, ainsi qu'il est prévu à la sous-Section (f) de la Section 104 de la Loi américaine précitée.

3°. Si, à la date du 31 décembre 1956, il ne leur avait pas été possible de convenir de la mise en oeuvre d'un programme dans les conditions prévues au paragraphe I ci-dessus pour l'emploi de tout ou partie des francs qui seront rendus disponibles conformément au présent Accord, les deux Gouvernements pourront convenir d'une autre utilisation pour ces fonds dans le cadre des dispositions de la Section 104 de la Loi américaine précitée. En tout état de cause, le Gouvernement des Etats-Unis aura le droit sous sa propre responsabilité, après le 31 décembre 1956, d'utiliser les reliquats de ces fonds en francs au règlement de ses obligations dans la zone franc.

### ARTICLE III

#### DEPOT DE LA CONTREVALEUR EN FRANCS

Le Gouvernement français prendra les dispositions nécessaires pour assurer, conformément aux termes des autorisations d'achat mentionnées au § 2 de l'Article I ci-dessus, le dépôt, à un compte spécial ouvert au nom du Gouvernement des Etats-Unis, d'un montant de francs équivalent à la valeur des ventes en dollars des produits

remboursés ou financés par le Gouvernement des Etats-Unis au titre du présent Accord. Cette valeur en dollars desdites ventes comprendra le frêt maritime et les frais de manutention remboursés ou financés par le Gouvernement des Etats-Unis, mais ne comprendra pas les frais supplémentaires de transport maritime résultant de l'obligation de transporter les produits sous pavillon américain.

Le taux de conversion à utiliser pour déterminer le montant des francs correspondant à la valeur en dollars des ventes sera le taux le plus élevé coté pour le dollar sur le marché libre des Changes à Paris, à la date ou aux dates des règlements en dollars effectués par la ou les banques américaines chargées de la transaction ou des transactions en question (ou, s'il n'y a pas de cotation pour le dollar sur ce marché à la date considérée, le taux le plus élevé coté à la date précédente la plus proche à laquelle il y aurait eu de telles cotations); il est précisé que, si le régime français des Changes actuellement en vigueur venait à être modifié, les deux Gouvernements se consulteraient sur le taux de conversion à utiliser, étant entendu que une telle détermination serait faite sur la base du régime des Changes généralement applicable en France à cette époque aux importations de produits analogues à ceux remboursés ou financés par le Gouvernement des Etats-Unis dans le cadre du présent Accord.

ARTICLE IVDISPOSITIONS GENERALES

- 1°. Le Gouvernement français convient qu'il prendra toutes dispositions possibles pour interdire la revente en l'état ou le transit vers d'autres pays (sauf au cas où de telles reventes ou transits seraient spécialement agréés par le Gouvernement des Etats-Unis) de surplus agricoles achetés conformément aux dispositions du présent Accord.
- 2°. Les deux Gouvernements sont convenus de prendre toutes précautions raisonnables pour que les ventes ou achats de produits agricoles effectués conformément au présent Accord n'entraînent pas de modifications excessives dans les prix mondiaux de ces produits, ne perturbent pas les marchés normaux des Etats-Unis ou de la France pour de tels produits ou n'entraînent pas notablement les relations commerciales entre les nations du monde libre.

ARTICLE VCONSULTATIONS

A la requête de l'un d'entre eux, les deux Gouvernements se consulteront en ce qui concerne toutes questions relatives à l'application du présent Accord ou à l'exécution des arrangements mis en oeuvre conformément à cet Accord.

ARTICLE VI

PORTÉE DE L'ACCORD

Il est entendu que les dispositions ci-dessus ne s'appliquent qu'à l'acquisition des produits définis à l'Article I du présent Accord et que les conditions dans lesquelles des opérations analogues pourraient être réalisées à l'avenir feraienr l'objet de nouvelles discussions entre les deux Gouvernements.

ARTICLE VII

ENTRÉE EN VIGUEUR

Le présent Accord entrera en vigueur à la date de sa signature.

Fait à Paris le Onze août 1955  
en double exemplaire, en langues  
française et anglaise, les deux  
textes faisant également foi.

Pour la France

Pour les Etats-Unis  
d'Amérique

(Signature)

Pierre NACIVET

B.E.L. TIMMONS

# UNITED KINGDOM

## Surplus Agricultural Commodities

TIAS 3341  
June 3, 1955

*Agreement effected by exchange of letters  
Signed at London June 3 and 7, 1955;  
Entered into force June 7, 1955.  
And related exchanges of letters  
Signed at London June 3 and 7, 1955.*

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*The British Third Secretary, Her Majesty's Treasury, to the  
American Acting Minister for Economic Affairs*

TREASURY CHAMBERS,  
GREAT GEORGE STREET,  
LONDON, S. W. 1  
*3rd June, 1955*

DEAR MR. BROWN,

I am transmitting herewith a "Memorandum of Understanding Regarding Tobacco and Military Dependents' Housing", which records the understandings reached by representatives of our two Governments during recent discussions on this subject.

I now confirm that the Memorandum of Understanding is acceptable to my Government.

Upon receipt of your letter confirming that the attached Memorandum of Understanding is acceptable to your Government, the Memorandum will become effective.

Yours sincerely,

W. STRATH

Mr. WINTHROP BROWN,  
*Operations Mission to the  
United Kingdom.*

MEMORANDUM OF UNDERSTANDING  
REGARDING TOBACCO AND MILITARY DEPENDENTS' HOUSING

1. Subject to the issuance and acceptance of purchase authorisations referred to in paragraph 2 hereof, the Government of the United States of America will make available dollar financing for the sale for sterling to the United Kingdom of \$15 million worth of tobacco, tobacco having been determined to be in surplus pursuant to the Agricultural Trade Development and Assistance Act of 1954. This tobacco is to be exported from the United States on or before July 31st, 1955. The Government of the United Kingdom will deposit to the account of the Government of the United States the sterling equivalent of the dollar costs financed by the United States in connection with these tobacco sales.
2. Upon application by the Government of the United Kingdom, the Government of the United States will issue, within the terms of this memorandum, purchase authorisations which will include provisions relating to the sale and delivery of the tobacco, the terms and circumstances of deposits of the pounds sterling accruing from such sales and other relevant matters.
3. The amount of sterling to be deposited to the account of the Government of the United States will be the total of the dollar disbursements made by the Government of the United States, or by a United States bank on its behalf, for the tobacco and ocean freight and handling, converted into sterling at the buying rate for telegraphic transfers on New York in the London market at the close of business on the dates of such dollar disbursements.
4. The pounds sterling accruing to the Government of the United States as a consequence of sales within the terms of this memorandum will be made available to the Government of the United Kingdom on a grant basis under Section 104 (c) of the Act for the procurement of military facilities for the common defence. Under arrangements to be made between the United Kingdom Air Ministry and the United States Third Air Force, this sterling will be available for transfer as appropriations-in-aid of Air Votes. The Government of the United Kingdom for its part, beginning with the United Kingdom financial year 1955/56, will construct military dependents' housing at a cost equivalent to this grant of sterling. This housing will be made available to the United States Air Force for the use of United States military forces stationed in the United Kingdom at the nominal rent of £1 per

68 Stat. 454.  
7 U. S. C. § 1691  
note.

housing unit per annum for as long as and to the extent that it may be required in connection with the presence in the United Kingdom of units of the United States military forces.

5. Detailed arrangements for the execution and administration of the Dependents' housing programme mentioned above will be carried out as far as possible under agreed United States/United Kingdom procedures in connection with the construction and operation of air bases in the United Kingdom. The United States Third Air Force will manage and provide for the maintenance of this housing in accordance with the above mentioned procedures so long as it is at the disposal of United States military forces.

6. Withdrawals will be made from the sterling account described in paragraph 3 above by the Government of the United States and transferred to Her Majesty's Government for application as appropriations-in-aid of Air Votes after presentation by the Air Ministry to the Third Air Force of the appropriate documents furnishing records of accountability under procedures similar to those referred to in the previous paragraph.

7. The two Governments will take reasonable precautions to ensure that no sales of tobacco within the terms of this memorandum will unduly disrupt world prices of tobacco, displace usual tobacco marketings of the United States or other friendly countries, or materially impair trade relations among the countries of the free world.

8. The Government of the United Kingdom will take all practicable measures to prevent the resale or trans-shipment to other countries, or use for other than domestic purposes and manufacture of tobacco products for export (except where such resale, trans-shipment or use is specifically approved by the Government of the United States) of tobacco purchased pursuant to these arrangements.

9. In carrying out these arrangements, the two Governments will seek to assure conditions of commerce permitting private traders to function effectively.

10. The two Governments will, upon the request of either of them, consult together regarding any matter relating to the application of these arrangements or to the operations carried out hereunder.

*The American Acting Minister for Economic Affairs to the  
British Third Secretary, Her Majesty's Treasury*

AMERICAN EMBASSY  
LONDON, ENGLAND  
*June 7, 1955*

DEAR MR. STRATH:

In reply to your letter of June 3, I am pleased to inform you that the Memorandum of Understanding attached thereto, regarding Tobacco and Military Dependents' Housing, is acceptable to the Government of the United States. The Memorandum becomes effective from the date of this letter.

Sincerely yours,

WINTHROP G. BROWN  
Winthrop G. Brown  
*Acting Minister for  
Economic Affairs*

W. STRATH, Esq., C. B.

*Third Secretary  
Her Majesty's Treasury  
Great George Street  
London, S. W. 1*

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*The British Third Secretary, Her Majesty's Treasury, to the  
American Acting Minister for Economic Affairs*

TREASURY CHAMBERS,  
GREAT GEORGE STREET,  
LONDON, S. W. 1  
*3rd June, 1955*

DEAR MR. BROWN,

With reference to the Tobacco/Military Dependents' Housing Programme covered by the "Memorandum of Understanding Regarding Tobacco and Military Dependents' Housing", the Government of the United Kingdom, having made enquiries of the importers, confirm that it is the intention of the latter to effect transportation of at least 50 per cent of the volume of

68 Stat. 832.  
46 U.S.C. § 1241.

tobacco purchased thereunder on privately owned United States-flag commercial vessels. If the provisions of Public Law 664 are not satisfied, the Government of the United Kingdom will convert to United States dollars the amount of sterling deposited to the account of the Government of the United States in payment for that quantity of tobacco shipped in non-United States-flag vessels which represents the excess over 50 per cent of the gross tonnage shipped. Such conversion will be made at the weighted average of the rates at which the sterling was deposited. In the event of the Government of the United Kingdom refunding the dollars under this provision in respect of any part of the tobacco transaction, the tobacco concerned would no longer be governed by any of the obligations contained in the Memorandum of Understanding referred to above, and the number of houses to be built under this Memorandum would be correspondingly reduced.

I should be grateful if you would confirm that in the light of the foregoing your Government will delete paragraph 8 of the proposed tobacco procurement authorisation.

Yours sincerely,

W. STRATH.

Mr. WINTHROP BROWN,  
*Operations Mission to  
the United Kingdom.*

*The American Acting Minister for Economic Affairs to the British  
Third Secretary, Her Majesty's Treasury*

AMERICAN EMBASSY  
LONDON, ENGLAND  
June 7, 1955

DEAR MR. STRATH:

In light of the position taken by your Government, as set out in your letter of June 3, with respect to shipping at least 50 percent of the tobacco purchased under the Memorandum of Understanding regarding Tobacco and Military Dependents' Housing, on privately-owned United States-flag vessels, I am pleased to confirm that paragraph 8 will be deleted from the tobacco pur-

chase authorization to be issued under the aforesaid Memorandum of Understanding.

Sincerely yours,

WINTHROP G. BROWN

Winthrop G. Brown  
Acting Minister for  
Economic Affairs

W. STRATH, Esq., C. B.

Third Secretary

Her Majesty's Treasury  
Great George Street  
London, S. W. 1

The British Third Secretary, Her Majesty's Treasury, to the  
American Acting Minister for Economic Affairs

TREASURY CHAMBERS,  
GREAT GEORGE STREET,  
S.W. 1  
7th June 1955

WHI: 1234—Ext. 922

MY DEAR WIN,

In my letter of 3rd June about the shipment of tobacco under the Tobacco/Military Dependents' Housing Programme I conveyed my Government's agreement to make certain refunds of U. S. dollars, in the circumstances set out in that letter, at a rate of exchange corresponding to the weighted average rate at which the sterling value of all the tobacco in question was deposited to the account of your Government.

It is our understanding that you agree that the decision to apply this procedure to any refunds which may be made in connection with the Tobacco/Military Dependents' Housing Programme is entirely without prejudice to a decision on the method by which refunds should take place in connection with transactions under P. L. 665.

I should be grateful if you would confirm that I have correctly set out the position.

Yours Sincerely,

W. STRATH

(W. Strath)

Mr. WINTHROP BROWN  
American Embassy  
Grosvenor Square, W. 1

68 Stat. 832.  
22 U.S.C. § 1751 note.

*The American Acting Minister for Economic Affairs to the British  
Third Secretary, Her Majesty's Treasury*

AMERICAN EMBASSY  
LONDON, ENGLAND

*June 7, 1955*

DEAR MR. STRATH:

I acknowledge receipt of your letter of June 7 and confirm your understanding that your agreement to the exchange rate for certain refunds relating to the shipment of tobacco under the Memorandum of Understanding regarding Tobacco and Military Dependents' Housing set out in your letter of June 3, should they be required, is without prejudice to a decision on the method of computing refunds in connection with transactions under Public Law 665.

Sincerely yours,

WINTHROP G. BROWN

Winthrop G. Brown  
*Acting Minister for  
Economic Affairs*

W STRATH, Esq., C. B.

*Third Secretary*

*Her Majesty's Treasury  
Great George Street  
London, S. W. 1*

# VENEZUELA

## Health and Sanitation: Cooperative Program

*Agreement extending the program.*

TIAS 3342  
Mar. 21 and,  
Apr. 23, 1955

*Effect by exchange of notes*

*Signed at Caracas March 21 and April 23, 1955;*

*Entered into force April 23, 1955.*

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*The American Ambassador to the Venezuelan Minister of Foreign Relations*

AMERICAN EMBASSY  
Caracas, March 21, 1955

No. 160

EXCELLENCY:

I have the honor to refer to the agreement signed at Caracas on March 2, 1955, between the Minister of Health and Social Welfare of Venezuela and the Chief of Field Party for Health, Welfare, and Housing of the Institute of Inter-American Affairs of the Foreign Operations Administration, an agency of the Government of the United States of America, specifying the contributions to be made by our respective Governments to the Oficina Cooperativa Interamericana de Salud Pública (hereinafter called the "Oficina"), for the period July 1, 1954, through June 30, 1955. The aforesaid agreement was entered into pursuant to, and extends until June 30, 1960, the Agreement of February, 1943, [1] as subsequently modified and extended, between the Government of Venezuela and the Institute of Inter-American Affairs for a cooperative health and sanitation program. The text of the aforesaid agreement follows:

### SUPPLEMENTAL AGREEMENT

### COOPERATIVE HEALTH PROGRAM IN VENEZUELA

1. This agreement constitutes a supplement to the agreement entered into between the Government of Venezuela and The Institute of Inter-American Affairs, a corporate agency of the Government of the United States of America, in February 1943, as sub-

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<sup>1</sup> See EAS 348; 57 Stat. 1126.

sequently modified and extended, providing for a cooperative program in the field of health and sanitation.

2. The above-mentioned agreement of February 1943 is hereby extended through June the 30th, 1960; providing that the obligations of the two parties thereunder after June the 30th, 1955 shall be subjected to the availability of funds to the two parties.

3. (a) The Institute of Inter-American Affairs of the Foreign Operations Administration shall deposit to the credit of the Oficina Cooperativa Interamericana de Salud Pública for the period July 1, 1954 through June 30, 1955, the sum of \$25,000.00 (Twenty Five Thousand Dollars) in currency of the United States of America which will be made within the first thirty days of the execution of this agreement.

(b) For the period of July 1, 1954 through June 30, 1955 the Government of Venezuela shall deposit to the credit of the Oficina Cooperativa Interamericana de Salud Pública the sum of Bs. 1,725,000.00 (One million seven hundred and twenty-five thousand bolívars) which are assigned as follows: for the program of rural water supplies the sum of Bs. 1,675,000.00 (One million six hundred and seventy-five thousand bolívars) and for the program of Vital Statistics the sum of Bs. 50,000.00 (Fifty thousand bolívars), the total sum will be paid in twelve (12) equal monthly instalments.

(c) The contributions provided for herein shall be in addition to the contributions to the Oficina Cooperativa Interamericana de Salud Pública which the parties hereto have agreed to make in prior agreements.

4. The two parties may make financial contributions to the Oficina Cooperativa Interamericana de Salud Pública pursuant to arrangements entered into by the Minister of Health and Social Welfare of Venezuela, or his designee, and such official duly authorized for that purpose by the agency designated by the Government of the United States of America, to carry out the responsibilities of that Government with respect to the technical cooperation program in Venezuela, or by other authorized representatives of the two governments.

5. This Supplemental Agreement shall enter into force on the date of its confirmation by an exchange of diplomatic notes between the Government of Venezuela and the Government of the United States of America.

DONE IN DUPLICATE, in the English and Spanish languages, at Caracas the 2nd day of March, 1955.

FOR THE GOVERNMENT  
OF VENEZUELA

PEDRO A. GUTIERREZ ALFARO

Pedro A. Gutierrez Alfaro  
*Minister of Health and  
Social Welfare*

FOR THE INSTITUTE OF  
INTER-AMERICAN AFFAIRS

JOHN M. HEPLER

John M. Hepler  
*Chief of Field Party of the  
Institute of Inter-American  
Affairs of the Foreign Oper-  
ations Administration*

I take pleasure in informing Your Excellency that the Government of the United States of America has agreed that this note and your reply in the same terms shall constitute an approval and confirmation by the Governments of the Republic of Venezuela and the United States of America of the above agreement signed between the Minister of Health and Social Welfare and the Chief of Field Party.

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

FLETCHER WARREN

His Excellency

Dr. AURELIANO OTÁÑEZ,  
*Minister of Foreign Relations,  
Caracas.*

*The Venezuelan Minister of Foreign Relations to the American  
Ambassador*

REPÚBLICA DE VENEZUELA  
MINISTERIO DE RELACIONES EXTERIORES  
DIRECCIÓN DE POLÍTICA INTERNACIONAL

No. 0868

CARACAS, 23 de abril de 1955

SEÑOR EMBAJADOR:

Tengo a honra avisar a Vuestra Excelencia el recibo de la atenta nota número 160, de fecha 21 de marzo último, la cual se refiere al acuerdo firmado en esta ciudad el 2 del citado mes entre el Ministro de Sanidad y Asistencia Social de Venezuela y el Jefe de la Misión de Salubridad, Asistencia y Vivienda del Instituto de Asuntos Interamericanos de la Administración de Operaciones Exteriores, una Agencia del Gobierno de los Estados Unidos de América,

acuerdo destinado a especificar las contribuciones que deberán hacer nuestros respectivos Gobiernos a la Oficina Cooperativa Interamericana de Salud Pública (que en adelante se llamará la "Oficina"), durante el período de 1º de julio de 1954 al 30 de junio de 1955. El mencionado acuerdo fue celebrado en conformidad con el Convenio de febrero de 1943, prorrogado hasta el 30 de junio de 1960, con las subsiguientes modificaciones y extensiones de que ha sido objeto, entre el Gobierno de Venezuela y el Instituto de Asuntos Interamericanos para un programa cooperativo de salud y saneamiento.

El texto del Acuerdo que se menciona en primer término es el siguiente:

Acuerdo Suplementario  
Programa Cooperativo de Salud en Venezuela.

1. Este acuerdo constituye un suplemento al Convenio celebrado en febrero de 1943 entre el Gobierno de Venezuela y el Instituto de Asuntos Interamericanos, una agencia cooperativa del Gobierno de los Estados Unidos de América, subsiguientemente modificado y prorrogado para proveer un programa cooperativo en el ramo de salud y saneamiento.

2. Por el presente acuerdo las partes convienen en extender el Convenio de 1943, arriba mencionado, hasta el 30 de junio de 1960, en el entendido de que las correspondientes obligaciones de ambas partes después del 30 de junio de 1955 estarán sujetas a la disponibilidad de fondos por las mismas.

3. (a) El Instituto de Asuntos Interamericanos de la Administración de Operaciones Exteriores depositará al crédito de la Oficina Cooperativa Interamericana de Salud Pública, para el período de 1º de julio de 1954, hasta el 30 de junio de 1955, la suma de \$25.000 (veinte y cinco mil dólares) en moneda de los Estados Unidos de América, lo cual se realizará dentro de los primeros treinta días de la ejecución de este acuerdo.

(b) Para el período del 1º de julio de 1954 hasta el 30 de junio de 1955, el Gobierno de Venezuela depositará al crédito de la Oficina Cooperativa Interamericana de Salud Pública la cantidad de Bs. 1.725.000 (un millón setecientos veinte y cinco mil bolívares), que se destinarán como sigue: para el programa suministro de agua en zonas rurales la cantidad de Bs. 1.675.000 (un millón seiscientos setenta y cinco mil bolívares) y para el programa de Estadística Vital la suma de Bs. 50.000 (cincuenta mil bolívares), debiendo pagarse la suma total en doce cuotas mensuales iguales.

(c) Las contribuciones previstas en el presente acuerdo serán adicionales a las contribuciones a la Oficina Cooperativa Interamericana de Salud Pública que ambas partes han convenido en aportar de conformidad con acuerdos anteriores.

4. Las dos partes pueden hacer contribuciones financieras a la Oficina Cooperativa Interamericana de Salud Pública de conformidad con los arreglos celebrados por el Ministro de Sanidad y Asistencia Social de Venezuela, o la persona que éste señale, y el funcionario que esté debidamente autorizado para ese fin por la agencia designada por el Gobierno de los Estados Unidos de América, para cumplir los compromisos de ese Gobierno respecto al programa de cooperación técnica en Venezuela, o por otros representantes autorizados de los dos Gobiernos.

5. Este Convenio Suplementario entrará en vigor en la fecha de su confirmación por un intercambio de notas diplomáticas entre el Gobierno de los Estados Unidos de América y el Gobierno de Venezuela.

Hecho por duplicado, en los idiomas inglés y castellano, en Caracas a 2 de marzo de 1955.

Por el Gobierno de Venezuela

PEDRO A. GUTIÉRREZ ALFARO  
*Ministro de Sanidad y Asistencia Social.*

Por el Instituto de Asuntos Interamericanos

JOHN M. HEPLER  
*Jeje de la Misión del Instituto de Asuntos  
Interamericanos de Operaciones Exteriores.*

La nota de esa Honorable Embajada que contiene las estipulaciones transcritas y ésta respuesta constituyen un Acuerdo entre los Gobiernos de la República de Venezuela y de los Estados Unidos de América acerca de sus contribuciones respectivas a la Oficina Cooperativa Interamericana de Salud Pública.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta consideración.

A OTÁÑEZ

Al Excelentísimo Señor  
FLETCHER WARREN  
*Embaador Extraordinario y Plenipotenciario  
de los Estados Unidos de América  
Presente.-*

*Translation*

REPUBLIC OF VENEZUELA  
MINISTRY OF FOREIGN RELATIONS  
INTERNATIONAL POLICY DIVISION

No. 0668

CARACAS, April 23, 1955

**MR. AMBASSADOR:**

I have the honor to acknowledge the receipt of Your Excellency's courteous note No. 160 of March 21, 1955, which refers to the agreement signed in this city on March 2 by the Minister of Health and Social Welfare of Venezuela and the Chief of Field Party for Health, Welfare, and Housing of the Institute of Inter-American Affairs of the Foreign Operations Administration, an agency of the Government of the United States of America, for the purpose of specifying the contributions to be made by our respective Governments to the Oficina Cooperativa Interamericana de Salud Pública (hereinafter called the "Oficina") during the period from July 1, 1954, to June 30, 1955. The said agreement was entered into pursuant to the agreement of February 1943, extended to June 30, 1960, as subsequently modified and extended, between the Government of Venezuela and the Institute of Inter-American Affairs, for a cooperative health and sanitation program.

The text of the agreement first mentioned is as follows:

[For the English language text of the agreement, see *ante*, p. 2949.]

Your Embassy's note containing the provisions herein transcribed and this reply constitute an agreement between the Government of the Republic of Venezuela and the Government of the United States of America concerning their respective contributions to the Oficina Cooperativa Interamericana de Salud Pública.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

A OTÁÑEZ

His Excellency

FLETCHER WARREN,

*Ambassador Extraordinary and Plenipotentiary*

*of the United States of America,*

*City.*

# CUBA

## Military Assistance Advisory Group

*Agreement effected by exchange of notes  
Signed at Habana June 24 and August 3, 1955;  
Entered into force August 10, 1955.*

TIAS 3343  
June 24 and  
Aug. 3, 1955

*The American Chargé d'Affaires ad interim to the Cuban Minister  
of State*

No. 442

HABANA, June 24, 1955

EXCELLENCY:

I have the honor to refer to the following Agreements between our two Governments: Mutual Defense Assistance Agreement signed at Habana on March 7, 1952; Army Mission Agreement of August 28, 1951, as extended; Naval Mission Agreement of August 28, 1951, as extended; and the Air Force Mission Agreement of December 22, 1950, as extended.

It is proposed that, notwithstanding the provisions of Articles 7 and 8 of the Army, Naval and Air Force Mission Agreements, the members of the Missions provided for under these Agreements may also perform the functions specified in Article V of the Mutual Defense Agreement of March 7, 1952. The Chief of one of the Missions would be designated as Chief of the Military Assistance Advisory Group, provided for under Article V of the Mutual Defense Assistance Agreement, as an additional duty. The other two Mission Chiefs would be designated as Chief of the respective Service Sections of the Military Assistance Advisory Group as an additional duty. With the assignment of these functions to the Chiefs of the Missions, Article V of the Mutual Defense Assistance Agreement would apply to them. Personnel of the three Missions, when performing functions of the Military Assistance Advisory Group, would act under the direction and control of the Chief of the Diplomatic Mission of the United States of America and would be responsible to him.

If the foregoing proposal is acceptable to Your Excellency's Government, this note and Your Excellency's note in reply, will be considered an agreement between our two Governments on

TIAS 2467.  
3 UST, pt. 2, p. 2001.  
TIAS 2309.  
2 UST 1677.  
TIAS 2310.  
2 UST 1689.  
TIAS 2166.  
1 UST 887.

this matter which shall enter into force on the date of receipt [<sup>1</sup>] of Your Excellency's reply.

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

CARLOS C. HALL

His Excellency

Dr. CARLOS SALADRIGAS Y ZAYAS,  
Minister of State,  
Habana.

*The Cuban Minister of State to the American Chargé d'Affaires  
ad interim*

REPUBLICA DE CUBA  
MINISTERIO DE ESTADO

C-883

LA HABANA, 3 de agosto de 1955.

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo la honra de referirme a la atenta Nota de esa Embajada número 442, de fecha 24 de junio del corriente año, y relacionada con el Acuerdo de Asistencia y Defensa Mutua, firmado en La Habana, el 7 de marzo de 1952; Acuerdo sobre la Misión Militar, de 28 de agosto de 1951, tal como fué prorrogado; Acuerdo sobre la Misión Naval, de 28 de agosto de 1951; tal como fué prorrogado; y Acuerdo sobre la Misión Aérea, de 22 de diciembre de 1950, tal como fué prorrogado.

En contestación, me es muy grato expresar a Vuestra Señoría, que el Gobierno de la República está conforme con lo propuesto en dicha Nota, o sea, que no obstante lo previsto en los Artículos 7 y 8, de los Acuerdos Militar, Naval y Aéreo, los Miembros de las Misiones a que se refieren estos Acuerdos, puedan también realizar las funciones especificadas en el Artículo V del Acuerdo de Defensa Mutua, de 7 de marzo de 1952. El Jefe de una de las Misiones sería designado como Jefe del Grupo de Asistencia Técnico Militar, previsto bajo el Artículo V del Tratado de Asistencia para la Defensa Mutua, como un deber adicional. Los Jefes de las otras dos Misiones serían designados como Jefes de las respectivas secciones de servicios del Grupo de Asistencia Técnico Militar, como un deber adicional. Con la atribución de estas funciones a los Jefes de las Misiones, el Artículo V del Acuerdo de Asistencia para la Defensa Mutua le será aplicable a ellos. El personal de las tres Misiones, cuando actuén en función del

<sup>1</sup> Aug. 10, 1955.

Grupo de Asistencia Técnico Militar, actuarán bajo la dirección y control del Jefe de la Misión Diplomática de los Estados Unidos de América y serán responsables ante él.

La Jefatura del Estado Mayor General del Ejército entiende que la aprobación de la referida Nota número 442, de esa Embajada, anula la proposición anterior en la que se deseaba que el Grupo de Ayuda y Consejo Militar estuviese integrada por un Coronel y un Sargento del Ejército de los Estados Unidos de América.

Aprovecho la oportunidad para reiterar a Vuestra Señoría el testimonio de mi muy distinguida consideración.

CARLOS SALADRIGAS

A Su Señoría CARLOS C. HALL,  
*Encargado de Negocios, ad-interim,*  
*de los Estados Unidos de América,*  
*La Habana.*

*Translation*

REPUBLIC OF CUBA  
MINISTRY OF STATE

C-883

HABANA, August 3, 1955.

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to your Embassy's courteous note No. 442, dated June 24, 1955, relating to the Mutual Defense Assistance Agreement signed at Habana on March 7, 1952; Army Mission Agreement of August 28, 1951, as extended; Naval Mission Agreement of August 28, 1951, as extended; and the Air Force Mission Agreement of December 22, 1950, as extended.

In reply, I take pleasure in informing you that the Government of the Republic is agreeable to the proposal in the above-mentioned note, namely, that, notwithstanding the provisions of Articles 7 and 8 of the Army, Naval and Air Force Military Agreements, the members of the Missions to which these agreements refer may also perform the functions specified in Article V of the Mutual Defense Agreement of March 7, 1952. The Chief of one of the Missions would be designated as Chief of the Military Technical Assistance Group, provided for under Article V of the Mutual Defense Assistance Agreement, as an additional duty. The other two Mission Chiefs would be designated as Chiefs of the respective Service Sections of the Military Technical Assistance Group, as an additional duty. With the assignment of these functions to the Chiefs of the Missions, Article V of the Mutual Defense Assistance

Agreement would apply to them. Personnel of the three Missions, when acting in the name of the Military Technical Assistance Group, will act under the direction and control of the Chief of the Diplomatic Mission of the United States of America and will be responsible to him.

The Army General Staff understands that approval of Your Embassy's above-mentioned note No. 442 cancels the previous proposal which expressed the desire that the Military Assistance Advisory Group be composed of a Colonel and a Sergeant of the Army of the United States of America.

I avail myself of the opportunity to renew to you, Sir, the assurance of my very distinguished consideration.

CARLOS SALADRIGAS

Mr. CARLOS C. HALL,  
*Charge d'Affaires ad interim*  
*of the United States of America,*  
*Habana.*

# ECUADOR

## Financial Arrangements for Furnishing Certain Supplies and Services to Naval Vessels

*Agreement signed at Quito July 8, 1955;  
Entered into force October 6, 1955.*

TIAS 3344  
July 8, 1955

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AGREEMENT BETWEEN CONVENIO ENTRE  
THE GOVERNMENT OF THE UNITED STATES EL GOBIERNO DE LOS ESTADOS UNIDOS  
OF AMERICA AND DE AMÉRICA Y  
THE GOVERNMENT OF ECUADOR EL GOBIERNO DEL ECUADOR  
  
CONCERNING FINANCIAL ARRANGEMENTS FOR CONCERNIENTE A ARREGLOS FINANCIEROS  
THE FURNISHING OF CERTAIN SUPPLIES PARA SUMINISTRAR DETERMINADOS  
AND SERVICES TO NAVAL VESSELS MATERIALES Y SERVICIOS A LAS  
UNIDADES NAVALES  
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In consideration of the fact that from time to time naval vessels of the United States of America may visit ports and naval activities of Ecuador, and likewise, naval vessels of Ecuador may visit ports and naval activities of the United States of America, the Government of the United States of America and the Government of Ecuador agree that supplies and services will be furnished on a reimbursable basis by each of the Governments to naval vessels of the other Government as follows:

Considerando, que cada cierto tiempo los buques de guerra de los Estados Unidos de América puedan visitar los puertos y dependencias navales del Ecuador y que, igualmente, los buques de guerra del Ecuador puedan visitar los puertos y dependencias navales de los Estados Unidos de América, el Gobierno de los Estados Unidos de América y el Gobierno del Ecuador convienen en que se suministrarán materiales y servicios, sobre una base reembolsable por parte de cada uno de los Gobiernos, a los buques de guerra del otro Gobierno, en la forma que a continuación se expone:

### ARTICLE I

Routine port services, such as pilotage, tugs, garbage removal, line handling, and utilities, will be furnished by each of the Governments to visiting naval vessels of the other Government on a reimbursable basis without an advance of funds.

### ARTICULO I

Los servicios rutinarios de puerto, tales como pilotaje, remolque, separación de basuras, manipulación de cordeles y facilidades portuarias, serán suministrados por cada Gobierno a los buques de guerra visitantes del otro Gobierno, sobre la base de un reembolso sin previo anticipo de fondos.

ARTICLE II

Miscellaneous supplies, such as fuel, provisions, spare parts and general stores, will be furnished by each of the Governments to visiting naval vessels of the other Government on a reimbursable basis without an advance of funds, on the condition that such miscellaneous supplies are available in the naval supply system of the host Government.

ARTICULO II

Materiales diversos, como combustible, provisiones, repuestos y abastecimientos en general, serán suministrados por cada Gobierno a los buques de guerra visitantes del otro Gobierno, sobre la base de reembolsos sin anticipo previo de fondos, con la condición de que tales materiales sean disponibles dentro del sistema naval de suministros del Gobierno que da hospedaje.

ARTICLE III

Services, such as overhauling, repairs, alterations, and installation of equipment, together with supplies incidental thereto, will be furnished by each of the Governments to visiting naval vessels of the other Government when funds to cover the estimated cost of such supplies and services have been made available in advance by the benefiting Government, on the condition that such supplies are available in the naval supply system of the host Government or readily obtainable from commercial sources.

ARTICULO III

Servicios tales como los de revisión general, reparaciones, modificaciones e instalaciones de equipo, conjuntamente con los materiales que incidentalmente se requieran para tales servicios, serán proporcionados por cada Gobierno a las unidades navales visitantes del otro Gobierno, cuando los fondos para cubrir el costo estimado de dichos materiales y servicios, hayan sido destinados anticipadamente por el Gobierno beneficiario, con la condición que dichos materiales sean disponibles en las dependencias de suministro naval del Gobierno que da hospedaje o que se los pueda conseguir rápidamente en fuentes comerciales.

ARTICLE IV

Supplies which are distinctive to the naval service of the host Government, and supplies which have been duly classified under applicable security regulations of such naval service, shall not be required to be furnished under the terms of this agreement.

ARTICULO IV

De acuerdo con los términos de este Convenio, no se podrá exigir que se suministren artículos peculiares al servicio naval del Gobierno que da hospedaje así como los materiales que han sido debidamente clasificados de acuerdo con reglamentaciones aplicables a la seguridad de tal servicio naval.

ARTICLE V

Costs of services to be furnished in accordance with Article I of this Agreement will be reimbursed to the host Government at the standard rate prescribed for use within the naval service of the host Government. In the absence of a standard rate, such costs will be reimbursed to the host Government in full, including the cost of labor, material and overhead incurred by the naval activity performing the services. Costs of services to be performed in accordance with Article III of this Agreement will be reimbursed to the host Government in full, including the cost of labor, material and overhead incurred by the naval activity performing the services, plus charges covering the cost of military pay and allowances

ARTICULO V

Los gastos ocasionados por servicios que deben ser suministrados de acuerdo con el artículo 1º de este Convenio, serán reembolsados al Gobierno que da hospedaje, de acuerdo a la tarifa standard prescrita para uso dentro del servicio naval del Gobierno que da hospedaje. A falta de una tarifa standard, dichos gastos serán reembolsados totalmente al Gobierno que da hospedaje, incluyéndose el valor del trabajo, el del material y de los gastos generales permanentes incurridos por la sección naval que presta los servicios. El costo de los servicios prestados de conformidad con el artículo 3º de este Convenio, será totalmente reembolsado al Gobierno que da hospedaje, incluyéndose el valor de la mano de

and depreciation of machinery and equipment. If such services covered by either Article I or Article III are obtained commercially, reimbursement will be made in the amount of the contract cost to the host Government. Costs of supplies to be furnished in accordance with Article II of this Agreement will be reimbursed at the prices at which such supplies are regularly made available for use within the naval service of the host Government, plus accessorial charges covering costs of such items as packing, crating, handling and transportation.

obra, de los materiales, y de los gastos generales permanentes en que ha incurrido la dependencia naval que ha prestado sus servicios, además de los gastos que ocasionen las pagas militares, compensaciones y la depreciación de las maquinarias y equipos. Si tales servicios previstos por el Artículo 1o o por el Artículo 3 se obtienen comercialmente, se hará el reembolso por el valor del costo del contrato al Gobierno que da hospedaje. El costo de los materiales que deben suministrarse de acuerdo con el Artículo 2 de este Convenio será reembolsado al precio en que dichos materiales se obtienen regularmente para el uso interno del servicio naval del Gobierno que proporciona hospedaje, además de los gastos adicionales que incluye el costo de tales servicios como empaque, embalaje, manejo y transporte.

#### ARTICLE VI

Prior to departure of a visiting naval vessel or vessels from a port or naval activity of the host Government, the commanding officer of such visiting naval vessel or vessels will be presented with one bill covering the total value of all services

#### ARTICULO VI

Antes de la partida de un buque o buques de guerra visitantes de un puerto o dependencia naval del Gobierno que da hospedaje, se presentará al Comandante de dicha unidad o de dichas unidades, una factura por el valor total de todos

rendered and supplies furnished by the port or naval activity. This bill will be either paid in cash or appropriately certified by such commanding officer as to the receipt and acceptance of the services and supplies listed thereon. The bill so certified will be returned to the appropriate naval representative at the port or naval activity, who will forward it in such manner as may be prescribed by regulation of his naval service for ultimate presentation to the appropriate representative of the benefiting Government. The bill will be due and payable within a period of thirty (30) days from the time of presentation to such representative.

los servicios prestados y de los materiales suministrados en el puerto o dependencia naval. Este documento será pagado al contado o convenientemente certificado por dicho Comandante constando el recibo y la aceptación de los servicios y materiales que en él se mencionan. La factura certificada de esta manera será devuelta al correspondiente representante naval del puerto o dependencia naval, quien la tramitará en la forma prescrita por los reglamentos del servicio naval, para su presentación eventual al respectivo representante del Gobierno beneficiario. La factura vencerá y será pagadera dentro de un periodo de treinta (30) días a contar de la fecha de presentación a dicho representante.

#### ARTICLE VII

In the case of an extended visit, intermittent billings for the supplies and services furnished hereunder will be presented to the commanding officer of the visiting naval vessel or vessels at such intervals as may be mutually agreed upon between such commanding officer and the naval representative of the port or

En caso de una visita prolongada, se presentarán cuentas periódicas por los artículos y servicios suministrados, al Comandante del buque o buques de guerra visitantes, a intervalos que pueden ser convenidos mutuamente entre dicho Comandante y el representante naval del puerto o dependencia naval.

#### ARTICULO VII

naval activity. Such billings will be certified and processed for payment in the same manner as provided in Article VI hereof.

Tales cuentas serán certificadas y sometidas al procedimiento previsto en el Artículo 6o., para los efectos de su cancelación.

ARTICLE VIII

All payments for services and supplies covered by this Agreement shall be made in the currency of the host Government.

ARTICULO VIII

Todo pago por servicios y suministros contemplados en este Convenio, se efectuará en moneda del país que da hospedaje.

ARTICLE IX

This Agreement shall come into force ninety (90) days from the date of signature thereof and shall apply to all supplies and services furnished on or after such date. Either of the signatory Governments may terminate this Agreement by giving notice of such termination at least ninety (90) days in advance of the effective date thereof.

ARTICULO IX

Este Convenio entrará en vigencia noventa (90) días después de su suscripción y se lo aplicará a todos los servicios y materiales suministrados a la fecha de tal suscripción o con posterioridad a la misma. Cualquiera de los dos Gobiernos signatarios podrá dar por terminado este Convenio, notificando tal terminación con noventa días de anticipación por lo menos a la fecha en que deba surtir efecto.

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

En f<sup>e</sup> de lo cual, los suscritos, debidamente autorizados por sus respectivos Gobiernos firmamos este Convenio.

<sup>1</sup> Oct. 6, 1955.

Done in duplicate in the English language and the Spanish language this eighth day of July, 1955.

Dado en dos ejemplares en los idiomas inglés y español, este día ocho de julio de 1.955.

FOR THE GOVERNMENT OF THE UNITED STATES  
OF AMERICA:

[SEAL]

SHELDON T. MILLS  
*Ambassador Extraordinary  
and Plenipotentiary*

FOR THE GOVERNMENT OF ECUADOR:

[SEAL]

LUIS ANT. PEÑAHERERRA  
*Minister of Foreign Affairs*

PEDRO MENENDEZ  
*Minister of National Defense*



# PARAGUAY

## Army Mission

*Agreement extending and amending the agreement of December 10, 1943,  
as extended.*

TIAS 3345  
July 22, 1955

*Effectuated by exchange of notes*

*Signed at Asunción July 22, 1955;*

*Entered into force July 22, 1955;*

*Operative retroactively December 10, 1953.*

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*The American Ambassador to the Paraguayan Minister of Foreign Affairs*

No. 15

AMERICAN EMBASSY,  
Asunción, July 22, 1955

### EXCELLENCY:

I have the honor to refer to the Military Mission Agreement between the Governments of the Republic of Paraguay and of the United States of America signed at Washington on December 10, 1943, extended for a period of four years by an exchange of notes of October 25 and November 20, 1947, [1] and extended for a further period of two years by an exchange of notes of May 31 and July 30, 1951; and to the exchange of notes in regard thereto, the Embassy's notes Nos. 93 of April 9, 1954 [1] and No. 187 of June 13, 1955, [1] and Your Excellency's replies, DOTA Nos. 19 and 782 of January 13 and July 15, 1955. [1]

EAS 354.  
57 Stat. 1184.

TIAS 2578.  
3 UST, pt. 3, p.  
4297.

In the present note are reiterated the suggestions for amending the Military Mission Agreement made in the Embassy's notes Nos. 93 and 187 referred to above. This is done in order that this note and a favorable reply by Your Excellency might of themselves constitute an agreement extending the Military Mission Agreement.

My Government desires to suggest the following amendments to this Agreement:

- (a) insert the words "and noncommissioned officers" after the word "officers" in the Preamble;

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<sup>1</sup> Not printed.

- (b) delete the words "Military Mission" in the Preamble and substitute therefor the words "Army Mission", and refer hereafter to the agreement as the "Army Mission Agreement";
- (c) delete the words "War Department" in Article 6 and substitute therefor the words "Department of the Army";
- (d) delete the phrase "through its authorized representative in Washington" in Article 6, and
- (e) amend Article 15 of the Agreement so that the Article will read as follows:

"ARTICLE 15. (a) The cost of transportation for members of the Mission, members of their families, and for their household goods and personal effects, shall be borne by the Government of the United States of America in accordance with its laws and regulations.

(b) The cost of transportation of one private automobile for each member of the Mission, including the present members of the Mission, between the port of embarkation in the United States of America and his residence in the Republic of Paraguay, including all expenses incidental to unloading the automobile from the carrier and delivering it to the Mission member at his residence in the Republic of Paraguay, shall be borne by the Government of the Republic of Paraguay. This subparagraph (b) shall not apply to members of the Mission whose assignment to the Mission is not intended to be for at least one year.

- (c) (i) A Mission member who has been assigned to the Mission for two years or more shall, within a reasonable time prior to his departure from the Republic of Paraguay, be entitled to sell his private automobile without any restrictions or conditions.
- (ii) A Mission member who has been assigned to the Mission for less than two years, and who has a private automobile which he desires to sell prior to his departure from the Republic of Paraguay, shall first offer the automobile to the Government of the Republic of Paraguay at the declared valuation at time of import. If the Government of the Republic of Paraguay does not exercise its option within fifteen days, the Mission member shall be free to sell his private automobile with the sole condition that

he pay the import duties in effect at the time the automobile entered the country.

- (iii) For the purposes of this agreement, a Mission member shall be considered as being assigned to the Mission beginning on the date on which the Government of the Republic of Paraguay commences payment to the Mission member of net annual compensation and ending on the date on which it ceases such payments as provided in Article 13."

As thus amended, my Government desires to extend the Agreement effective December 10, 1953, until such time as it may be terminated as provided in either Article 4 or Article 5 of the Agreement.

If the proposals made in this note are acceptable to Your Excellency, my Government will consider this note and an affirmative response thereto as constituting an agreement extending the Military Mission Agreement, as amended, effective as of the date noted above.

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

ARTHUR A. AGETON

His Excellency

Dr. HIPÓLITO SÁNCHEZ QUELL,  
*Minister of Foreign Affairs*  
*of the Republic of Paraguay,*  
*Asunción.*

*The Paraguayan Minister of Foreign Affairs to the American  
Ambassador*

REPÚBLICA DEL PARAGUAY  
MINISTERIO DE RELACIONES EXTERIORES

DOTAI N° 836.-

ASUNCIÓN, 22 de julio de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de dirigirme a Vuestra Excelencia a fin de referirme al Acuerdo entre el Gobierno que Vuestra Excelencia tan dignamente representa y mi Gobierno, suscrito en Washington el 10 de Diciembre de 1943, mediante el cual se ha establecido la Misión Militar de los Estados Unidos de América en el Paraguay. Me refiero, asimismo, a las prórrogas de dicho Acuerdo formalizadas mediante los intercambios de notas de fechas 25 de Octubre y 20 de Noviembre de 1947 y de fechas 31 de Mayo y 30 de Julio de 1951. Me refiero también a las notas de esa Embajada,

número 93, del 19 de Abril de 1954 y número 187 del 13 de Junio de 1955 y a mis respectivas respuestas, notas DOTAII números 19 y 782, de fechas 13 de Enero y 15 de Julio de 1955. Por último, me refiero a la nota de esa Embajada, número 15 de fecha de hoy, mediante la cual se reiteran las sugerencias para la enmienda del citado Acuerdo así como para su prórroga adicional.

Mi Gobierno acepta las enmiendas propuestas por Vuestra Excelencia en la última de sus notas citadas; enmiendas a introducirse en el texto original del Acuerdo referente a la Misión Militar de los Estados Unidos de América en el Paraguay y que consisten en las que detalladamente se reproducen a continuación:

- a) La introducción en el Preámbulo de las palabras "y suboficiales" después de la palabra "oficiales".
- b) La substitución de las palabras "Misión Militar" por las palabras "Misión del Ejército" en el preámbulo, haciendo referencia en lo sucesivo al "Acuerdo de la Misión del Ejército".
- c) La substitución en el artículo VI de las palabras "Departamento de Guerra" por las palabras "Departamento del Ejército".
- d) La supresión en el artículo VI de la frase "por el intermedio de su representante autorizado en Washington". Y
- e) La substitución del texto original del Artículo XV (15), por el siguiente:

"Artículo 15.—(a) —El costo de transporte de los Miembros de la Misión, los miembros de sus familias y de sus menajes de casa y efectos personales, serán sufragados por el Gobierno de los Estados Unidos de América, de conformidad con sus leyes y Reglamentos.

- (b) El costo de transporte de un automóvil particular para cada miembro de la Misión inclusive los miembros actuales de la Misión, entre el puerto de embarque en los Estados Unidos de América y su residencia en la República del Paraguay, inclusive todos los gastos incidentales al desembarque del automóvil, del transporte y de su entrega al miembro de la Misión en su residencia en la República del Paraguay, serán sufragados por el Gobierno de la República del Paraguay. Este sub-párrafo (b) no afectará a los miembros de la Misión cuando se prevé que su designación a la Misión no será por un plazo mínimo de un año.
- (c) (1) — Un miembro de la Misión cuya designación a la Misión es de dos años o más, dentro de un tiempo razonable

antes de su salida de la República del Paraguay, tendrá el derecho de vender su automóvil particular sin limitaciones cualesquiera.

(2) — Un miembro de la Misión cuya designación a la Misión es por menos de dos años, y que tiene un automóvil particular que desea vender antes de su salida de la República del Paraguay, lo ofrecerá en primer lugar al Gobierno de la República del Paraguay por el valor declarado en la fecha de entrada. Si el Gobierno del Paraguay no aprovecha su opción dentro de quince días, el miembro de la Misión quedará en libertad de acción para vender su automóvil particular con la sola condición de pagar los impuestos de importación vigentes en la fecha en que el automóvil entró en el país.

(3) — Para los fines de este Acuerdo se considerará que la designación de cada miembro de la Misión empieza en la fecha en que el Gobierno de la República del Paraguay comienza a pagar al miembro de la Misión su remuneración anual neta y cesa en la fecha en que terminan dichos pagos de conformidad con el artículo 13".

De conformidad con la propuesta contenida en la nota de Vuestra Excelencia, número 15, de fecha de hoy, mi Gobierno considera dicha nota y esta respuesta concurrente como constituyendo un Acuerdo que prorroga el Acuerdo de la Misión del Ejército de los Estados Unidos de América en el Paraguay, de fecha 10 de Diciembre de 1943, desde el 10 de Diciembre de 1953 hasta la fecha en que pueda terminar, según se prevé en los artículos IV y V del referido Acuerdo.

Hago propicia la oportunidad para renovar a Vuestra Excelencia las seguridades de mi consideración más distinguida.

H. SÁNCHEZ QUELL  
*Ministro*

A Su Excelencia

El Señor Don ARTHUR A. AGETON,  
*Embajador Extraordinario y Plenipotenciario de los*  
*Estados Unidos de America.*  
*Ciudad.*—

*Translation*

REPUBLIC OF PARAGUAY  
MINISTRY OF FOREIGN AFFAIRS

DOTAI No. 836.—

ASUNCIÓN, July 22, 1955.

MR. AMBASSADOR:

I have the honor to address Your Excellency for the purpose of referring to the agreement between the Government which Your Excellency so worthily represents and my Government, signed at Washington on December 10, 1943, by which the United States Military Mission in Paraguay was established. I likewise refer to the extensions of the said agreement that were formalized through the exchanges of notes of October 25 and November 20, 1947, and of May 31 and July 30, 1951. I refer also to your Embassy's notes No. 93 of April 19, 1954, and No. 187 of June 13, 1955, and to my replies thereto, notes DOTAIS Nos. 19 and 782, dated January 13 and July 15, 1955. Lastly, I refer to your Embassy's note No. 15 dated today, which reiterates the suggestions for the amendment of the aforesaid agreement as well as for its further extension.

My Government accepts the amendments proposed by Your Excellency in the last of your above-mentioned notes, amendments which are to be introduced into the original text of the agreement relating to the United States Military Mission in Paraguay, and which consist of those set forth in detail below:

[For the English language text of the detailed amendments, see *ante*, p. 2967.]

In accordance with the proposal contained in Your Excellency's note No. 15 of today's date, my Government considers the said note and this reply concurring therewith as constituting an agreement extending the Agreement of the United States Army Mission in Paraguay, dated December 10, 1943, from December 10, 1953, to the date on which it may terminate, as provided in Articles IV and V of the aforesaid agreement.

I avail myself of the opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

H. SÁNCHEZ QUELL  
*Minister*

His Excellency

ARTHUR A. AGTON,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

# CHINA

## Defense: Loan of Vessels and Small Craft

*Agreement amending the agreement of May 14, 1954, as amended.*

*Effectuated by exchange of notes*

*Dated at Taipei June 18, 1955;*

*Entered into force June 18, 1955.*

TIAS 3346  
June 18, 1955

*The American Embassy to the Chinese Ministry of Foreign Affairs*

No. 24.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of China, and has the honor to refer to the Embassy's Note No. 59 of May 14, 1954, as amended by the Embassy's Note No. 17 of March 22, 1955, on the subject of transfer of Naval vessels to the Government of the Republic of China.

TIAS 2079.  
5 UST, pt. 1, p. 893.  
TIAS 3215.  
*Ante*, p. 750.

The Embassy wishes to inform the Ministry that the United States is now prepared to transfer two additional LST's to the Government of the Republic of China under provisions of Public Law 188. In this regard it is the understanding of the Embassy that the annex to its Note No. 59 of May 14, 1954 shall be further amended to include the following:

67 Stat. 363.  
50 U. S. C. app.  
§ 1878c.

"Vessels designated for transfer to the Government of the Republic of China:

LST Hull No. 279  
LST Hull No. 400."

It is proposed that if this understanding meets with the approval of the Government of the Republic of China, the present note and the Ministry's note in reply shall be considered as constituting an amendment to the annex of the Embassy's Note No. 59 of May 14, 1954.

The Embassy of the United States of America avails itself of this opportunity to renew to the Chinese Ministry of Foreign Affairs the assurances of its highest and most distinguished consideration.

AMERICAN EMBASSY,  
Taipei, June 18, 1955.

節略

中華民國外交部茲向美國大使館致意並聲述：接准美國大使館  
本年六月十八日第廿四號節略內稱：

「美國大使館茲向外交部致意並聲述：關於移交中華民國  
政府海軍船艦事，美國大使館一九五四年五月十四日第五十九  
號照會及一九五五年三月廿二日第十七號修正前項文件之照會  
均計達。」

「美國大使館茲奉告外交部：美國政府現根據第一八八號

法案擬續以戰車登陸艦兩艘移交中華民國政府。依大使館關於此事之瞭解，大使館一九五四年五月十四日第五十九號照會之附件應再予修正增列一節如下：

一、指定移交中華民國政府之船艦：

戰車登陸艦（船身編號二七九）

戰車登陸艦（船身編號四〇〇）

「茲特建議：此項瞭解如蒙中華民國政府同意，則本節略

與外交部之復略，即應認為構成大使館一九五四年五月十四日

*The Chinese Ministry of Foreign Affairs to the American Embassy*

等由。

第五十九號照會附件之修正。」

外交部茲代表中華民國政府對於上開之瞭解予以證實。  
相應略復查照為荷。

中華民國四十四年六月十八日於台北外交部

[SEAL]

外  
44  
美一

*Translation*

No. Wai(44)MEI/I-006019

The Ministry of Foreign Affairs of the Republic of China presents its compliments to the Embassy of the United States of America, and has the honor to acknowledge receipt of the Embassy's note No. 24, dated June 18, 1955, reading as follows:

[For the English language text of the note, see *ante*, p. 2973.]

In reply, the Ministry of Foreign Affairs has the honor to confirm the above understanding on behalf of the Government of the Republic of China.

[SEAL]

MINISTRY OF FOREIGN AFFAIRS

Taipei, June 18, 1955

TIAS 3346



# CHINA

## Air Transport Services

*Agreement amending the agreement of December 20, 1946, as extended  
and amended.*

TIAS 3347  
Feb. 7 and  
Apr. 15, 1955

*Effectuated by exchange of notes*

*Dated at Washington February 7 and April 15, 1955;  
Entered into force April 15, 1955.*

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### *The Chinese Ambassador to the Secretary of State*

The Chinese Ambassador presents his compliments to the Secretary of State and, referring to the Ambassador's note of December 28, 1954,<sup>1</sup> and to conversations between Mr. Charles L. Hodge and Mr. Edward A. Bolster of the Department of State and Mr. T. L. Tsui of this Embassy, has the honor to inform the Secretary that the Government of the Republic of China, in order to establish a company to operate air routes to Okinawa and beyond, has requested that the Annex to the Air Transport Agreement of 1946 between the Republic of China and the United States of America be amended by adding to Section B of such Annex the following: "4. China to Okinawa and beyond."

TIAS 1609.  
61 Stat., pt. 3, p.  
2799.

The Ambassador will appreciate it if the Secretary would be good enough to confirm that the proposed amendment is acceptable to the United States Government and that this note together with the Secretary's reply thereto will constitute an amendment to the Annex of the Air Transport Agreement of 1946.

T L T.

CHINESE EMBASSY,  
Washington, February 7, 1955

261370

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<sup>1</sup> Not printed.

*The Secretary of State to the Chinese Ambassador*

The Secretary of State presents his compliments to His Excellency the Chinese Ambassador and has the honor to refer to His Excellency's note of February 7, 1955 which reads as follows:

"The Chinese Ambassador presents his compliments to the Secretary of State and, referring to the Ambassador's note of December 28, 1954, and to conversations between Mr. Charles L. Hodge and Mr. Edward A. Bolster of the Department of State and Mr. T. L. Tsui of this Embassy, has the honor to inform the Secretary that the Government of the Republic of China, in order to establish a company to operate air routes to Okinawa and beyond, has requested that the Annex to the Air Transport Agreement of 1946 between the Republic of China and the United States of America be amended by adding to Section B of such Annex the following: '4. China to Okinawa and beyond.'

"The Ambassador will appreciate it if the Secretary would be good enough to confirm that the proposed amendment is acceptable to the United States Government and that this note together with the Secretary's reply thereto will constitute an amendment to the Annex of the Air Transport Agreement of 1946."

The Secretary of State has the honor to inform His Excellency that the Government of the United States of America accepts the proposed amendment as contained in His Excellency's note which, with this reply, is regarded as constituting an agreed amendment of the Annex to the extent specified in these notes, such amendment to be effective from this date.

**DEPARTMENT OF STATE,**  
*Washington, April 15 1955*

# PHILIPPINES

## TRADE

*Agreement and protocol, with annexes and exchange of notes, revising  
the agreement of July 4, 1946.* TIAS 3348  
Sept. 6, 1955

*Signed at Washington September 6, 1955;*

*Proclaimed by the President of the United States of America  
October 26, 1955;*

*Date of entry into force January 1, 1956.*

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### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 201 of the act of Congress of the United States of America entitled "Philippine Trade Agreement Revision Act of 1955," approved August 1, 1955 (69 Stat. 413), authorizes the President of the United States of America to enter into an agreement with the President of the Philippines revising the executive agreement concerning trade and related matters entered into by the President of the United States and the President of the Philippines on July 4, 1946, which executive agreement entered into force on January 2, 1947, pursuant to the provisions of the Philippine Trade Act of 1946 (60 Stat. 141), and Presidential proclamations of December 17, 1946, and January 8, 1947;

TIAS 1588.  
61 Stat., pt. 3.  
p. 2611.  
  
22 U.S.C. § 1251  
note.

WHEREAS the President of the United States of America, acting pursuant to the provisions of the said section 201 of the Philippine Trade Agreement Revision Act of 1955, through his duly empowered Plenipotentiary, signed an agreement on September 6, 1955, with the President of the Philippines, through his duly empowered Plenipotentiary, revising the said agreement of July 4, 1946, so that such agreement, as so revised, including a protocol and annexes is in words and figures as follows:

AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE REPUBLIC OF THE PHILIPPINES  
CONCERNING TRADE AND RELATED MATTERS  
DURING A TRANSITIONAL PERIOD FOLLOWING  
THE INSTITUTION OF PHILIPPINE INDEPENDENCE,  
SIGNED AT MANILA ON JULY 4, 1946, AS REVISED

The President of the United States of America and the President of the Republic of the Philippines, mindful of the close economic ties between the people of the United States and the people of the Philippines during many years of intimate political relations, and desiring to enter into an agreement in keeping with their long friendship, which will be mutually beneficial to the two peoples and will strengthen the economy of the Philippines so as to enable that Republic to contribute more effectively to the peace and prosperity of the free world, have agreed to the following Articles:

## ARTICLE I

1. The ordinary customs duty to be collected on United States articles as defined in Subparagraph (e) of Paragraph 1 of the Protocol, which during the following portions of the period from January 1, 1956, to July 3, 1974, both dates inclusive, are entered, or withdrawn from warehouse, in the Philippines for consumption, shall be determined by applying the following percentages of the Philippine duty as defined in Subparagraph (h) of Paragraph 1 of the Protocol:

- (a) During the period from January 1, 1956, to December 31, 1958, both dates inclusive, twenty-five per centum.
- (b) During the period from January 1, 1959, to December 31, 1961, both dates inclusive, fifty per centum.
- (c) During the period from January 1, 1962, to December 31, 1964, both dates inclusive, seventy-five per centum.
- (d) During the period from January 1, 1965, to December 31, 1973, both dates inclusive, ninety per centum.
- (e) During the period from January 1, 1974, to July 3, 1974, both dates inclusive, one hundred per centum.

2. The ordinary customs duty to be collected on Philippine articles as defined in Subparagraph (f) of Paragraph 1 of the Protocol, other than those specified in the Schedule to Paragraph 2 of Article II, which during such portions of such period are entered, or withdrawn from warehouse, in the United States for consumption, shall be determined by applying the following percentages of the United States duty as defined in Subparagraph (g) of Paragraph 1 of the Protocol:

- (a) During the period from January 1, 1956, to December 31, 1958, both dates inclusive, five per centum.
- (b) During the period from January 1, 1959, to December 31, 1961, both dates inclusive, ten per centum.
- (c) During the period from January 1, 1962, to December 31, 1964, both dates inclusive, twenty per centum.
- (d) During the period from January 1, 1965, to December 31, 1967, both dates inclusive, forty per centum.
- (e) During the period from January 1, 1968, to December 31, 1970, both dates inclusive, sixty per centum.
- (f) During the period from January 1, 1971, to December 31, 1973, both dates inclusive, eighty per centum.
- (g) During the period from January 1, 1974, to July 3, 1974, both dates inclusive, one hundred per centum.

3. Customs duties on United States articles, and on

Philippine articles, other than ordinary customs duties, shall be determined without regard to the provisions of Paragraphs 1 and 2 of this Article, but shall be subject to the provisions of Paragraph 4 of this Article.

4. With respect to United States articles imported into the Philippines, and with respect to Philippine articles imported into the United States, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the duty is not imposed with respect to such like articles. As used in this Paragraph, the term "duty" includes taxes, fees,

charges, or exactions, imposed on or in connection with importation, but does not include internal taxes or ordinary customs duties.

5. With respect to products of the United States which do not come within the definition of United States articles, imported into the Philippines, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the duty is not imposed with respect to such like articles which are the product of any other foreign country. As used in this Paragraph the term "duty" includes taxes, fees, charges, or exactions, imposed on or in connection with importation, but does not include internal taxes.

6. With respect to products of the Philippines, which do not come within the definition of Philippine articles, imported into the United States, no duty on or in connection with importation shall be collected or paid in an amount in excess of the duty imposed with respect to like articles which are the product of any other foreign country (except Cuba), or collected or paid in any amount if the duty is not imposed with respect to such like articles which are the product of any other foreign country (except Cuba). As used in this Paragraph the term "duty" includes taxes, fees, charges, or exactions, imposed on or in connection with importation, but does not include internal taxes.

7. Notwithstanding the provisions of Paragraph 1 of this Article, the Philippines shall impose a temporary special import

*Post*, p. 3025.

tax, in lieu of the present tax on the sale of foreign exchange, on any article or product imported or brought into the Philippines, irrespective of source; provided that such special levy is applied in a non-discriminatory manner pursuant to Paragraphs 4 and 5 of this Article, that the initial tax is at a rate no higher than the present rate of the foreign exchange tax, and that the tax shall be progressively reduced at a rate no less rapid than that specified in the following Schedule. If, as a result of applying this Schedule, the total revenue from Philippine customs duties and from the special import tax on goods coming from the United States is less in any calendar year than the proceeds from the exchange tax on such goods during the calendar year 1955, no reduction need be made in the special import tax for the next succeeding calendar year, and, if necessary to restore revenues collected on the importation of United States goods to the level of the exchange tax on such goods in calendar year 1955, the Philippines may increase the rate for such succeeding calendar year to any previous level provided for in this Schedule which is considered to be necessary to restore such revenues to the amount collected from the exchange tax on United States goods in calendar year 1955. Rates for the special import levy in subsequent years shall be fixed in accordance with the schedules specified in this Article, except as the Philippine Government may determine that higher rates are necessary to maintain the above-mentioned level of revenues from the importation of United States goods. In this event, such rate shall be determined by the Philippine Government, after consultation with the United States

Government, at a level of the Schedule calculated to cover any anticipated deficiency arising from the operation of this provision.

#### SCHEDULE FOR REDUCING SPECIAL IMPORT TAX

- (a) After December 31, 1956, ninety per centum.
- (b) After December 31, 1957, eighty per centum.
- (c) After December 31, 1958, seventy per centum.
- (d) After December 31, 1959, sixty per centum.
- (e) After December 31, 1960, fifty per centum.
- (f) After December 31, 1961, forty per centum.
- (g) After December 31, 1962, thirty per centum.
- (h) After December 31, 1963, twenty per centum.
- (i) After December 31, 1964, ten per centum.
- (j) On and after January 1, 1966, nil.

#### ARTICLE II

1. During the period from January 1, 1956, to December 31, Quotas. 1973, both dates inclusive, the total amount of the articles falling within one of the classes specified in Items A and A-1 of the Schedule to this Paragraph, which are Philippine articles as defined in Subparagraph (f) of Paragraph 1 of the Protocol, and which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed the amounts specified in such Schedule as to each class of articles. During the period from January 1, 1956, to December 31, 1973, both dates inclusive, the total amount of the articles falling within the class specified in Item B of the

Schedule to this Paragraph which are the product of the Philippines, and which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed the amount specified in such Schedule as to such class of articles. During the period from January 1, 1974, to July 3, 1974, both dates inclusive, the total amounts referred to in the preceding sentences of this Paragraph shall not exceed one-half of the amount specified in such Schedule with respect to each class of articles, respectively. The establishment herein of the limitations on the amounts of Philippine raw and refined sugar that may be entered, or withdrawn from warehouse, in the United States for consumption, shall be without prejudice to any increases which the Congress of the United States might allocate to the Philippines in the future. The following Schedule to Paragraph 1 shall constitute an integral part thereof:

#### SCHEDULE OF ABSOLUTE QUOTAS

| <u>Item</u>  | <u>Classes of Articles</u>  | <u>Amounts</u>  |
|--|---|---|
| A  | Sugars  | 952,000 short tons  |
|  | A-1 of which not to exceed .....<br>may be refined sugars, meaning<br>"direct-consumption sugar" as<br>defined in Section 101 of the<br>Sugar Act of 1948, as amended,<br>of the United States which is<br>set forth in part as Annex I to<br>this Agreement. | 56,000 short tons   |
| 61 Stat. 922.<br>7 U. S. C. § 1101.<br><br>46 Stat. 675.<br>19 U. S. C.<br>§ 1201. | B   | Cordage, including yarns, 6,000,000 lbs.<br>twines (including binding twine<br>described in Paragraph 1622 of<br>the Tariff Act of 1930 of the<br>United States, as amended, which<br>is set forth as Annex II to this<br>Agreement), cords, cordage, rope,<br>and cable, tarred or untarred,<br>wholly or in chief value of manila<br>(abaca) or other hard fiber. |

2. Philippine articles as defined in Subparagraph (f) of Paragraph 1 of the Protocol falling within one of the classes specified in the items included in the Schedule to this Paragraph, which, during the following portions of the period from January 1, 1956, to December 31, 1973, both dates inclusive, are entered, or withdrawn from warehouse, in the United States for consumption, shall be free of ordinary customs duty, in quantities determined by applying the following percentages to the amounts specified in such Schedule as to each such class of articles:

- (a) During each of the calendar years 1956 to 1958, inclusive, ninety-five per centum.
- (b) During each of the calendar years 1959 to 1961, inclusive, ninety per centum.
- (c) During each of the calendar years 1962 to 1964, inclusive, eighty per centum.
- (d) During each of the calendar years 1965 to 1967, inclusive, sixty per centum.
- (e) During each of the calendar years 1968 to 1970, inclusive, forty per centum.
- (f) During each of the calendar years 1971 to 1973, inclusive, twenty per centum.
- (g) On and after January 1, 1974, nil.

The following Schedule to Paragraph 2 shall constitute an integral part thereof:

## SCHEDULE OF TARIFF QUOTAS

| <u>Item</u> | <u>Classes of Articles</u>  | <u>Amounts</u>     |
|-------------|---|--------------------|
| A           | Cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes, including wrappers).   | 200,000,000 cigars |
| B           | Scrap tobacco, and stemmed and unstemmed filler tobacco described in Paragraph 602 of the Tariff Act of 1930 of the United States, as amended, which is set forth as Annex III to this Agreement. | 6,500,000 lbs.     |
| C           | Coconut oil   | 200,000 long tons  |
| D           | Buttons of pearl or shell   | 850,000 gross      |

The quantities shown in the Schedule to this Paragraph represent base quantities for the purposes of computing the tariff-free quota and are not absolute quotas. Any such Philippine article so entered, or withdrawn from warehouse, in excess of the duty-free quota provided in this Paragraph shall be subject to one hundred per centum of the United States duty as defined in Sub-paragraph (g) of Paragraph 1 of the Protocol.

## ARTICLE III

Imposition of restrictions.

1. Except as otherwise provided in Article II or in Paragraph 2 of this Article, neither country shall impose restrictions or prohibitions on the importation of any article of the other country, or on the exportation of any article to the territories of the other country, unless the importation of the like article of, or the exportation of the like article to, all third countries is similarly restricted or prohibited. If either country imposes quantitative restrictions on the importation or exportation of any article in which the other country has an

important interest and if it makes allotments to any third country, it shall afford such other country a share proportionate to the amount of the article, by quantity or value, supplied by or to it during a previous representative period, due consideration being given to any special factors affecting the trade in such article.

2. (a) Notwithstanding the provisions of Paragraph 1 of this Article, with respect to quotas on United States articles as defined in Subparagraph (e) of Paragraph 1 of the Protocol or with respect to quotas on Philippine articles as defined in Subparagraph (f) of Paragraph 1 of the Protocol (other than the articles for which quotas are provided in Paragraph 1 of Article II) a quota may be established only if —

(1) The President of the country desiring to impose the quota, after investigation, finds and proclaims that, as the result of preferential treatment accorded pursuant to this Agreement, any article of the other country is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or directly competitive articles; or

(2) The President of the country desiring to impose the quota finds that such action is necessary to forestall the imminent threat of, or to stop, a serious decline in its monetary reserves, or, in the event its monetary reserves are very low, to achieve a reasonable rate of increase in its reserves.

(b) Any quota imposed for any twelve-month period under (a) (1) above for the purpose of protecting domestic industry shall not be less than the amount determined by the President of the importing country as the total amount of the articles of such class which, during the twelve months preceding entry into effect of the quota, was entered, or withdrawn from warehouse, for consumption, after deduction of the amount by which he finds domestic production can be increased during the twelve-month period of the quota; or if the quota is established for any period other than a twelve-month period, it shall not be less than a proportionate amount.

(c) Each Party agrees not to apply restrictions so as to prevent unreasonably the importation of any description of goods in minimum commercial quantities, the exclusion of which would seriously impair regular channels of trade, or restrictions which would prevent the importation of commercial samples, or prevent compliance with patent, trademark, copyright, or similar procedures.

(d) Any quota established pursuant to this Paragraph shall not continue in effect longer than necessary to achieve the purposes for its imposition, at which time the President of the country imposing the quota, following investigation, shall find and proclaim that the conditions which gave rise to the establishment of such quota no longer exist.

3. Either country taking action pursuant to the provisions of this Article shall give notice to the other country as far in advance as may be practicable, and shall afford it an opportunity

to consult in respect of the proposed action. It is understood that this right of consultation does not imply that the consent of the other country to the establishment of the quota is needed in order for the quota to be put into effect.

#### ARTICLE IV

1. With respect to articles which are products of the United States coming into the Philippines, or with respect to articles manufactured in the Philippines wholly or in part from such articles, no internal tax shall be —

Internal taxes.  
*Post*, pp. 3010, 3012.

(a) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of the Philippines, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles;

(b) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles.

Where an internal tax is imposed with respect to an article which is the product of a foreign country to compensate for an internal tax imposed (1) with respect to a like article which is the product of the Philippines, or (2) with respect to materials used in the production of a like article which is the product of the Philippines, if the amount of the internal tax which is collected and paid with respect to the article which is the product of the United States is not in excess of that permitted by

Paragraph 1 (b) of Article IV such collection and payment shall not be regarded as in violation of the first sentence of this Paragraph.

2. With respect to articles which are products of the Philippines coming into the United States, or with respect to articles manufactured in the United States wholly or in part from such articles, no internal tax shall be —

(a) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of the United States, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles;

(b) Collected or paid in an amount in excess of the internal tax imposed with respect to like articles which are the product of any other foreign country, or collected or paid in any amount if the internal tax is not imposed with respect to such like articles.

Where an internal tax is imposed with respect to an article which is the product of a foreign country to compensate for an internal tax imposed (1) with respect to a like article which is the product of the United States, or (2) with respect to materials used in the production of a like article which is the product of the United States, if the amount of the internal tax which is collected and paid with respect to the article which is the product of the Philippines is not in excess of that permitted by Paragraph 2 (b) of Article IV such collection and payment shall not be regarded as in violation of the first sentence of this

Paragraph. This Paragraph shall not apply to the taxes imposed under Sections 4591, 4812, or 4831 of the Internal Revenue Code of the United States which are set forth in part as Annexes IV, V, and VI of this Agreement.

68A Stat. 545,  
571, 576.  
26 U. S. C. §§  
4591, 4812, 4831.

3. No processing tax or other internal tax shall be imposed or collected in the United States or in the Philippines with respect to articles coming into such country for the official use of the Government of the Philippines or of the United States, respectively, or any department or agency thereof.

4. No processing tax or other internal tax shall be imposed or collected in the United States with respect to manila (abaca) fiber not dressed or manufactured in any manner.

5. The United States will not reduce the preference of two cents per pound provided in Section 4513 of the Internal Revenue Code of the United States (relating to processing taxes on coconut oil, etc.), which is set forth as Annex VII to this Agreement, with respect to articles "wholly the production of the Philippine Islands" or articles "produced wholly from materials the growth or production of the Philippine Islands"; except that it may suspend the provisions of Section 4511 (b) of the Internal Revenue Code of the United States during any period as to which the President of the United States, after consultation with the President of the Philippines, finds that adequate supplies of neither copra nor coconut oil, the product of the Philippines, are readily available for processing in the United States.

#### ARTICLE V

The Republic of the Philippines will take the necessary

Implementing  
legislation.

legislative and executive actions, prior to or at the time of the entry into force of the revisions of this Agreement authorized by the Congress of the United States and the Congress of the Philippines in 1955, to enact and implement legislation similar to that already enacted by the Congress of the United States as Public Law 419, 83rd Congress, Chapter 323, 2d Session, to facilitate the entry of Philippine traders.

68 Stat. 264.  
8 U.S.C. § 1184a.

#### ARTICLE VI

##### Rights of citizens.

1. The disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces and sources of potential energy, and other natural resources of either Party, and the operation of public utilities, shall, if open to any person, be open to citizens of the other Party and to all forms of business enterprise owned or controlled, directly or indirectly, by citizens of such other Party in the same manner as to and under the same conditions imposed upon citizens or corporations or associations owned or controlled by citizens of the Party granting the right.

2. The rights provided for in Paragraph 1 may be exercised, in the case of citizens of the Philippines with respect to natural resources in the United States which are subject to Federal control or regulations, only through the medium of a corporation organized under the laws of the United States or one of the States thereof and likewise, in the case of citizens of the United States with respect to natural resources in the public domain in the Philippines, only through the medium of a corporation organized

under the laws of the Philippines and at least 60% of the capital stock of which is owned or controlled by citizens of the United States. This provision, however, does not affect the right of citizens of the United States to acquire or own private agricultural lands in the Philippines or citizens of the Philippines to acquire or own land in the United States which is subject to the jurisdiction of the United States and not within the jurisdiction of any State and which is not within the public domain. The Philippines reserves the right to dispose of its public lands in small quantities on especially favorable terms exclusively to actual settlers or other users who are its own citizens. The United States reserves the right to dispose of its public lands in small quantities on especially favorable terms exclusively to actual settlers or other users who are its own citizens or aliens who have declared their intention to become citizens. Each Party reserves the right to limit the extent to which aliens may engage in fishing or engage in enterprises which furnish communications services and air or water transport. The United States also reserves the right to limit the extent to which aliens may own land in its outlying territories and possessions, but the Philippines will extend to American nationals who are residents of any of those outlying territories and possessions only the same rights, with respect to ownership of lands, which are granted therein to citizens of the Philippines. The rights provided for in this Paragraph shall not, however, be exercised by either Party so as to derogate from the rights previously acquired by citizens or corporations or associations

owned or controlled by citizens of the other Party.

3. The United States of America reserves the rights of the several States of the United States to limit the extent to which citizens or corporations or associations owned or controlled by citizens of the Philippines may engage in the activities specified in this Article. The Republic of the Philippines reserves the power to deny any of the rights specified in this Article to citizens of the United States who are citizens of States, or to corporations or associations at least 60% of whose capital stock or capital is owned or controlled by citizens of States, which deny like rights to citizens of the Philippines, or to corporations or associations which are owned or controlled by citizens of the Philippines. The exercise of this reservation on the part of the Philippines shall not affect previously acquired rights, provided that in the event that any State of the United States of America should in the future impose restrictions which would deny to citizens or corporations or associations owned or controlled by citizens of the Philippines the right to continue to engage in activities in which they were engaged therein at the time of the imposition of such restrictions, the Republic of the Philippines shall be free to apply like limitations to the citizens or corporations or associations owned or controlled by citizens of such States.

#### ARTICLE VII

Rights to engage in business activities.

1. The United States of America and the Republic of the Philippines each agrees not to discriminate in any manner, with respect to their engaging in business activities, against the

citizens or any form of business enterprise owned or controlled by citizens of the other and that new limitations imposed by either Party upon the extent to which aliens are accorded national treatment with respect to carrying on business activities within its territories, shall not be applied as against enterprises owned or controlled by citizens of the other Party which are engaged in such activities therein at the time such new limitations are adopted, nor shall such new limitations be applied to American citizens or corporations or associations owned or controlled by American citizens whose States do not impose like limitations on citizens or corporations or associations owned or controlled by citizens of the Republic of the Philippines.

2. The United States of America reserves the rights of the several States of the United States to limit the extent to which citizens or corporations or associations owned or controlled by citizens of the Philippines may engage in any business activities. The Republic of the Philippines reserves the power to deny any rights to engage in business activities to citizens of the United States who are citizens of States, or to corporations or associations at least 60% of the capital stock or capital of which is owned or controlled by citizens of States, which deny like rights to citizens of the Philippines or to corporations or associations owned or controlled by citizens of the Philippines. The exercise of this reservation on the part of the Philippines shall not affect previously acquired rights, provided that in the event that any State of the United States of America should in the future impose restrictions which would deny to citizens or corporations or associations owned or controlled by citizens

of the Philippines the right to continue to engage in business activities in which they were engaged therein at the time of the imposition of such restrictions, the Republic of the Philippines shall be free to apply like limitations to the citizens or corporations or associations owned or controlled by citizens of such States.

#### ARTICLE VIII

Nothing in this Agreement shall be construed:

- (1) to require either Party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
- (2) to prevent either Party from taking any action which it considers necessary for the protection of its essential security interests—

- (a) relating to fissionable materials or the materials from which they are derived;
- (b) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;

- (c) taken in time of war or other emergency in international relations; or

- (3) to prevent either Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

TS 993.  
59 Stat. 1081.

## ARTICLE IX

1. Upon the taking effect of this Agreement, and upon the taking effect of the revisions thereof authorized by the Congress of the United States and the Congress of the Philippines in 1955, the provisions placing obligations on the United States: (a) if in effect as laws of the United States at the time of such taking effect, shall continue in effect as laws of the United States during the effectiveness of the Agreement; or (b) if not so in effect, shall take effect and continue in effect as laws of the United States during the effectiveness of the Agreement. The Philippines will continue in effect as laws of the Philippines, during the effectiveness of this Agreement, the provisions thereof placing obligations on the Philippines.

Effectiveness of  
agreement.

2. The United States and the Philippines will promptly enact, and shall keep in effect during the effectiveness of this Agreement, such legislation as may be necessary to supplement the laws of the United States and the Philippines, respectively, referred to in Paragraph 1 of this Article, and to implement the provisions of such laws and the provisions of this Agreement placing obligations on the United States and the Philippines, respectively.

## ARTICLE X

The United States and the Philippines agree to consult with each other with respect to any questions as to the interpretation or the application of this Agreement, concerning which either Government may make representations to the other. Not

Consultation.

later than July 1, 1971, the United States and the Philippines agree to consult with each other as to joint problems which may arise as a result or in anticipation of the termination of this Agreement.

#### ARTICLE XI

##### Duration.

1. This Agreement shall have no effect after July 3, 1974. It may be terminated by either the United States or the Philippines at any time, upon not less than five years' written notice. If the President of the United States or the President of the Philippines determines and proclaims that the other country has adopted or applied measures or practices which would operate to nullify or impair any right or obligation provided for in this Agreement, then the Agreement may be terminated upon not less than six months' written notice.

2. The revisions of this Agreement authorized by the Congress of the United States and the Congress of the Philippines in 1955 shall enter into force on January 1, 1956.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Agreement and have affixed hereunto their seals.

DONE in duplicate in the English language at Washington this sixth day of September, one thousand nine hundred and fifty-five.

FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA:

*James M. Langley* [SEAL]

Special Representative of the  
President of the United States of America

FOR THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES:

*Cesar P. Romualdez* [SEAL]  
Special and Personal Envoy of the  
President of the Philippines

PROTOCOL TO ACCOMPANY THE AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE REPUBLIC OF THE PHILIPPINES  
CONCERNING TRADE AND RELATED MATTERS  
DURING A TRANSITIONAL PERIOD FOLLOWING  
THE INSTITUTION OF PHILIPPINE INDEPENDENCE,  
SIGNED AT MANILA ON JULY 4, 1946, AS REVISED

The undersigned duly empowered Plenipotentiaries have agreed to the following Protocol to the Agreement between the United States of America and the Republic of the Philippines concerning trade and related matters during a transitional period following the institution of Philippine Independence, signed at Manila on July 4, 1946, as revised, which shall constitute an integral part of the Agreement:

TIAS 1588.  
61 Stat., pt. 3,  
p. 2611.

Definitions.

1. For the purpose of the Agreement—

- (a) The term "person" includes partnerships, corporations, and associations.

- (b) The term "United States" means the United States of America and, when used in a geographical sense, means the States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico.
- (c) The term "Philippines" means the Republic of the Philippines and, when used in a geographical sense, means the territories of the Republic of the Philippines, whether a particular act in question took place, or a particular situation in question existed, within such territories before or after the institution of the Republic of the Philippines. As used herein the territories of the Republic of the Philippines comprise all the territories specified in Section 1 of Article I of the Constitution of the Philippines which is set forth as Annex X to this Agreement.
- (d) The term "ordinary customs duty" means a customs duty based on the article as such (whether or not such duty is also based in any manner on the use, value, or method of production of the article, or on the amount of like articles imported; or on any other factor); but does not include—
- (1) A customs duty based on an act or omission of any person with respect to the importation of the article, or of the country from which the article is exported, or from which it comes; or
- "Ordinary customs duty."

- (2) A countervailing duty imposed to offset a subsidy, bounty, or grant; or
- (3) An anti-dumping duty imposed to offset the selling of merchandise for exportation at a price less than the prevailing price in the country of export; or
- (4) Any tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws; or
- (5) The tax imposed by Section 4581 of the Internal Revenue Code of the United States, which is set forth as Annex VIII to this Agreement, with respect to an article, merchandise, or combination, ten per centum or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in Section 4511 of such Code which is set forth as Annex VII to this Agreement; or the tax imposed by Section 4501 (b) of such Code which is set forth as Annex IX to this Agreement.

(e) The term "United States article" means an article which is the product of the United States unless, in the case of an article produced with the use of materials imported into the United States from any foreign country (except the Philippines) the aggregate value of such imported materials at the time of importation into the United States was more than twenty per centum of the value of the article imported into the Philippines, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the Philippines in effect at the time of importation of such article. As used in this Subparagraph the term "value", when used in reference to a material imported into the United States, includes the value of the material ascertained under the customs laws of the United States in effect at the time of importation into the United States, and, if not included in such value, the cost of bringing the material to the United States, but does not include the cost of landing it at the port of importation, or customs duties collected in the United States. For the purposes of this Subparagraph any imported material, used in the production of an article in the United States, shall be considered as having been used in the production of an article

subsequently produced in the United States, which is the product of a chain of production in the United States in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article. It is understood that "United States articles" do not lose their status as such, for the purpose of Philippine tariff preferences, by reason of being imported into the Philippines from a country other than the United States or from an insular possession of the United States or by way of or via such a country or insular possession.

- (f) The term "Philippine article" means an article which is the product of the Philippines, unless, in the case of an article produced with the use of materials imported into the Philippines from any foreign country (except the United States) the aggregate value of such imported materials at the time of importation into the Philippines was more than twenty per centum of the value of the article imported into the United States, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the United States in effect at the time of importation of such article. As used in this

Subparagraph the term "value", when used in reference to a material imported into the Philippines, includes the value of the material ascertained under the customs laws of the Philippines in effect at the time of importation into the Philippines, and, if not included in such value, the cost of bringing the material to the Philippines, but does not include the cost of landing it at the port of importation, or customs duties collected in the Philippines. For the purposes of this Subparagraph any imported material, used in the production of an article in the Philippines, shall be considered as having been used in the production of an article subsequently produced in the Philippines, which is the product of a chain of production in the Philippines in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article. It is understood that "Philippine articles" do not lose their status as such, for the purpose of United States tariff preferences, by reason of being imported into the United States from a country other than the Philippines or from an insular possession of the United States or by way of or

via such a country or insular possession.

- (g) The term "United States duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the United States for consumption, of the Philippine article) would be applicable to a like article if imported from that foreign country which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.
- (h) The term "Philippine duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the Philippines for consumption, of the United States article) would be applicable to a like article if imported from that foreign country which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.
- "Internal tax." (i) The term "internal tax" includes an internal fee, charge, or exaction, and includes—
  - (1) The tax imposed by Section 4581 of the Internal Revenue Code of the United States which is set forth as Annex VIII to this Agreement, with respect to an article, merchandise, or combination, ten per centum or more of the quantity by weight of which

consists of, or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in Section 4511 of such Code which is set forth as Annex VII to this Agreement; and the tax imposed by Section 4501 (b) of such Code which is set forth as Annex IX to this Agreement; and

- (2) Any other tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws.

2. For the purposes of Subparagraphs (g) and (h) of Paragraph 1 of this Protocol—

- (a) If an article is entitled to be imported from a foreign country free of ordinary customs duty, that country shall be considered as the country entitled to the lowest rate of ordinary customs duty with respect to such article; and
- (b) A reduction in ordinary customs duty granted any country, by law, treaty, trade agreement, or otherwise, with respect to any article, shall be converted into the equivalent reduction in the rate of ordinary customs duty otherwise

applicable to such article.

3. For the purposes of Paragraphs 1 and 2 of Article IV, any material, used in the production of an article, shall be considered as having been used in the production of an article subsequently produced, which is the product of a chain of production in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

4. The terms "includes" and "including" when used in a definition contained in this Agreement shall not be deemed to exclude other things otherwise within the meaning of the term defined.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE in duplicate in the English language at Washington this sixth day of September, one thousand nine hundred and fifty-five.

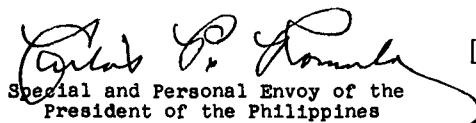
FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA:



[SEAL]

Special Representative of the  
President of the United States of America

FOR THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES:



[SEAL]

Special and Personal Envoy of the  
President of the Philippines

ANNEXES OF STATUTORY PROVISIONS REFERRED  
TO IN THE AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE REPUBLIC OF THE PHILIPPINES  
CONCERNING TRADE AND RELATED MATTERS  
DURING A TRANSITIONAL PERIOD FOLLOWING  
THE INSTITUTION OF PHILIPPINE INDEPENDENCE,  
AS REVISED.

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ANNEX I

Sugar Act of 1948 of the United States, as amended to  
September 6, 1955.

SECTION 101. For the purposes of this Act, except Title V—  
"(e) The term 'direct-consumption sugar' means any sugars  
which are principally of crystalline structure and which are not  
to be further refined or otherwise improved in quality."

7 U.S.C. § 1101. 61 Stat., Pt. 1, 922.

ANNEX II

<sup>46</sup> Stat. 590.  
19 U.S.C. § 1001  
*et seq.* Tariff Act of 1930 of the United States, as amended to  
September 6, 1955.

"PAR. 1622. All binding twine and twine chiefly used for  
baling hay, straw, and other fodder and bedding materials,  
manufactured from New Zealand hemp, henequen, manila, istle or

Tampico fibre, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding seven hundred and fifty feet to the pound." 46 Stat., Pt. 1, 675; 65 Stat. 655.

19 U. S. C. § 1201,  
par. 1622.

#### ANNEX III

Tariff Act of 1930 of the United States, as amended to September 6, 1955.

"PAR. 602. The term 'wrapper tobacco' as used in this title means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term 'filler tobacco' means all other leaf tobacco ..." 46 Stat., Pt. 1, 631.

#### ANNEX IV

Internal Revenue Code of 1954 of the United States, as amended to September 6, 1955.

68A Stat.  
26 U. S. C. prec.  
§ 1 note.

"SEC. 4591. IMPOSITION OF TAX.

"(a) RATE. — There is hereby imposed on all oleomargarine imported from foreign countries, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps ..."

"SEC. 4592. DEFINITIONS.

"(a) OLEOMARGARINE. — For the purposes of section 4591, certain manufactured substances, certain extracts, and certain

mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as 'oleomargarine', namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat; — if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, of other liquid, and containing moisture in excess of 1 per centum or common salt." 68A Stat. 545.

"SEC. 4593. EXEMPTION.

"(a) SHORTENING OR CONDIMENTS. — Section 4591 shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118 degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds."

68A Stat. 546.

## ANNEX V

Internal Revenue Code of 1954 of the United States, as  
amended to September 6, 1955.

"SEC. 4812. IMPORTATION OF ADULTERATED BUTTER.

"There shall be imposed upon adulterated butter imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of adulterated butter manufactured in the United States ..." 68A Stat. 571.

"SEC. 4826. DEFINITIONS.

"(a) BUTTER. — For the purpose of this part, the word 'butter' shall be understood to mean the food product usually known as butter, and made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

"(b) ADULTERATED BUTTER. — 'Adulterated butter' is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as defined in subsection (a), with intent or effect of

cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream." 68A Stat. 576.

## ANNEX VI

Internal Revenue Code of 1954 of the United States, as amended to September 6, 1955.

"SEC. 4831. IMPOSITION OF TAX.

"(b) IMPORTED. — There shall be imposed upon all filled cheese imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 8 cents per pound; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States." 68A Stat. 577.

"SEC. 4846. DEFINITIONS.

"For the purposes of this part —

"(1) CHEESE. — The word 'cheese' shall be understood to mean the food product known as cheese, and made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

"(2) FILLED CHEESE. — Certain substances and compounds shall be known and designated as 'filled cheese,' namely:  
All substances made of milk or skimmed milk, with the

adixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered 'filled cheese' within the meaning of this part." 68A Stat. 579.

ANNEX VII

Internal Revenue Code of 1954 of the United States, as amended to September 6, 1955.

"SEC. 4511. IMPOSITION OF TAX.

"(a) GENERAL. — There is hereby imposed upon the first domestic processing of coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing (whether or not such oils, fatty acids, or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed), or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts, a tax of 3 cents per pound, to be paid by the processor.

"(b) ADDITIONAL RATE ON COCONUT OIL. — There is hereby imposed (in addition to the tax imposed by the preceding subsection) a tax of 2 cents per pound, to be paid by the processor, upon the first domestic processing of coconut oil or of any combination or mixture containing a substantial

quantity of coconut oil with respect to which oil there has been no previous first domestic processing.

"(c) TERMINATION OF ADDITIONAL RATE. — The tax imposed by subsection (b) shall not apply to any domestic processing after July 3, 1974."

"SEC. 4513. EXEMPTIONS.

"(a) ACIDS AND SALTS PREVIOUSLY TAXED. — The tax under section 4511 shall not apply —

"(1) with respect to any fatty acid or salt resulting from a previous first domestic processing taxed under such section or upon which an import tax has been paid under subchapter E of chapter 38, or

"(2) with respect to any combination or mixture by reason of its containing an oil, fatty acid, or salt with respect to which there has been a previous first domestic processing or upon which an import tax has been paid under subchapter E of chapter 38.

"(b) FROM ADDITIONAL TAX ON COCONUT OIL. — The additional tax imposed by section 4511 (b) shall not apply when it is established, in accordance with regulations prescribed by the Secretary or his delegate, that the coconut oil (whether or not contained in a combination or mixture), —

"(1) is wholly the production of the Philippine Islands, any possession of the United States, or the Territory of the Pacific Islands (hereinafter in this paragraph referred to as the 'Trust Territory'), or

"(2) was produced wholly from materials the growth or production of the Philippine Islands, any possessions of the United States, or the Trust Territory ..." 68A Stat. 536-537.

ANNEX VIII

Internal Revenue Code of 1954 of the United States, as amended to September 6, 1955.

"SEC. 4581. IMPOSITION OF TAX.

"In addition to any other tax or duty imposed by law, there is hereby imposed upon the following articles imported into the United States, unless treaty provisions of the United States otherwise provide, a tax at the rates set forth, to be paid by the importer —

"Any article, merchandise, or combination (except oils specified in section 4511), 10 percent or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the products specified in sections 4561 and 4571, or of the oils, fatty acids, or salts specified in section 4511, a tax at the rate or rates per pound equal to that proportion of the rate or rates prescribed in sections 4561 and 4571 or section 4511 in respect of such product or products which the quantity by weight of the imported article, merchandise, or combination, consisting of or derived from such product or products, bears to the total weight of the imported article, merchandise, or combination;

"SEC. 4582. EXEMPTIONS.

"(a) CERTAIN NATURAL OILS. — There shall not be taxable under section 4581 any article, merchandise, or combination (other than an oil, fat, or grease, and other than products resulting from processing seeds without full commercial extraction of the oil content), by reason of the presence therein of an oil, fat, or grease which is a natural component of such article, merchandise, or combination and has never had a separate existence as an oil, fat, or grease." 68A Stat. 544.

ANNEX IX

Internal Revenue Code of 1954 of the United States, as amended to September 6, 1955.

"SEC. 4501. IMPOSITION OF TAX.

"(b) IMPORT TAX. — In addition to any other tax or duty imposed by law, there is hereby imposed, under such regulations as the Secretary or his delegate shall prescribe, a tax upon articles imported or brought into the United States as follows:

"(1) on all manufactured sugar testing by the polariscope 92 sugar degrees, 0.465 cent per pound, and, for each additional sugar degree shown by the polaroscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

"(2) on all manufactured sugar testing by the polariscope less than 92 sugar degrees, 0.5144 cent per pound of the total sugars therein;

"(3) on all articles composed in chief value of manufactured sugar, 0.5144 cent per pound of the total sugars therein."

68A Stat. 533.

"SEC. 4502. DEFINITIONS.

"For the purposes of this subchapter. —

"(3) MANUFACTURED SUGAR. — The term 'manufactured sugar' means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids and except also sirup of cane juice produced from sugarcane grown in continental United States. The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

"(4) TOTAL SUGARS. — The term 'total sugars' means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the

United States Customs Regulations (1931 edition)."  
68A Stat. 534.

## ANNEX X

Constitution of the Philippines as amended to  
September 6, 1955.

"ARTICLE I. — THE NATIONAL TERRITORY

"SECTION 1. The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction."

TS 343.  
30 Stat. 1754.

TS 345.  
31 Stat. 1942.

TS 356.  
47 Stat. 2198.

WHEREAS on September 6, 1955, the two Governments exchanged notes clarifying certain provisions of the said revised agreement, which notes are in words and figures as follows:

[Seal]

September 6, 1955

Excellency:

I have the honor to refer to conversations recently held by officers of our two Governments regarding certain provisions of the Agreement concerning Trade and Related Matters during a Transitional Period following the Institution of Philippine Independence, as revised and signed today.

It is the understanding of my Government that Paragraph 7 of Article I of the Agreement provides that, in lieu of any tax on the sale of foreign exchange during the life of the revised Agreement, the Government of the Philippines shall impose the special import tax, subject to the specifications provided for in the paragraph.

It is further the understanding of my Government that Paragraph 3, Article III, in addition to providing for prior notification and an opportunity for consultation regarding quotas imposed pursuant to Paragraph 2 of that Article, would also

*Ante*, p. 2985.

TIAS 3348

afford a basis for consultation in case of non-discriminatory import and export restrictions or prohibitions to the extent that the two parties find such consultation practicable. It is understood that the right of consultation with respect to the application of any non-discriminatory import or export restrictions or prohibitions does not imply that the prior consent of the other party is necessary before any such restrictions or prohibitions can be put into effect.

If the above is in accord with the understanding of your Government I should appreciate receiving your confirmation of this fact.

Accept, Excellency, the assurances of my highest consideration.

JAMES M. Langley

Special Representative of the  
President of the United States of America

His Excellency

Carlos P. Romulo,

Special and Personal Envoy of the  
President of the Philippines.

[Seal]

EMBASSY OF THE PHILIPPINES  
WASHINGTON

September 6, 1955

Excellency:

I have the honor to refer to conversations recently held by officers of our two Governments regarding certain provisions of the agreement concerning trade and related matters during a transitional period following institution of Philippine independence, as revised and signed today, and to your note of today's date setting forth the views of your Government on certain matters relating to such agreement, which reads as follows:

"It is the understanding of my Government that Paragraph 7 of Article I of the Agreement provides that, in lieu of any tax on the sale of foreign exchange during the life of the revised Agreement, the Government of the Philippines shall impose the special import tax, subject to the specifications provided for in the paragraph.

"It is further the understanding of my Government

that Paragraph 3, Article III, in addition to providing for prior notification and an opportunity for consultation regarding quotas imposed pursuant to Paragraph 2 of that Article, would also afford a basis for consultation in case of non-discriminatory import and export restrictions or prohibitions to the extent that the two parties find such consultation practicable. It is understood that the right of consultation with respect to the application of any non-discriminatory import or export restrictions or prohibitions does not imply that the prior consent of the other party is necessary before any such restrictions or prohibitions can be put into effect."

I am happy to state that the understanding of your Government as set forth above in your note is also the understanding of my Government.

Accept, Excellency, the assurances of my highest consideration.

CARLOS P. ROMULO

Carlos P. Romulo  
Special and Personal Envoy  
of the President of the Philippines

His Excellency

James M. Langley

Special Representative of the

President of the United States of America

AND WHEREAS section 301 (a) of the said Philippine Trade Agreement Revision Act of 1955 provides as follows:

69 Stat. 420.

"If the agreement authorized by section 201 has been entered into before January 1, 1956, the President of the United States shall so proclaim, and the revised agreement shall be effective in the United States in accordance with its terms.";

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, particularly the said section 301 (a) of the Philippine Trade Agreement Revision Act of 1955, do hereby proclaim that on September 6, 1955, the President of the United States and the President of the Philippines, through their duly empowered Plenipotentiaries, entered into an agreement, effective January 1, 1956, revising the said agreement of July 4, 1946, which revised agreement, including a protocol, annexes, and a related exchange of notes, is in words and figures as authorized by the said Philippine Trade Agreement Revision Act of 1955; and I do further proclaim the said revised agreement to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof on and after January 1, 1956.

TIAS 1588.  
61 Stat., pt. 3,  
p. 2611.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-sixth day of October in the year of our Lord one thousand nine hundred fifty-five and of the Independence of the United States of America the one hundred eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER JR  
*Acting Secretary of State*

# PHILIPPINES

## ENTRY RIGHTS

TIAS 3349  
Sept. 6, 1955

*Agreement effected by exchange of notes  
Signed at Washington September 6, 1955;  
Entered into force September 6, 1955.*

*The Special Representative of the President of the United States of America to the Special and Personal Envoy of the President of the Philippines*

SEPTEMBER 6, 1955

EXCELLENCY:

Entry for purposes  
of trade and invest-  
ment.

I have the honor to refer to the conversations which have recently taken place between representatives of the Governments of the United States of America and the Republic of the Philippines regarding the desirability of establishing a stable and enduring basis, grounded in reciprocity, for the entry of nationals of either country into the territories of the other for purposes of trade, investment and related activities, and for their sojourn therein, and acting, on the part of the United States, pursuant to and subject to the provisions of Public Law 419, 83d Congress of the United States of America.

68 Stat. 264.  
8 U.S.C. § 1184a.

My understanding of the agreement reached as a result of these conversations is as follows:

1. Persons coming within any of the following categories shall be permitted to enter the territories of either country as nonimmigrants:
  - (a) Nationals of either country who seek to enter the territories of the other country solely to carry on substantial trade principally between the territories of the two countries.
  - (b) Nationals of either country who seek to enter the territories of the other country solely to develop and direct the operations of enterprises in which they have invested, or are actively in the process of investing, a substantial amount of capital.

- (c) Spouses and unmarried minor children of persons referred to in sub-paragraphs (a) and (b), if accompanying or following to join such nationals.
2. Persons who enter either country in accordance with the provisions of paragraph 1 shall be permitted to remain therein during such period as they maintain the status in which they were admitted.
3. The provisions of paragraphs 1 and 2 shall be subject to the right of either Government to exclude or expel particular individuals, on any of the grounds specified in the immigration laws, for the purpose of protecting public order, health, morals and safety.
4. The word "substantial" as used herein with reference to trade or investment shall not be interpreted to discourage particular types of investment or necessarily to exclude small traders or investors. The criteria for determining eligibility for treaty investors and treaty traders status have been influenced by considerations of preventing abuse or evasion of the two countries' immigration laws, including quota restrictions. What constitutes a substantial investment is a relative matter and is not determined alone by size of investment.
5. The territories to which this agreement shall apply with respect to the United States are the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands. Application to territories.
6. The present agreement shall remain in force until July 3, 1974, and thereafter until terminated as provided herein. Either Government may, by giving one year's written notice to the other Government, terminate this agreement at the end of the initial period, July 3, 1974, or at any time thereafter. Duration.

There are annexed hereto certain regulations and an explanatory note which set forth the principles presently applied by my Government in the enforcement of those provisions of the United States immigration laws equivalent to the provisions set forth above. I request to be informed whether your Government considers these as providing appropriate guidance to both Governments in the application of the present agreement with respect to the subjects to which they relate and, if so, that your Government will apply comparable regulations and interpretations in the enforcement of the provisions set forth above.

Upon receipt of a note from you indicating that the foregoing is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider this note and your reply as constituting an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Excellency, the assurances of my highest consideration.

JAMES M. LANGLEY  
*Special Representative of the  
President of the United States of America*

Enclosure:

Annex.

His Excellency

CARLOS P. ROMULO,  
*Special and Personal Envoy of the  
President of the Philippines.*

**ANNEX*****Section 41.71 (b), Title 22, United States Code of Federal Regulations***

(b) An alien applying for a visa as a nonimmigrant treaty trader under the provisions of section 101 (a) (15) (E) (i) of the Act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

66 Stat. 168.  
§ U.S.C. § 1101  
(a) (15) (E) (i).

- (1) He is proceeding to the United States solely for the purpose of carrying on substantial trade principally between the United States and the foreign state of which he is a national, under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and such foreign state. In this connection, bank statements, invoices, and correspondence from persons or organizations with whom or with which he has, and will have, commercial relations, may be required;
- (2) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and that
- (3) If he is employed or to be employed, his employer shall be a foreign person or organization and he shall be engaged in duties of a supervisory or executive character, or if he is, or is to be, employed in a minor capacity, he has special qualifications which make his services essential to the efficient operations of the employer. An alien employed solely in a manual capacity shall not be entitled to classification as a treaty trader.

***Section 41.76(b), Title 22, United States Code of Federal Regulations***

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (E) (ii) of the Act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

- (1) He seeks to enter the United States solely for the purpose of developing and directing the operations of an enterprise in the United States: (i) In which he has invested, or is ac-

- tively in the process of investing, a substantial amount of capital; or (ii) in which his employer has invested, or is actively in the process of investing, a substantial amount of capital: *Provided*, That such employer is a foreign person or organization of the same nationality as the applicant and that the applicant is employed by such person or organization in a responsible capacity; or
- (2) He seeks to enter the United States as the spouse or child of an alien described in subparagraph (1) of this paragraph; and
- (3) He is not applying for a nonimmigrant visa in an effort to evade the quota or other restrictions which are applicable to immigrants;
- (4) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and
- (5) The enterprise is one which actually exists or is in active process of formation, and is not a fictitious paper operation.

*Explanatory Note to Section 41.71 (b) (3)*

A foreign organization within the meaning of this Section is an organization which possesses the nationality of the alien desiring to qualify as a "treaty trader". The fact that an organization is incorporated under the laws of a State of the United States does not necessarily determine that it is not a foreign organization. The nationality of such a corporation may be determined for visa purposes by the nationality of those persons who own the principal amount (i.e., 51 percent or more of the stock of that corporation).

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*The Special and Personal Envoy of the President of the Philippines  
to the Special Representative of the President of the United States  
of America*

EMBASSY OF THE PHILIPPINES

WASHINGTON

September 6, 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date regarding the recent negotiations between representatives of the Government of the Republic of the Philippines, acting pursuant to and subject to the provisions of Republic Act No. 1393 of the Republic of the Philippines, and representatives of the Government of the United States of America, acting pursuant to

and subject to the provisions of Public Law 419, 83rd Congress, of the United States of America, for the conclusion of an agreement, based on reciprocity, for the entry of nationals of either country into the territories of the other for purposes of trade, investment and related activities, and for their sojourn therein.

The terms of the agreement which has been reached as a result of these negotiations, as expressed in your note, are as follows:

**"1. Persons coming within any of the following categories shall be permitted to enter the territories of either country as nonimmigrants:**

- (a) Nationals of either country who seek to enter the territories of the other country solely to carry on substantial trade principally between the territories of the two countries.
- (b) Nationals of either country who seek to enter the territories of the other country solely to develop and direct the operations of enterprises in which they have invested, or are actively in the process of investing, a substantial amount of capital.
- (c) Spouses and unmarried minor children of persons referred to in sub-paragraphs (a) and (b), if accompanying or following to join such nationals.

**"2. Persons who enter either country in accordance with the provisions of paragraph 1 shall be permitted to remain therein during such period as they maintain the status in which they were admitted.**

**"3. The provisions of paragraphs 1 and 2 shall be subject to the right of either Government to exclude or expel particular individuals, on any of the grounds specified in the immigration laws, for the purpose of protecting public order, health, morals and safety.**

**"4. The word "substantial" as used herein with reference to trade or investment shall not be interpreted to discourage particular types of investment or necessarily to exclude small traders or investors. The criteria for determining eligibility for treaty investors and treaty traders status have been influenced by considerations of preventing abuse or evasion of the two countries' immigration laws, including quota restrictions. What constitutes a substantial investment is a relative matter and is not determined alone by size of investment.**

- “5. The territories to which this agreement shall apply with respect to the United States are the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands.
- “6. The present agreement shall remain in force until July 3, 1974, and thereafter until terminated as provided herein. Either Government may, by giving one year's written notice to the other Government, terminate this agreement at the end of the initial period, July 3, 1974, or at any time thereafter.”

In addition, there are annexed to your note certain regulations, with an explanatory note, setting forth principles applied by the Government of the United States in the enforcement of the United States immigration laws equivalent to the provisions of the agreement. You request to be informed whether the Government of the Republic of the Philippines will apply comparable regulations and interpretations in implementing the terms of the agreement. I wish to inform you that my Government considers the regulations and explanatory note annexed to your note as furnishing appropriate guidance in carrying out the agreement and that my Government will apply comparable regulations and interpretations.

The agreement set forth above is acceptable to my Government and, in accordance with the statement made in the last paragraph of your note under reference, the Government of the Republic of the Philippines considers your note and this reply as constituting an agreement between our two Governments, which enters into force as of today.

Accept, Excellency, the assurances of my highest consideration.

CARLOS P. ROMULO

Carlos P. Romulo

*Special and Personal Envoy  
of the President of the Philippines*

His Excellency

JAMES M. LANGLEY

*Special Representative of the  
President of the United States of America*

# PARAGUAY

## Education: Cooperative Program

*Agreement extending the agreement of September 18 and November 11, 1950.*

TIAS 3350  
Apr. 5, 1955

*Effectuated by exchange of notes*

*Signed at Asunción April 5, 1955;  
Entered into force April 5, 1955.*

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*The Paraguayan Minister of Foreign Affairs to the American Ambassador*

REPUBLICA DE PARAGUAY

*Ministerio de Relaciones Exteriores*

D.O.T.A.I. N° 381.-

ASUNCIÓN, 5 de Abril de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de referirme a las recientes conversaciones mantenidas entre Representantes de nuestros respectivos Gobiernos, sobre la prórroga del Programa de Cooperación Técnica de Educación, que vence el 30 de Junio de 1955.

2.-Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones, realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa de Cooperación Técnica de Educación sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3.-A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer, por vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa de Cooperación Técnica de Educación, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4.-Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Educación, de acuerdo a los arreglos a que se llegare entre el Director de la Misión de Operaciones en el Exterior, en el Paraguay, y el Ministro de Educación y Culto del Paraguay, o sus designados, o cualesquiera otros funcionarios que los sucedan, a cualquier otro representante autorizado por los respectivos Gobiernos.

5.-Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos Gobiernos, en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Cooperativo de Educación en el Paraguay, llegar a una mayor coordinación del Servicio Cooperativo Interamericano de Educación y el Ministerio de Educación y Culto del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas Organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se cumplan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba y encaminarán sus esfuerzos para que así suceda.

6.-Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa, mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno considerará esta nota y su respuesta concurrente como constituyendo un Acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

[SEAL] H. SÁNCHEZ QUELL

A Su Excelencia,

El Señor Don ARTHUR A. AGETON,

*Embajador Extraordinario y Plenipotenciario de los*

*Estados Unidos de America.*

*Ciudad.*

*Translation*

REPUBLIC OF  
PARAGUAY

*Ministry of Foreign Affairs*

D. O. T. A. I. No. 381.-

ASUNCIÓN, April 5, 1955.

MR. AMBASSADOR:

I have the honor to refer to the recent talks between representatives of our Governments on the extension of the Technical Cooperation Program for Education, which expires on June 30, 1955.

2. As Your Excellency was informed in the last of the above-mentioned talks, which were held in the office of the Minister of Foreign Affairs on January 14, 1955, the Government of Paraguay desires and is prepared to have the Technical Cooperation Program for Education extended beyond the date of its termination for a period of five years.

3. In order to formalize this extension, I am authorized by my Government to propose through you to the Government of the United States of America that the agreement between our two Governments establishing the Technical Cooperation Program for Education, effected by an exchange of notes signed at Asunción on September 18, 1950, and November 11, 1950, be extended until June 30, 1960. It is understood that the obligations of the two parties with respect to the program will be subject to the availability of funds.

4. It is also understood that both parties may make financial contributions to the Cooperative Education Program in accordance with any arrangements that may be made between the Director of the Foreign Operations Mission in Paraguay and the Paraguayan Minister of Education and Worship, or their representatives or any other officials who may succeed them, or any other representative authorized by the respective Governments.

5. As was agreed in the final talk between the representatives of the two Governments on the above-mentioned date, it is the desire of both Governments in this Cooperative Education Program in Paraguay to attain greater coordination between the Inter-American Cooperative Education Service and the Paraguayan Ministry of Education and Worship, and greater integration of the work and the employees of the two organizations. In the atmosphere of cordiality and understanding with which they have been conducted, these talks will continue so that these aims may be achieved when the present agreement expires and the extension becomes effective.

TIAS 2206.  
2 UST 565.

The representatives of the two Governments have agreed on the advisability of the foregoing and will direct their efforts toward that end.

6. If the proposals contained in this note are acceptable to the Government which Your Excellency so worthily represents, my Government would appreciate an affirmative reply so that the agreement on the program and the financial contributions may be drafted as soon as possible. My Government will regard this note and your reply concurring therein as constituting an agreement extending the aforesaid agreement, which will enter into force on the date of signature [<sup>1</sup>] of the agreement on the program and the financial contributions referred to in the preceding sentence.

I avail myself of the opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

[SEAL] H. SÁNCHEZ QUELL

His Excellency

ARTHUR A. AGETON,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

*The American Ambassador to the Paraguayan Minister of Foreign  
Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY

No. 116

*Asunción, April 5, 1955*

**EXCELLENCY:**

I have the honor to refer to Your Excellency's Note D.O.T.A.I. No. 381, of April 5, 1955, with reference to the extension of the term of the Technical Cooperation Program in Education, which expires on June 30, 1955.

My Government finds acceptable the proposals contained in Your Excellency's note referred to above, the text of which is given below:

Señor Embajador:

1. Tengo el honor de referirme a las recientes conversaciones mantenidas entre representantes de nuestros respectivos Gobier-

<sup>1</sup> Apr. 5, 1955.

nos, sobre la prórroga del Programa de Cooperación Técnica de Educación, que vence el 30 de Junio de 1955.

2. Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones, realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa de Cooperación Técnica de Educación sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3. A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer por vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa de Cooperación Técnica de Educación, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4. Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Educación de acuerdo a los arreglos a que se llegare entre el Director de la Misión de Operaciones en el Exterior, en el Paraguay, y el Ministro de Educación y Culto del Paraguay, o sus designados, o cualesquiera otros funcionarios que los sucedan, o cualquier otro representante autorizado por los respectivos Gobiernos.

5. Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos Gobiernos, en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Cooperativo de Educación en el Paraguay, llegar a una mayor coordinación del Servicio Cooperativo Interamericano de Educación y el Ministerio de Educación y Culto del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas Organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se complan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba y encaminarán sus esfuerzos para que así suceda.

6. Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa, mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las Contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno consideraría esta nota y su respuesta concurrente como constituyendo un Acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

My Government considers Your Excellency's Note D.O.T.A.I. No. 381, of April 5, 1955 and my present reply thereto as constituting an agreement extending until June 30, 1960 the Agreement between our two Governments providing for the Technical Cooperation Program in Education, said extension to become effective or the date of signature of the agreement on the program and the financial contributions mentioned in Paragraph 6 of Your Excellency's Note quoted above.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

ARTHUR A. AGETON

His Excellency

Dr. HIPÓLITO SÁNCHEZ QUELL,  
*Minister of Foreign Affairs*  
*of the Republic of Paraguay,*  
*Asunción.*

# CANADA

## Financial Arrangements for Furnishing Certain Supplies and Services to Naval Vessels

*Agreement effected by exchange of notes*

*Signed at Ottawa July 21, 1955;*

*Entered into force October 19, 1955.*

*And related aide-mémoire*

*Dated at Ottawa July 21, 1955.*

TIAS 3351

July 21, 1955

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*The American Ambassador to the Canadian Secretary of State for  
External Affairs*

No. 22

OTTAWA, July 21, 1955

SIR:

I have the honor to refer to recent conversations between Canadian and United States officials concerning the enactment authorizing the Secretary of the Navy to furnish certain supplies and services to foreign naval vessels at United States ports and naval bases provided a prior agreement conferring reciprocal rights on the United States, and covering reimbursement therefor, has been negotiated with the country concerned. These agreements will obviate the necessity for obtaining advances of funds from naval vessels of friendly foreign nations for routine port services and facilitate the furnishing of their immediate supply requirements at United States naval activities.

My Government would be happy to conclude an agreement for such purposes with Canada and I understand that Canadian officials are like-minded.

The terms of the agreement my Government would be prepared to enter into are set forth in the Annex to this Note. I suggest that if these terms are acceptable to your Government, your reply to that effect and this Note be considered an agreement which would come into force ninety days from the date of your reply and apply to all supplies and services furnished on or after such date. The agreement could be terminated by either Government

by giving notice of such termination at least ninety days in advance of the effective date thereof.

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

R. DOUGLAS STUART

Enclosure:

Annex

The Honorable

LESTER B. PEARSON,

*Secretary of State for External Affairs,*

Ottawa.

ANNEX

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONCERNING FINANCIAL ARRANGEMENTS FOR THE FURNISHING OF CERTAIN SUPPLIES AND SERVICES TO NAVAL VESSELS

*Article I*

Where routine port services such as pilotage, tugs, garbage disposal, line handling, etc. are maintained by a naval authority of one of the Governments, they will be furnished to visiting naval vessels of the other Government without charge. At ports where there is a naval authority but no such facilities are maintained, the resident naval authority will organize the necessary services for visiting naval vessels of the other Government and, if requested, will pay for the services and either recover costs in cash from the visiting naval vessel or obtain signatures on documents for reimbursement.

*Article II*

Miscellaneous supplies, such as fuel, provisions, spare parts and general stores, will be furnished by each of the Governments to visiting naval vessels of the other Government on a reimbursable basis without an advance of funds, on the condition that such miscellaneous supplies are available in the naval supply system of the host Government.

*Article III*

Services, such as overhauling, repairs, alterations, and installation of equipment, together with supplies incidental thereto, will be furnished by each of the Governments to visiting naval vessels of the other Government when funds to cover the estimated cost of such supplies and services have been made available in advance by the benefiting Government, on the condition that such supplies are available in the naval supply system of the host Government or readily obtainable from commercial sources.

*Article IV*

Supplies which are distinctive to the naval service of the host Government, and supplies which have been duly classified under applicable security regulations of such naval service, shall not be required to be furnished under the terms of this Agreement.

*Article V*

(a) Costs of services to be furnished in accordance with Article I of this Agreement will be reimbursed to the host Government at the standard rate prescribed for use within the naval service of the host Government. In the absence of a standard rate, such costs will be reimbursed to the host Government in full, including the cost of labour, material and overhead incurred by the naval authority performing the services. Costs of services to be performed in accordance with Article III of this Agreement will be reimbursed to the host Government in full, including the cost of labour, material and overhead incurred by the naval authority performing the services, plus charges covering the cost of military pay and allowances and depreciation of machinery and equipment. If such services covered by either Article I or Article III above are obtained commercially, reimbursement will be made in the amount of the contract cost to the host Government. Costs of supplies to be furnished in accordance with Article II of this Agreement will be reimbursed at the prices at which such supplies are regularly made available for use within the naval service of the host Government, plus auxiliary charges covering costs of such items as packing, crating, handling and transportation.

(b) The Royal Canadian Navy now makes a standard charge of 10% for services and materials sold to certain foreign Governments except where special handling or packaging is required, in which case actual costs are determined and added to the cost of materials. The United States Navy, on the other hand, determines individual charges associated with the sale of materials or services. For the purposes of this Agreement the Royal Canadian Navy's method of determining charges for materials and services provided under the terms of this Agreement shall apply to ships of the United States Navy visiting Canadian ports, and the United States Navy's method of determining charges for such materials and services shall apply to ships of the Royal Canadian Navy visiting United States ports.

*Article VI*

Prior to the departure of a visiting naval vessel from a port or naval establishment of the host Government, the Commanding Officer of each such visiting naval vessel shall be presented with one bill covering the total value of all services and supplies furnished by the port or naval establishment. This bill will be either paid in cash or appropriately certified by such Commanding Officer as to the receipt and acceptance of the services and supplies listed thereon. The bill so certified will be returned to the appro-

priate naval representative at the port or naval establishment, who will forward it in such manner as may be prescribed by regulation of his naval service for ultimate presentation to the appropriate representative of the benefiting Government. The bill will be due and payable within a period of thirty (30) days from the time of presentation to such representative.

#### *Article VII*

In the case of an extended visit, intermittent billings for the supplies and services furnished in accordance with this Agreement shall be presented to the Commanding Officer of the visiting naval vessel or vessels at such intervals as may be mutually agreed upon between such Commanding Officer and the authorized naval representative of the host Government. Such billings shall be certified and processed for payment in the same manner as provided in Article VI hereof.

#### *Article VIII*

All payments for services and supplies covered by this Agreement shall be made in currency acceptable to the host Government.

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*The Canadian Secretary of State for External Affairs to the American Ambassador*

DEPARTMENT OF  
EXTERNAL AFFAIRS  
CANADA

No. D 180

OTTAWA, July 21, 1955.

EXCELLENCY:

I have the honour to refer to your Note No. 22, of July 21, 1955 proposing that our two Governments should make a reciprocal agreement to provide certain supplies and services to naval vessels, each of our respective countries when visiting the other.

2. The Canadian Government is glad to concur in the terms of the Agreement set forth in the Annex to your Note. I agree with your suggestion that this exchange of Notes should be considered an Agreement coming into force ninety days<sup>[1]</sup> from this date, and which could be terminated by either Government by giving

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<sup>1</sup> Oct. 19, 1955.

notice of such termination at least ninety days in advance of the effective date thereof.

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

L B PEARSON  
*Secretary of State  
for External Affairs.*

His Excellency R. DOUGLAS STUART,  
*Ambassador of the United States of America,*  
*Ottawa.*

#### AIDE-MEMOIRE

The first sentence of Article I of the proposed agreement on financial arrangements for port services to naval vessels may be the subject of some misunderstanding unless clarified. In order to preclude future misunderstanding, the following interpretation is made at this time:

Canadian Naval ships obtaining routine port services at naval installations provided by United States Navy uniformed personnel will not be required to pay for such services where similar services are provided United States Navy ships at Canadian naval installations; however, at most United States Naval installations services such as pilotage, tugs, garbage disposal, etc., must be paid for, either in cash or on a reimbursable basis. The same charges are made for United States Navy ships at these United States Navy installations. Therefore, it is expected that United States Navy ships will pay for such services at Canadian ports.

UNITED STATES EMBASSY,  
*Ottawa, July 21, 1955.*

# ECUADOR

## Health and Sanitation: Cooperative Program

*Agreement extending the agreement of September 15, 1950.*

*Effectuated by exchange of notes*

*Signed at Quito March 17 and April 12, 1955;*

*Entered into force April 18, 1955.*

TIAS 3352  
Mar. 17 and  
Apr. 12, 1955.

*The American Ambassador to the Ecuadoran Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Quito, March 17, 1955*

No. 152

EXCELLENCY:

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955 the cooperative program in health being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative health program effected by an exchange of notes signed at Quito, September 15, 1950, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to Ecuador and the Minister of Social Welfare and Labor of Ecuador, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2147.  
1 UST 760.

If this proposal is acceptable to Your Excellency's Government my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the ex-

tension may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of signature [<sup>1</sup>] of an operational extensi<sup>n</sup> agreement as referred to in the preceding sentence.

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

SHELDON T. MILLS

His Excellency

Dr. LUIS ANTONIO PEÑAHERERRA,  
Minister of Foreign Affairs,  
Quito.

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*The Ecuadoran Acting Minister of Foreign Affairs to the  
American Ambassador*

REPUBLICA DEL ECUADOR  
MINISTERIO DE RELACIONES EXTERIORES

No. 35 DDP.

QUITO, a 12 Abr 1955

SEÑOR EMBAJADOR:

En conexión con mi nota N° 25-DDP., de 30 del mes próximo pasado, tengo a honra dirigirme a Vuestra Excelencia para comunicarle que el Ministerio de Previsión Social me manifiesta que, en conformidad con el canje de notas efectuado el 15 de setiembre de 1.950, no tiene inconveniente alguno en autorizar la prórroga hasta el 30 de junio de 1.960 del Convenio referente al Programa Cooperativo de Salud y Saneamiento, entendiéndose que tal prórroga estará sujeta a las disponibilidades de fondos de las partes contratantes.

En tal virtud, tengo el especial agrado de indicar a Vuestra Excelencia que mi Gobierno encuéntrase dispuesto a suscribir el Convenio de Prórroga en cuestión, entre el Ecuador y los Estados Unidos de América, una vez que se haya estudiado y aceptado de común acuerdo el texto conveniente para la operación de aquella prórroga. Tanto la nota N° 152, de 17 de marzo pasado, de esa Honorable Embajada, como esta respuesta afirmativa deberán ser consideradas como constitutivas del referido Convenio, el cual debe entrar en vigencia en la fecha de su suscripción, como ya se deja señalado.

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<sup>1</sup> Apr. 18, 1955.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

A JURADO GONZÁLEZ

Adolfo Jurado González,  
*Ministro de Educación, Encargado de la  
Cartera de Relaciones Exteriores.*

Al Excelentísimo Señor Don SHELDON T. MILLS,  
*Embajador Extraordinario y Plenipotenciario de los  
Estados Unidos de América.  
Presente.*

*Translation*

REPUBLIC OF ECUADOR  
MINISTRY OF FOREIGN AFFAIRS

No. 35 DDP

QUITO, April 12, 1955

MR. AMBASSADOR:

With reference to my note No. 25-DDP. of March 30, 1955,[<sup>1</sup>] I have the honor to communicate to Your Excellency that the Ministry of Social Welfare informs me that, in accordance with the exchange of notes of September 15, 1950, there is no objection to authorizing the extension to June 30, 1960, of the agreement relating to the Cooperative Health and Sanitation Program, with the understanding that such extension will be subject to the availability of funds of the contracting parties.

Accordingly, I take special pleasure in informing Your Excellency that my Government is prepared to sign the extension agreement in question between Ecuador and the United States of America as soon as the suitable text for the operation of that extension has been studied and accepted by common accord. Note No. 152 of March 17, from your Embassy, and this affirmative reply shall be considered as constituting the above-mentioned agreement, which shall enter into force on the date of its signature, as has already been established.

<sup>1</sup> Not printed.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

A JURADO GONZÁLEZ  
Adolfo Jurado González  
*Minister of Education*  
*Acting Minister of Foreign Affairs*

His Excellency  
SHELDON T. MILLS,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*City.*

# KOREA

## Mutual Defense Assistance: Loan of United States Naval Vessels

*Agreement supplementing the agreement  
of January 29, 1955.*

TIAS 3353  
Aug. 29, 1955

*Effectuated by exchange of notes  
Signed at Seoul August 29, 1955;  
Entered into force August 29, 1955.*

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*The American Ambassador to the Korean Acting Minister of Foreign  
Affairs*

AMERICAN EMBASSY,  
Seoul, August 29, 1955.

No. 39

EXCELLENCY:

I have the honor to refer to the exchange of Notes, dated January 29, 1955, which constituted an agreement between our two Governments concerning the terms under which naval vessels will be loaned to the Government of the Republic of Korea by the Government of the United States of America.

I have been instructed to inform you that the Government of the United States is now prepared to loan the following additional vessels to the Government of the Republic of Korea:

- 2 Destroyer Escorts (DE)
- 1 Landing Craft Repair Ship (ARL)
- 1 Tank Landing Ship (LST)
- 2 Control Escorts (PCEC)
- 3 Light Cargo Ships (AKL)
- 8 Medium Landing Ships (LSM)
- 1 Fuel Oil Barge (YO)

I propose that the present Note and your Note in reply be considered as constituting an agreement that the vessels listed above are loaned to the Government of the Republic of Korea under the terms of the exchange of Notes of January 29, 1955.

TIAS 3163.  
*Ante*, p. 19.

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

WILLIAM S. B. LACY

His Excellency

CHO CHONG-HWAN,

*Acting Minister of Foreign Affairs of  
the Republic of Korea.*

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*The Korean Acting Minister of Foreign Affairs to the American  
Ambassador*

REPUBLIC OF KOREA

MINISTRY OF FOREIGN AFFAIRS

AUGUST 29, 1955

EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's Note No. 39, dated August 29, 1955, relating to the loan of eighteen (18) naval vessels to the Government of the Republic of Korea by the Government of the United States of America, and to confirm that the provisions set forth in that Note are acceptable to the Government of the Republic of Korea, which considers Your Excellency's Note and this reply as constituting an agreement between the two Governments on this subject, entering into force on this date.

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

CHUNG W. CHO

Chung W. Cho

*Acting Minister of Foreign Affairs*

[SEAL]

His Excellency

Mr. WILLIAM S. B. LACY

*Ambassador of the United States  
Seoul.*

# PARAGUAY

## Agriculture: Cooperative Program

*Agreement extending the agreement of September 18  
and November 11, 1950.*

TIAS 3354  
Apr. 5, 1955

*Effectuated by exchange of notes  
Signed at Asunción April 5, 1955;  
Entered into force April 5, 1955.*

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*The Paraguayan Minister of Foreign Affairs to the American  
Ambassador*

REPUBLICA DE PARAGUAY  
Ministerio de Relaciones Exteriores

D.O.T.A.I. N° 382.-

ASUNCIÓN, 5 de Abril de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de referirme a las recientes conversaciones mantenidas entre Representantes de nuestros respectivos Gobiernos, sobre la prórroga del Programa Técnico Interamericano de Cooperación Agrícola, que vence el 30 de Junio de 1955.

2.-Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones, realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa Técnico Interamericano de Cooperación Agrícola sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3.-A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer por vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa Técnico Interamericano de Cooperación Agrícola, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4.-Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Agricultura, de acuerdo a los arreglos a que se llegare entre el Director de la Misión de Operaciones en el Exterior, en el Paraguay, y el Ministro de Agricultura y Ganadería del Paraguay, o sus designados, o cualesquiera otros funcionarios que los sucedan, o cualquier otro representante autorizado por los respectivos Gobiernos.

5.-Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos Gobiernos en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Técnico Interamericano de Cooperación Agrícola en el Paraguay, llegar a una mayor coordinación del Servicio Técnico Interamericano de Cooperación Agrícola y el Ministerio de Agricultura y Ganadería del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas Organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se cumplan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba, y encaminarán sus esfuerzos para que así suceda.

6.-Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa, mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las Contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno considerará esta nota y su respuesta concurrente como constituyendo un acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho esta oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

[SEAL]

H. SÁNCHEZ QUELL

A Su Excelencia,

El Señor Don ARTHUR A. AGETON,

*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de America.*

*Ciudad.-*

*Translation*

REPUBLIC OF PARAGUAY  
Ministry of Foreign Affairs

D.O.T.A.I. No. 382.-

ASUNCIÓN, April 5, 1955.

MR. AMBASSADOR:

I have the honor to refer to the recent talks between representatives of our Governments on the extension of the Inter-American Technical Program for Agricultural Cooperation, which expires on June 30, 1955.

2. As Your Excellency was informed in the last of the above-mentioned talks, which were held in the office of the Minister of Foreign Affairs on January 14, 1955, the Government of Paraguay desires and is prepared to have the Inter-American Technical Program for Agricultural Cooperation extended beyond the date of its termination for a period of five years.

3. In order to formalize this extension, I am authorized by my Government to propose through you to the Government of the United States of America that the agreement between our two Governments establishing the Inter-American Technical Program for Agricultural Cooperation, effected by an exchange of notes signed at Asunción on September 18, 1950, and November 11, 1950, be extended until June 30, 1960. It is understood that the obligations of the two parties with respect to the program will be subject to the availability of funds.

4. It is also understood that both parties may make financial contributions to the Cooperative Agricultural Program in accordance with any arrangements that may be made between the Director of the Foreign Operations Mission in Paraguay and the Minister of Agriculture and Animal Husbandry of Paraguay, or their representatives or any other officials who may succeed them, or any other representative authorized by the respective Governments.

5. As was agreed in the final talk between the representatives of the two Governments on the above-mentioned date, it is the desire of both Governments in this Inter-American Technical Program for Agricultural Cooperation in Paraguay to attain greater coordination between the Inter-American Technical Service for Agricultural Cooperation and the Ministry of Agriculture and Animal Husbandry of Paraguay, and greater integration of the work and the employees of the two organizations. In the atmosphere of cordiality and understanding with which they have been conducted, these talks will continue so that these aims may

TIAS 2205.  
2 UST 661.

TIAS 3354

be achieved when the present agreement expires and the extension becomes effective.

The representatives of the two Governments have agreed on the advisability of the foregoing and will direct their efforts toward that end.

6. If the proposals contained in this note are acceptable to the Government which Your Excellency so worthily represents, my Government would appreciate an affirmative reply so that the agreement on the program and the financial contributions may be drafted as soon as possible. My Government will regard this note and your reply concurring therein as constituting an agreement extending the aforesaid agreement, which will enter into force on the date of signature [<sup>1</sup>] of the agreement on the program and the financial contributions referred to in the preceding sentence.

I avail myself of the opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

[SEAL]

H. SÁNCHEZ QUELL

His Excellency

ARTHUR A. AGETON,

*Ambassador Extraordinary and Plenipotentiary*

*of the United States of America,*

*City.*

*The American Ambassador to the Paraguayan Minister of  
Foreign Affairs*

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

AMERICAN EMBASSY

Asunción, April 5, 1955

No. 117

EXCELLENCY:

I have the honor to refer to Your Excellency's Note D.O.T.A.I. No. 382, of April 5, 1955, with reference to the extension of the term of the Technical Cooperation Program in Agriculture, which expires on June 30, 1955.

My Government finds acceptable the proposals contained in Your Excellency's note referred to above, the text of which is given below:

Señor Embajador:

Tengo el honor de referirme a las recientes conversaciones mantenidas entre representantes de nuestros respectivos

<sup>1</sup> Apr. 5, 1955.

Gobiernos sobre la prórroga del Programa Técnico Interamericano de Cooperación Agrícola, que vence el 30 de Junio de 1955.

2. Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa Técnico Interamericano de Cooperación Agrícola sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3. A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer por vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa Técnico Interamericano de Cooperación Agrícola, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4. Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Agricultura, de acuerdo a los arreglos a que se llegare entre el Director de la Misión de Operaciones en el Exterior en el Paraguay, y al Ministro de Agricultura y Ganadería del Paraguay, o sus designados, o cualesquiera otros funcionarios que los sucedan, o cualquier otro representante autorizado por los respectivos Gobiernos.

5. Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos Gobiernos, en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Técnico Interamericano de Cooperación Agrícola en el Paraguay, llegar a una mayor coordinación del Servicio Técnico Interamericano de Cooperación Agrícola y el Ministerio de Agricultura y Ganadería del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se cumplan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba y encaminarán sus esfuerzos para que así suceda.

6. Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa, mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno considerará esta nota y su respuesta concurrente como constituyendo un Acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho esta oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

My Government considers Your Excellency's Note D.O.T.A.I. No. 382, of April 5, 1955 and my present reply thereto as constituting an agreement extending until June 30, 1960, the Agreement between our two Governments providing for the Technical Cooperation Program in Agriculture, said extension to become effective on the date of signature of the agreement on the program and the financial contributions mentioned in Paragraph 6 of Your Excellency's Note quoted above.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

ARTHUR A. AGETON

His Excellency

Dr. HIPÓLITO SÁNCHEZ QUELL,  
*Minister of Foreign Affairs  
of the Republic of Paraguay,  
Asunción*

# PARAGUAY

## Health and Sanitation: Cooperative Program

*Agreement extending the agreement of September 18  
and November 11, 1950.*

TIAS 3355  
Apr. 5, 1955

*Effectuated by exchange of notes  
Signed at Asunción April 5, 1955;  
Entered into force April 5, 1955.*

*The Paraguayan Minister of Foreign Affairs to the American  
Ambassador*

REPUBLICA DE PARAGUAY  
*Ministerio de Relaciones Exteriores*

D.O.T.A.I. N° 383.-

ASUNCIÓN, 5 de Abril de 1955.

### SEÑOR EMBAJADOR:

Tengo el honor de referirme a las recientes conversaciones mantenidas entre Representantes de nuestros respectivos Gobiernos, sobre la prórroga del Programa Cooperativo Interamericano de Salud Pública, que vence el 30 de Junio de 1955.

2.-Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones, realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa Cooperativo Interamericano de Salud Pública sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3.-A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer por Vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa Cooperativo Interamericano de Salud Pública, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4.-Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Salud Pú-

blica, de acuerdo a los arreglos a que se llegare, entre el Director de la Misión de Operaciones en el Exterior, en el Paraguay y el Ministro de Salud Pública y Bienestar Social, o sus designados, o cualesquiera otros funcionarios que los sucedan, o cualquier otro representante autorizado por los respectivos Gobiernos.

5.-Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos Gobiernos, en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Cooperativo de Salud Pública en el Paraguay, llegar a una mayor coordinación del Servicio Cooperativo Interamericano de Salud Pública y el Ministerio de Salud Pública y Bienestar Social del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas Organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se cumplan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba y encaminarán sus esfuerzos para que así suceda.

6.-Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa, mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno considerará esta nota y su respuesta concurrente como constituyendo un Acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

[SEAL] H. SÁNCHEZ QUELL

A Su Excelencia,  
El Señor Don ARTHUR A. AGETON,  
*Embajador Extraordinario y Plenipotenciario de los  
Estados Unidos de America.  
Ciudad.*

*Translation*

REPUBLIC OF PARAGUAY

Ministry of Foreign Affairs

D. O. T. A. I. No. 383.-

ASUNCIÓN, April 5, 1955.

MR. AMBASSADOR:

I have the honor to refer to the recent talks between representatives of our Governments on the extension of the Inter-American Cooperative Public Health Program, which expires on June 30, 1955.

2. As Your Excellency was informed in the last of the above-mentioned talks, which were held in the office of the Minister of Foreign Affairs on January 14, 1955, the Government of Paraguay desires and is prepared to have the Inter-American Cooperative Public Health Program extended beyond the date of its termination for a period of five years.

3. In order to formalize this extension, I am authorized by my Government to propose through you to the Government of the United States of America that the agreement between our two Governments establishing the Inter-American Cooperative Public Health Program, effected by an exchange of notes signed at Asunción on September 18, 1950, and November 11, 1950, be extended until June 30, 1960. It is understood that the obligations of the two parties with respect to the program will be subject to the availability of funds.

TIAS 2388.  
3 UST 34.

4. It is also understood that both parties may make financial contributions to the Cooperative Public Health Program in accordance with any arrangements that may be made between the Director of the Foreign Operations Mission in Paraguay and the Minister of Public Health and Social Welfare, or their representatives or any other officials who may succeed them, or any other representative authorized by the respective Governments.

5. As was agreed in the final talk between the representatives of the two Governments on the above-mentioned date, it is the desire of both Governments in this Cooperative Public Health Program in Paraguay to attain greater coordination between the Inter-American Cooperative Public Health Service and the Ministry of Public Health and Social Welfare of Paraguay, and greater integration of the work and the employees of the two organizations. In the atmosphere of cordiality and understanding with which they have been conducted, these talks will continue so that these aims may be achieved when the present agreement expires and the extension becomes effective.

The representatives of the two Governments have agreed on the advisability of the foregoing and will direct their efforts toward that end.

6. If the proposals contained in this note are acceptable to the Government which Your Excellency so worthily represents, my Government would appreciate an affirmative reply so that the agreement on the program and the financial contributions may be drafted as soon as possible. My Government will regard this note and your reply concurring therein as constituting an agreement extending the aforesaid agreement, which will enter into force on the date of signature ['] of the agreement on the program and the financial contributions referred to in the preceding sentence.

I avail myself of the opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

[SEAL]

H. SÁNCHEZ QUELL

His Excellency

ARTHUR A. AGETON,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

*The American Ambassador to the Paraguayan Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY

*Asunción, April 5, 1955*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note D.O.T.A.I. No. 383, of April 5, 1955, with reference to the extension of the term of the Technical Cooperation Program in Public Health, which expires on June 30, 1955.

My Government finds acceptable the proposals contained in Your Excellency's note referred to above, the text of which is given below:

Señor Embajador:

Tengo el honor de referirme a las recientes conversaciones mantenidas entre representantes de nuestros respectivos Gobiernos, sobre la prórroga del Programa Cooperativo Interamericano de Salud Pública, que vence el 30 de Junio de 1955.

<sup>1</sup> Apr. 5, 1955.

2. Como se ha tenido la oportunidad de manifestar a Vuestra Excelencia en la última de estas conversaciones, realizadas en el despacho del Ministro de Relaciones Exteriores, el 14 de Enero de 1955, el Gobierno del Paraguay desea y está dispuesto a que el Programa Cooperativo Interamericano de Salud Pública sea prorrogado, después de la fecha de su vencimiento, por un término de cinco años.

3. A fin de formalizar esta extensión, estoy autorizado por mi Gobierno para proponer por vuestro digno intermedio, al Gobierno de los Estados Unidos de América, que el Convenio entre nuestros dos Gobiernos estableciendo el Programa Cooperativo Interamericano de Salud Pública, efectuado por un cambio de notas firmadas en Asunción el 18 de Setiembre de 1950 y el 11 de Noviembre de 1950, sea prorrogado hasta el 30 de Junio de 1960. Queda entendido que las obligaciones de las dos partes con respecto a este Programa están sujetas a la disponibilidad de fondos.

4. Se sobreentiende que ambas partes pueden realizar contribuciones financieras para el Programa Cooperativo de Salud Pública, de acuerdo a los arreglos a que se llegare entre el Director de la Misión de Operaciones en el Exterior, en el Paraguay, y el Ministro de Salud Pública y Bienestar Social, o sus designados, o cualesquiera otros funcionarios que los sucedan, o cualquier otro representante autorizado por los respectivos Gobiernos.

5. Como se ha convenido en la última de las conversaciones mantenidas entre los representantes de ambos gobiernos, en la fecha indicada más arriba, es el mutuo deseo de ambos Gobiernos en este Programa Cooperativo de Salud Pública en el Paraguay, llegar a una mayor coordinación del Servicio Cooperativo Interamericano de Salud Pública y el Ministerio de Salud Pública y Bienestar Social del Paraguay, como asimismo una mayor integración de los trabajos que se realizan y de los funcionarios de ambas Organizaciones. Dentro del mismo marco de cordialidad, comprensión y entendimiento con que se han realizado estas conversaciones, proseguirán las mismas para que estas finalidades se cumplan al vencer el actual plazo del Convenio y entre a regir la prórroga.

Los representantes de ambos Gobiernos han coincidido en la conveniencia de lo expuesto más arriba y encaminarán sus esfuerzos para que así suceda.

6. Si las propuestas contenidas en esta nota son aceptables al Gobierno que Vuestra Excelencia tan dignamente representa,

mi Gobierno agradecería recibir una respuesta en el sentido afirmativo, a fin de que el Convenio del Programa y de las contribuciones financieras pueda ser redactado a la brevedad posible. Mi Gobierno considerará esta nota y su respuesta concurrente como constituyendo un Acuerdo prorrogando el Convenio citado más arriba, que entrará en vigor en la fecha de la firma del Convenio del Programa y de aporte financiero a que se refiere en la frase precedente.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más distinguida consideración.

My Government considers Your Excellency's Note D. O. T. A. I. No. 383, of April 5, 1955, and my present reply thereto as constituting an agreement extending until June 30, 1960, the Agreement between our two Governments providing for the Technical Cooperation Program in Public Health, said extension to become effective on the date of signature of the agreement on the program and the financial contributions mentioned in Paragraph 6 of Your Excellency's note quoted above.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

ARTHUR A. AGETON

His Excellency

Dr. HIPÓLITO SÁNCHEZ QUELL,  
*Minister of Foreign Affairs*  
*of the Republic of Paraguay,*  
*Asunción*

# NICARAGUA

## Health and Sanitation: Cooperative Program

*Agreement extending the agreement of January 31, 1951,  
as supplemented.*

TIAS 3356  
Apr. 27, 1955

*Signed at Managua April 27, 1955;  
Entered into force April 27, 1955.*

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### SUPPLEMENTAL AGREEMENT

#### COOPERATIVE HEALTH PROGRAM IN NICARAGUA

THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA AND THE GOVERNMENT  
OF NICARAGUA

### CONVENIO SUPLEMENTARIO

#### PROGRAMA COOPERATIVO DE SALUBRIDAD EN NICARAGUA

EL GOBIERNO DE LOS ESTADOS UNIDOS  
DE AMERICA Y EL GOBIERNO DE NICARAGUA.

Managua, D. N., 27 de Abril de 1955.

**SUPPLEMENTAL AGREEMENT  
COOPERATIVE HEALTH PROGRAM IN NICARAGUA  
THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA AND THE GOVERNMENT  
OF NICARAGUA,**

Have agreed as follows:

**ARTICLE I**

The Agreement for a Cooperative Health Program between the Government of the United States and the Government of Nicaragua signed at Managua on January 31, 1951, as supplemented, is hereby extended through June 30, 1956. The undertakings specified in the above-mentioned Agreement are extended through June 30, 1956, subject to the understanding that the obligations of the parties thereunder after June 30, 1955, shall be subject to the availability of funds. The above-mentioned Agreement may be terminated at any time by either party giving the other thirty days' written notice of intention to terminate. It is understood that the two parties, by mutual agreement, may establish regulations for the deposit of the financial contributions to the Cooperative Health Program pursuant to arrangements entered into, on the one hand, by the Director of the United States Operations Mission to Nicaragua and, on the other hand, by the Minister of Public Works of Nicaragua and the Minister of Public Health of Nicaragua, or their designees, or by any successor officials or other authorized representatives of the two parties.

**ARTICLE II**

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at Managua this 27th day of April 1955.

**CONVENIO SUPLEMENTARIO  
PROGRAMA COOPERATIVO DE SALUBRIDAD  
EN NICARAGUA**  
**EL GOBIERNO DE LOS ESTADOS UNIDOS DE  
AMERICA Y EL GOBIERNO DE NICARAGUA,**

Han convenido en lo siguiente:

**ARTICULO I**

El Convenio para un Programa Cooperativo de Salubridad entre el Gobierno de los Estados Unidos y el Gobierno de Nicaragua, firmado en Managua el 31 de Enero de 1951, tal como fué complementado, se prorroga por el presente convenio hasta el 30 de Junio de 1956. Los compromisos especificados en el Convenio arriba mencionado, se prorrogan hasta el 30 de Junio de 1956, sujetos al entendimiento de que las obligaciones de las partes en el mismo, después del 30 de Junio de 1955, estarán sujetas a la disponibilidad de fondos. El Convenio arriba mencionado puede ser terminado en cualquier tiempo por cualquiera de las partes que dé a la otra un aviso escrito de la intención de terminarlo con treinta días de anticipación. Es entendido que las dos partes, de común acuerdo, pueden establecer regulaciones para el depósito de las contribuciones financieras al Programa Cooperativo de Salubridad, de acuerdo con arreglos celebrados, por una parte, por el Director de la Misión de Operaciones de los Estados Unidos en Nicaragua y, por otra parte, por el Ministro de Fomento y Obras Públicas de Nicaragua y el Ministro de Salubridad Pública de Nicaragua, o sus designados, o por cualesquiera funcionarios sucesores u otros representantes autorizados de las dos partes.

**ARTICULO II**

Este convenio entrará en vigor en la fecha en que se firme.  
HECHO en duplicado, en los idiomas inglés y español, en  
Managua a los 27 días de Abril de 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

T. E. WHELAN

Thomas E. Whelan

*Ambassador of the United States of America*

EARL O. FINNIE

Earl O. Finnie

*Director, United States Operations Mission*

*Institute of Inter-American Affairs of the*

*United States Foreign Operations Administration*

FOR THE GOVERNMENT OF NICARAGUA

OSCAR SEVILLA SACASA

Oscar Sevilla Sacasa

*Minister for Foreign Affairs.*

[SEAL]

MODESTO ARMIJO MEJÍA

Modesto Armijo Mejía

*Minister of Public Works*

L. SOMARRIBA

Leonardo Somarriba

*Minister of Public Health*

# NICARAGUA

## Education: Cooperative Program

*Agreement extending the agreement of January 31, 1951,  
as supplemented.*

TIAS 3357  
Apr. 27, 1955

*Signed at Managua April 27, 1955;  
Entered into force April 27, 1955.*

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### SUPPLEMENTAL AGREEMENT

#### COOPERATIVE EDUCATION PROGRAM IN NICARAGUA

THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA AND THE GOVERNMENT  
OF NICARAGUA

### CONVENIO SUPLEMENTARIO

#### PROGRAMA COOPERATIVO DE EDUCACION EN NICARAGUA

EL GOBIERNO DE LOS ESTADOS UNIDOS DE  
AMERICA Y EL GOBIERNO DE NICARAGUA.

Managua, D. N., 27 de Abril de 1955,

**SUPPLEMENTAL AGREEMENT  
COOPERATIVE EDUCATION PROGRAM IN NICARAGUA  
THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA AND THE GOVERNMENT  
OF NICARAGUA,**

Have agreed as follows:

**ARTICLE I**

The Agreement for a Cooperative Education Program between the Government of the United States and the Government of Nicaragua signed at Managua on January 31, 1951, as supplemented, is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned Agreement are extended through June 30, 1960, subject to the understanding that the obligations of the parties thereunder after June 30, 1955, shall be subject to the availability of funds. The above-mentioned Agreement may be terminated at any time by either party giving the other thirty days' written notice of intention to terminate. It is understood that the two parties, by mutual agreement, may establish regulations for the deposit of the financial contributions to the Cooperative Education Program pursuant to arrangements entered into, on the one hand, by the Director of the United States Operations Mission to Nicaragua and, on the other hand, by the Minister of Education of Nicaragua, or their designees, or by any successor officials or other authorized representatives of the two parties.

**ARTICLE II**

This Agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at Managua this 27th day of April, 1955.

**CONVENIO SUPLEMENTARIO  
PROGRAMA COOPERATIVO DE EDUCACION  
EN NICARAGUA**

**EL GOBIERNO DE LOS ESTADOS UNIDOS DE  
AMERICA Y EL GOBIERNO DE NICARAGUA,**

Han convenido en lo siguiente:

**ARTICULO I**

El Convenio para un Programa Cooperativo de Educación entre el Gobierno de los Estados Unidos y el Gobierno de Nicaragua, firmado en Managua el 31 de Enero de 1951, tal como fué complementado se prorroga por el presente convenio hasta el 30 de Junio de 1960. Los compromisos especificados en el Convenio arriba mencionado, se prorrogan hasta el 30 de Junio de 1960, sujetos al entendimiento de que las obligaciones de las partes en el mismo, después del 30 de Junio de 1955, estarán sujetas a la disponibilidad de fondos. El Convenio arriba mencionado puede ser terminado en cualquier tiempo por cualquiera de las partes que dé a la otra un aviso escrito de la intención de terminarlo con treinta días de anticipación. Es entendido que las dos partes, de común acuerdo, pueden establecer regulaciones para el depósito de las contribuciones financieras al Programa Cooperativo de Educación, de acuerdo con arreglos celebrados, por una parte, por el Director de la Misión de Operaciones de los Estados Unidos en Nicaragua y, por otra parte, por el Ministro de Educación de Nicaragua, o sus designados, o por cualesquiera funcionarios sucesores u otros representantes autorizados de las dos partes.

**ARTICULO II**

Este convenio entrará en vigor en la fecha en que se firme.

HECHO en duplicado, en los idiomas inglés y español, en Managua  
a los 27 días de Abril de 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

T. E. WHELAN

Thomas E. Whelan  
*Ambassador of the United States of America*

EARL O. FINNIE

Earl O. Finnie  
*Director, United States Operations Mission*  
*Institute of Inter-American Affairs of the*  
*United States Foreign Operations Administration*

FOR THE GOVERNMENT OF NICARAGUA

OSCAR SEVILLA SACASA

Oscar Sevilla Sacasa  
*Minister for Foreign Affairs*

[SEAL]

CRISANTO SACASA.

Crisanto Sacasa  
*Minister of Education*

# DOMINICAN REPUBLIC

## Education: Cooperative Program

*Agreement extending the agreement of March 16, 1951,  
as modified and supplemented.*

TIAS 3358  
Apr. 19 and  
May 5, 1955

*Effectuated by exchange of notes*

*Signed at Ciudad Trujillo April 19 and May 5, 1955;  
Entered into force May 5, 1955.*

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*The American Chargé d'Affaires ad interim to the Dominican Acting  
Secretary of State for Foreign Affairs and Worship*

CIUDAD TRUJILLO, D. R.,  
April 19, 1955.

No. 405

**EXCELLENCY:**

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955, the cooperative education program being conducted by our two Governments in the Dominican Republic. In order to provide for such an extension, I am authorized by my Government to propose that the agreement for a cooperative education program between our two Governments effected by an exchange of notes signed at Ciudad Trujillo on March 16, 1951, as subsequently modified and supplemented, be extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the two parties thereunder after June 30, 1955 are subject to the availability of funds to each party for purposes of the program. The above-mentioned agreement may be terminated at any time by either party giving the other three months written notice of intention to terminate.

TIAS 2244.  
2 UST 897.

It is understood that the two parties may make financial contributions to the cooperative education program pursuant to arrangements entered into by the Director of the United States Operations Mission to the Dominican Republic and the Minister of Education and Fine Arts of the Dominican Republic, or their

designees, or by any successor officials or other authorized representatives of the two parties.

If this proposal is acceptable to Your Excellency's Government, my Government would appreciate receiving a reply to that effect. My Government will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of your note in reply.

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

Wm. C. AFFELD, Jr.  
William C. Affeld, Jr.  
*Chargé d'Affaires ad interim*

His Excellency

Lic. PORFIRIO HERRERA BÁEZ,  
*Acting Secretary of State for Foreign Affairs  
and Worship,*  
*Ciudad Trujillo.*

*The Dominican Secretary of State for Foreign Affairs and Worship  
to the American Chargé d'Affaires ad interim*

REPUBLICA DOMINICANA  
SECRETARIA DE ESTADO  
DE RELACIONES EXTERIORES Y CULTO

CIUDAD TRUJILLO,  
DISTRITO DE SANTO DOMINGO,  
5 de mayo de 1955  
11115

AÑO DEL BENEFACTOR DE LA PATRIA

**SEÑOR ENCARGADO DE NEGOCIOS:**

Tengo la honra de referirme a la nota de la Embajada, Núm. 405, de fecha 19 de abril de 1955, y de informar a Vuestra Señoría que referida dicha nota al departamento de Educación y Bellas Artes, y después al Poder Ejecutivo, esta Cancillería tiene autorización para aceptar la prórroga hasta el 30 de junio de 1960 al Acuerdo acerca de un Programa Cooperativo de Educación entre nuestros dos gobiernos, efectuado por intercambio de notas firmadas en Ciudad Trujillo el 16 de mayo de 1951 subconsecuentemente modificado y suplementado.

Esta prórroga está sujeta a las condiciones expresadas en la mencionada nota de la Embajada, Núm. 405 de fecha 19 de abril de 1955, nota que con la presente respuesta afirmativa de la Cancillería, será considerada por nuestros gobiernos como un Acuerdo que entrará en vigor en la fecha de la presente nota.

Aprovecho la oportunidad para reiterar a Vuestra Señoría, las seguridades de mi más distinguida consideración.

E DE MARCHENA

Su Señoría

WILLIAM C. AFFELD, Jr.,

*Primer Secretario de la Embajada  
de los Estados Unidos de América,  
Su Embajada.-*

*Translation*

DOMINICAN REPUBLIC  
DEPARTMENT OF STATE  
FOR FOREIGN AFFAIRS AND WORSHIP

CIUDAD TRUJILLO,  
DISTRICT OF SANTO DOMINGO,  
*May 5, 1955*

11115

YEAR OF THE BENEFACTOR OF OUR COUNTRY

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to the Embassy's note No. 405, dated April 19, 1955, and to inform you that, the said note having first been referred to the Department of Education and Fine Arts and then to the Executive Power, this Foreign Office is authorized to agree to the extension to June 30, 1960, of the Agreement for a Cooperative Education Program between our two Governments, effected by an exchange of notes signed at Ciudad Trujillo on May 16, 1951, as subsequently modified and supplemented.

This extension is subject to the conditions stated in the Embassy's above-mentioned note No. 405 of April 19, 1955, which, together with the present affirmative reply of the Foreign Office, will be considered by our Governments as constituting an agreement which shall enter into force on the date of the present note.

I avail myself of the opportunity to renew to you the assurances of my most distinguished consideration.

E DE MARCHENA

WILLIAM C. AFFELD, Jr.,

*First Secretary*

*of the Embassy of the United States of America,  
City.*



# UNITED KINGDOM

## Atomic Energy: Cooperation for Civil Uses

*Agreement amending the agreement of June 15, 1955.*

TIAS 3359

Oct. 20 and

Nov. 3, 1955

*Effectuated by exchange of notes signed at Washington October 20 and*

*November 3, 1955;*

*Entered into force November 3, 1955.*

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*The British Ambassador to the Secretary of State*

BRITISH EMBASSY,  
WASHINGTON, D. C.

*October 20, 1955.*

No. 572

SIR,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Civil Use of Atomic Energy signed in Washington on June 15, 1955, and to draw Your Excellency's attention to an error in the wording of Article VII A.(1).

TIAS 3321.  
*Ante*, p. 2709.

According to the present text of Article VII A.(1) each Party

"agrees to transfer and assign to the other Party all right, title, and interest in and to any such invention, discovery, patent application, or patent in the country of that other Party, to the extent owned, subject to a royalty-free, non-exclusive, irrevocable licence for the governmental purposes of such other Party and for purposes of mutual defence."

In the view of Her Majesty's Government, the provision in question should read as follows:-

"agrees to transfer and assign to the other Party all right, title, and interest in and to any such invention, discovery, patent application, or patent in the country of that other Party, to the extent owned, subject to a royalty-free, non-exclusive, irrevocable licence for the governmental purposes of the transferring and assigning Party and for purposes of mutual defence."

If Your Excellency confirms that the Government of the United States agree with the view of Her Majesty's Government, I have the honour to propose that the text of Article VII A.(1) shall be considered as corrected to read in the manner suggested above and that this Note, together with your reply to it, shall constitute an agreement to this effect.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

(For the Ambassador)

J H A WATSON

The Honourable

JOHN FOSTER DULLES,

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

*The Acting Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

November 3, 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of October 20, 1955, in which you drew attention to an error in the wording of Article VII A. (1) of the Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Civil Uses of Atomic Energy signed in Washington on June 15, 1955.

In reply, I have the honor to inform you that the Government of the United States confirms the view of the Government of the United Kingdom of Great Britain and Northern Ireland that there is an error in the present text of Article VII A. (1) and agrees that the provision in question should be considered as corrected to read as suggested in your note and that your note, together with this reply to it, shall constitute an agreement to this effect.

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

For the Acting Secretary of State:

WALWORTH BARBOUR

His Excellency

Sir ROGER MAKINS, G. C. M. G., K. C. B.,  
*British Ambassador.*

FEDERAL REPUBLIC OF GERMANY  
TAX RELIEF ON DEFENSE EXPENDITURES

*Agreement with annex and exchange of notes*

TIAS 3360

*Signed at Bonn October 15, 1954;*

Oct. 15, 1954

*Entered into force November 8, 1955.*

Agreement between the United States  
of America and the Federal Republic  
of Germany Concerning Tax Relief to  
be Accorded by the Federal Republic  
to United States Expenditures in the  
Interest of the Common Defense

The United States of America and the Federal Republic  
of Germany wishing to promote the common defense effort  
have agreed as follows:

*Post*, p. 3087.

Article I

The Federal Republic of Germany, called hereinafter the Federal  
Republic, shall grant relief from Federal taxes and customs duties  
insofar as payments of such taxes and customs duties affect defense  
expenditures of the United States of America, called hereinafter the  
United States. The manner and form of such tax relief shall be in  
accordance with the Articles below.

Article II

Defense expenditures in the meaning of this Agreement are expendi-  
tures made by the United States, or in the case of experts, expenditures  
made by or on behalf of the United States, for equipment, materials,  
facilities and/or services for the common defense effort, including the  
expenditures of all foreign aid programs of the United States.

Article III

Relief from taxes and customs duties which affect United States  
defense expenditures as defined in Article II and in accordance with  
the terms of the Annex shall be granted as follows:

(1) Turnover Tax

(a) Exemption from the turnover tax shall be granted for  
equipment, materials or facilities delivered to, or services rendered  
for, agencies of the United States or agencies of other governments  
designated by the United States, regardless of whether or not an expert  
transaction takes place.

(b) Refunds of turnover tax shall, upon application, be granted, to the extent provided in the Annex, to the supplier of equipment, materials, facilities or services which are exempt from the turnover tax pursuant to Subparagraph (a) above, regardless of whether or not an export transaction takes place.

(c) The exemptions and refunds provided under Subparagraphs (a) and (b) above shall also be granted to a supplier who proves that supplies were exported to private persons or firms authorized by agencies of the United States or agencies of other governments designated by the United States.

(2) Customs Duties and Excise Taxes Including Turnover Equalization Tax and Levies of the Fiscal Monopolies

(a) Exemption from the collection of customs duties and excise taxes, including the turnover equalization tax, shall be granted for equipment, materials and facilities which are delivered to agencies of the United States or to agencies of other governments designated by the United States from customs-free areas, such as customs-free ports, or from installations under customs control, such as bonded warehouses. The same exemptions shall be granted if such supplies are duly exported.

(b) Other equipment, materials or facilities which are delivered to agencies of the United States or to agencies of other Governments designated by the United States shall be granted the most favorable exemptions, refunds or price discounts provided by German customs - excise - and fiscal monopoly legislation for exported supplies. The exemptions, refunds or price discounts provided by German customs - excise - and fiscal monopoly legislation for exported supplies shall also apply to supplies which are duly exported.

Article IV

Exemption from customs duties and excise taxes, including the turnover equalization tax, shall be granted for equipment, materials

or facilities, as specified in Article II, which are imported from outside the German customs area and delivered to, or which are in transit through the territory of the Federal Republic for delivery to, agencies of the United States or to agencies of other governments designated by the United States.

Article V

Exemption from customs duties and excise taxes, including the turnover equalization tax, shall be granted for equipment, materials or facilities, as specified in Article III (2) Subparagraph (a) and Article IV, which are processed in the German customs area under the German customs regulations applicable to such processing. A simplified procedure will be provided for the repair of military equipment.

Article VI

Relief from Federal taxes and customs duties shall be granted provided the responsible German agencies have been furnished by agencies of the United States with appropriate evidence that the transactions concerned are eligible for such relief under the provisions of this Agreement. The form of this evidence shall be established by mutual agreement between the two governments.

Article VII

(1) When dollar expenditures are involved, the United States shall make payments in the form of dollar instruments payable at specific banks to the credit of the supplier concerned.

(2) When payments from DM funds specified in the Annex under Point 2 are involved, the payments shall be made in accordance with arrangements between the two governments.

Article VIII

Supplies for which tax relief has been granted in accordance with the above provisions may be sold in the area to which this agreement applies to persons other than agencies of the United States or agencies of other governments designated by the United States only in accordance with terms to be agreed upon by the two governments.

Article IX

The relief provided in Articles III, IV and V shall also be granted for transactions which originated prior to the entry into force of this Agreement where the contracts involved in such transactions provide (a) that, pending the conclusion of arrangements embodied in this Agreement, not in excess of a certain percentage of total payments due under such contracts shall be paid by the United States, or (b) that prices shall be reduced by the amount of taxes reflected therein for which tax relief shall be granted by the Federal Republic to the other contracting party.

Article X

This Agreement does not affect relief from taxes the yield of which accrues entirely or partly to the Laender or the Gemeinden (Gemeindeverbaende). It does not provide relief from social insurance contributions.

Article XI

The Government of the Federal Republic shall inform the Government of the United States of regulations to be issued for the implementation of this Agreement.

Article XII

(1) The present Agreement shall also apply from the date specified in Article XIV to Land Berlin which for the purposes of this Agreement comprises those areas over which the Berlin Senate exercises jurisdiction.

Application to Land Berlin.

(2) It is a condition to the application of this Agreement to Land Berlin, in accordance with the preceding Paragraph, that the Government of the Federal Republic shall previously have furnished to the Government of the United States a notification that all legal procedures in Berlin necessary for the application of this Agreement therein have been complied with.

Article XIII

(1) The two Governments shall, upon the request of either of them, consult regarding any question relating to the application of this Agreement or to the operations or arrangements carried out pursuant to this Agreement.

(2) Either Party to this Agreement may apply at any time for review of this Agreement. The two Governments shall enter into negotiations aiming at a mutually satisfactory solution based on the principles of this Agreement with respect to any problem that may arise.

(3) This Agreement may be amended at any time by agreement between the two contracting parties.

Article XIV

Entry into force.

(1) This Agreement shall enter into force upon the deposit of an instrument of ratification by the Federal Republic with the Government [1] of the United States.

(2) The Annex to this Agreement forms an integral part hereof.

In witness whereof the respective representatives, duly authorized for the purpose, have signed this Agreement.

Done at Bonn, in duplicate, in the English and German languages, both of which texts are authentic, this 11th day of October, 1954.

FOR THE UNITED STATES OF AMERICA:

*James B. Conant*

FOR THE FEDERAL REPUBLIC OF GERMANY:

*W. Ulrich*

1 Nov. 8, 1955.

## ANNEX

To the Agreement between the United States  
of America and the Federal Republic of  
Germany concerning Tax Relief to be Accorded  
by the Federal Republic to United States  
Expenditures in the Interest of the Common  
Defense.

1. Article I

The relief from taxes and customs duties provided by the accompanying  
Agreement shall not apply to:

- (a) Purchases and imports by the Post Exchange System;
- (b) Purchases by individual members of the United States Forces  
in Germany.

2. Articles II and VII

- (1) United States defense expenditures within the meaning of this  
Agreement shall be expenditures made from:
  - (a) United States dollars,
  - (b) Deutsche Marks purchased with United States dollars,
  - (c) Deutsche Marks received by the United States in payment for  
recognized dollar claims of the United States against the  
Federal Republic,
  - (d) Deutsche Marks received by the United States in connection  
with, or as a result of, United States dollar foreign aid  
expenditures in or for Germany,
  - (e) Deutsche Marks otherwise received by the United States  
relating to dollar expenditures insofar as they result  
from special transactions agreed to by the two governments.

- (2) It is understood that the use of the Deutsche Marks referred to  
above in Paragraph (1), Subparagraphs (c), (d) and (e) for the  
purposes defined in Article II of this Agreement shall depend  
upon agreements hereon between the two governments.

*Post*, pp. 3104, 3106.

3. Articles III, IV, V and VIII

In the event of the establishment of a European defense organization responsible for the procurement and distribution of equipment, agencies of such an organization may be regarded as agencies of a government for the purposes of this Agreement.

4. Article III (1)

(1) A supplier within the meaning of Article III (1) Subparagraph (b) of the attached Agreement shall be granted, upon application, refunds of the turnover tax in accordance with the provisions of Section 16, Subparagraphs (1) and (2) of the Turnover Tax Law and the applicable implementing regulations, regardless of whether or not an export transaction takes place.

(2) A supplier within the meaning of Article III (1) Subparagraph (c) of the attached Agreement shall be granted, upon application, refunds of the turnover tax in accordance with the provisions of Section 16 Subparagraphs (1) and (2) of the Turnover Tax Law and the applicable implementing regulations.

(3) The English phrase "for equipment, materials or facilities delivered to or services rendered for agencies" as used in Article III (1) (a) of this Agreement bears the same meaning as the German term "fuer Lieferungen von Waren einschliesslich Werklieferungen und fuer sonstige Leistungen an Stellen" (literally, for deliveries of supplies, including work deliveries, and for other services for agencies). The English phrase "equipment, materials, facilities or services" as used in Article III (1) (b) of this Agreement bears the same meaning as the German term "Lieferungen von Waren einschliesslich Werklieferungen" (literally, deliveries of supplies, including work deliveries).

(4) The meaning of the term "Werklieferungen" (work deliveries) shall in principle be as stated in the German Turnover Tax Law. Construction of buildings and other contract services for the United States shall invariably be considered to be "Werklieferungen" (work deliveries) in every case, when the contractor supplies material in the performance of the services which are valued at more than 50 percent of the total cost of the services.

Payments made to sub-contractors for services rendered under the contract are to be included in the costs of materials. The refund shall be calculated on the total amount of the bill for the entire contract.

(5) For construction other than of buildings the contractor shall be granted the highest turnover tax refund provided under Point 4 Subparagraph (1) for the materials shown separately on the bill regardless of whether the construction is a "Werklieferung" (work delivery) or a "Werkleistung" (work service).

(6) It is agreed that, in connection with procurement contracts concluded between the United States and the Federal Republic, direct deliveries to, and other services rendered for, the Federal Republic shall be treated in the same manner as direct deliveries to, and other services rendered for, agencies of the United States or to agencies of other governments designated by the United States. The same understanding shall apply where construction contracts are placed with a German building administration.

##### 5. Article V

A simplified customs procedure is provided for the repair of military equipment within the framework of the attached Agreement. Upon application, authorization to operate under such simplified procedure shall be granted by the main customs offices (Hauptzollaemter) to firms to which the agencies of the United States give such orders for repair. Authorization shall not be granted to firms which are untrustworthy in tax matters or which do not maintain proper bookkeeping. With respect to such goods to be repaired, or materials provided therefor by agencies of the United States, the authorized firms shall be relieved from the usual requirements of presenting to a customs office, and obtaining customs clearance for, each individual consignment of such goods or materials when they are taken over and when they are returned. The firms, however, shall report to the competent customs office only those goods which were received for repair and those which were returned after repair. The reports shall also include materials

received by the firm for executing the order and any resulting scrap. Scrap of low value left in the hands of the firm shall be exempt from taxes and duties. Other scrap shall be subject to taxes and duties unless returned by the firm to the contracting agency.

6. Article VIII

The United States has declared and the Federal Republic has noted that certain goods are sold through agencies of the United States Forces, particularly the Quartermaster Corps, to members of the Forces for their personal use or consumption. Such sales shall not fall under the provisions of Article VIII of the attached Agreement. In this connection, the United States and the Federal Republic shall each within the spheres of their authority take appropriate measures in order to prevent violations of German customs, tax and foreign exchange regulations, particularly with respect to goods such as tobacco, tobacco products, coffee, tea and alcoholic beverages.

7. Articles III, IV, V and VIII

It is agreed that the relief from Federal taxes and customs duties provided by this Agreement will not be altered by the entry into force of agreements on the rights and obligations of foreign forces and their members in the Federal Republic of Germany, pursuant to the decision of the Foreign Ministers of the Federal Republic of Germany, France, the United Kingdom and the United States taken at London on October 3, 1954.

8. Articles III and V

In the event the German legislation or implementing regulations existing on the date of the signing of this Agreement and governing (a) the granting of turnover tax refunds on export transactions; (b) exemptions, refunds or price discounts for exported goods from customs duties and excise taxes, including the turnover equalization tax, and levies of the fiscal monopolies; and (c) the processing of goods in the German customs area; shall be modified, superseded, or repealed, the parties to this Agreement shall enter into immediate consultations to establish procedures to ensure the granting of relief for United States defense expenditures from German taxes, customs duties and levies of fiscal monopolies no less favorable than that herewith established by this Agreement.

Abkommen zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika über die von der Bundesrepublik zu gewährenden Abgabenvergünstigungen für die von den Vereinigten Staaten im Interesse der gemeinsamen Verteidigung geleisteten Ausgaben.

Die Bundesrepublik Deutschland  
and  
die Vereinigten Staaten von Amerika  
sind  
in dem Wunsche, die gemeinsamen Verteidigungs-  
bemühungen zu fördern,  
wie folgt übereingekommen:

#### Artikel I

Die Bundesrepublik Deutschland, im folgenden die Bundesrepublik genannt, wird Vergünstigungen bei Bundessteuern und Zöllen gewähren, soweit durch die Erhebung der Abgaben Verteidigungsausgaben der Vereinigten Staaten von Amerika, im folgenden die Vereinigten Staaten genannt, betroffen werden. Die Art und Weise dieser Abgabenvergünstigungen bestimmt sich nach den nachstehenden Artikeln.

#### Artikel II

Verteidigungsausgaben im Sinne dieses Abkommens sind Ausgaben, die von den Vereinigten Staaten — im Falle der Ausfuhr von den Vereinigten Staaten oder in ihrem Auftrage — für Ausrüstung, Materialien, Einrichtungen oder Leistungen für die gemeinsamen Verteidigungsbemühungen geleistet werden, einschließlich der Ausgaben für Auslandshilfsprogramme aller Art der Vereinigten Staaten.

#### Artikel III

Hinsichtlich der Steuern und Zölle, die die Verteidigungsausgaben der Vereinigten Staaten im Sinne des Artikels II und der Bestimmungen des Anhangs berühren, werden folgende Vergünstigungen gewährt:

1. Umsatzsteuer

- a) Umsatzsteuerbefreiung wird gewährt für Lieferungen von Waren einschließlich Werklieferungen und für sonstige Leistungen an Stellen der Vereinigten Staaten und an Stellen anderer von den Vereinigten Staaten bezeichneter Regierungen ohne Rücksicht darauf, ob eine Ausfuhr tatsächlich stattfindet oder nicht.
- b) Auf Antrag werden dem Lieferer für die nach Buchstabe a) umsatzsteuerbefreiten Lieferungen von Waren einschließlich Werklieferungen Umsatzsteuervergütungen in dem im Anhang vereinbarten Umfangen gewährt ohne Rücksicht darauf, ob eine Ausfuhr tatsächlich stattfindet oder nicht.
- c) Die nach den Buchstaben a) und b) vorgesehenen Befreiungen und Vergütungen werden auch einem Lieferer gewährt, der nachweist, daß er die Waren an private Personen oder Firmen exportiert hat, die von Stellen der Vereinigten Staaten oder Stellen anderer von den Vereinigten Staaten bezeichneter Regierungen ermächtigt worden sind.

2. Zölle, Verbrauchsteuern einschließlich der Umsatzausgleichsteuer und Monopolabgaben

- a) Für Ausrüstung, Materialien und Einrichtungen, die an Stellen der Vereinigten Staaten oder an Stellen anderer von den Vereinigten Staaten bezeichneter Regierungen aus Zollausschlüssen (z.B. Freihäfen) oder aus dem Zollverkehr (z.B. Zollagern) übergeben werden, werden Zölle und Verbrauchsabgaben einschließlich der Umsatzausgleichsteuer nicht erhoben. Die gleichen Vergünstigungen werden gewährt, wenn solche Waren ordnungsgemäß ausgeführt werden.
- b) Für sonstige Ausrüstung, Materialien und Einrichtungen, die Stellen der Vereinigten Staaten oder Stellen anderer von den Vereinigten Staaten bezeichneter Re-

gierungen übergeben werden, werden die weitestgehenden Befreiungen, Vergütungen oder Preisvergünstigungen gewährt, die in den deutschen Zoll-, Verbrauchsteuer- und Monopolgesetzen für ausgeführte Waren vorgesehen sind. Für ordnungsmäßig ausgeführte Waren werden ebenfalls die Abgaben- oder Preisvergünstigungen gewährt, die in den deutschen Zoll-, Verbrauchsteuer- und Monopolgesetzen für den Fall der Ausfuhr vorgesehen sind.

#### Artikel IV

Zölle und Verbrauchsteuern einschließlich der Umsatzausgleichsteuer werden nicht erhoben für Ausrüstung, Materialien und Einrichtungen der in Artikel II bezeichneten Art, die aus dem Zollauslande eingeführt und Stellen der Vereinigten Staaten oder Stellen anderer von den Vereinigten Staaten bezeichnetener Regierungen übergeben oder die durch das deutsche Zollgebiet zur Lieferung an solche Stellen durchgeführt werden.

#### Artikel V

Für die in Artikel III Nr.2 Buchstabe a) und in Artikel IV bezeichneten Ausrüstungsgegenstände, Materialien und Einrichtungen, die im deutschen Zollgebiet veredelt werden, wird Befreiung von Zöllen und Verbrauchsteuern einschließlich der Umsatzausgleichsteuer nach Maßgabe der deutschen Zollbestimmungen gewährt werden, die auf solche Veredelungen anwendbar sind. Für die Ausbesserung von militärischen Ausrüstungsgegenständen wird ein vereinfachtes Verfahren vorgesehen werden.

#### Artikel VI

Die Vergünstigungen bei Bundessteuern und Zöllen sind davon abhängig, daß den zuständigen deutschen Stellen von Stellen der Vereinigten Staaten in geeigneter Weise der Nachweis dafür erbracht wird, daß bei den betreffenden Rechtsgeschäften die in diesem Abkommen aufgeführten Voraussetzungen für derartige Abgabenvergünstigungen vorliegen.

Die Art dieses Nachweises wird durch gegenseitige Vereinbarung zwischen den beiden Regierungen festgelegt werden.

Artikel VII

(1) Wenn Dollarausgaben in Betracht kommen, werden die Vereinigten Staaten Zahlung leisten in Form von auf Dollar lautenden Urkunden, die bei bestimmten Banken zu Gunsten der in Betracht kommenden Lieferer zahlbar sind.

(2) Wenn Zahlungen aus den im Anhang unter Nummer 2 aufgeführten DM-Beträgen in Betracht kommen, wird die Zahlung gemäß näherer Vereinbarungen der beiden Regierungen geleistet werden.

Artikel VIII

Waren, für die nach den vorstehenden Bestimmungen Abgabenvergünstigungen gewährt worden sind, dürfen im Geltungsbereich dieses Abkommens an andere Personen als Stellen der Vereinigten Staaten oder Stellen anderer von den Vereinigten Staaten bezeichneter Regierungen nur unter den von den beiden Regierungen zu vereinbarenden Bedingungen veräußert werden.

Artikel IX

Die in den Artikeln III, IV und V aufgeführten Vergünstigungen werden auch gewährt für Rechtsgeschäfte, die vor dem Inkrafttreten dieses Abkommens eingegangen sind, vorausgesetzt, daß die über solche Rechtsgeschäfte abgeschlossenen Beschaffungsverträge Bestimmungen enthalten, wonach (a) bis zum Abschluß der in diesem Abkommen enthaltenen Vereinbarungen höchstens ein bestimmter vom Hundertsatz der Gesamtentgelte, die auf Grund dieser Verträge geschuldet werden, von den Vereinigten Staaten zu zahlen ist, oder (b) die Entgelte um den in ihnen enthaltenen Abgabenbetrag zu ermäßigen sind, von dem der andere Vertragsteil von der Bundesrepublik freigestellt wird.

Artikel X

Dieses Abkommen bezieht sich nicht auf Vergünstigungen bei Steuern, deren Aufkommen den Ländern oder den Gemeinden (Gemeindeverbänden) ganz oder zum Teil zufließt. Es sieht keine Befreiung von Sozialversicherungsbeiträgen vor.

Artikel XI

Die Regierung der Bundesrepublik wird der Regierung der Vereinigten Staaten die zur Durchführung dieses Abkommens zu erlassenden Vorschriften mitteilen.

Artikel XII

(1) Dieses Abkommen gilt von dem in Artikel XIV bezeichneten Zeitpunkt ab auch für das Land Berlin, welches für die Zwecke dieses Abkommens nur die Gebiete umfaßt, über welche der Senat von Berlin behördliche Befugnisse ausübt.

(2) Die Gültigkeit dieses Abkommens für das Land Berlin im Sinne von Absatz 1 hängt davon ab, daß die Regierung der Bundesrepublik vorher der Regierung der Vereinigten Staaten eine schriftliche Erklärung abgibt, daß alle für die Anwendung dieses Abkommens in Berlin erforderlichen rechtlichen Voraussetzungen erfüllt sind.

Artikel XIII

(1) Die beiden Regierungen werden, wenn eine von ihnen dies beantragt, sich miteinander über jede Frage ins Benehmen setzen, die die Anwendung dieses Abkommens oder die gemäß diesem Abkommen getroffenen Maßnahmen oder Vereinbarungen betrifft.

(2) Jeder Vertragsteil kann jederzeit eine Nachprüfung der Bestimmungen dieses Abkommens beantragen. Die beiden Regierungen werden über jede etwa auftauchende Frage in Verhandlungen eintreten mit dem Ziel einer beiderseits befriedigenden Lösung entsprechend den Grundsätzen dieses Abkommens.

(3) Dieses Abkommen kann jederzeit durch eine Vereinbarung zwischen den beiden Vertragsteilen geändert werden.

Artikel XIV

(1) Dieses Abkommen tritt in Kraft mit der Hinterlegung einer Ratifikationsurkunde bei der Regierung der Vereinigten Staaten durch die Bundesrepublik.

(2) Der Anhang ist integrierender Bestandteil dieses Abkommens.

Zu Urkund dessen haben die zu diesem Zweck ordnungsmäßig bevollmächtigten Vertreter das vorliegende Abkommen unterzeichnet.

Geschehen zu Bonn am . *fünfzehn* Tage des Monats . . . *Oktobe*r in doppelter Ausfertigung in deutscher und englischer Sprache, wobei beide Texte authentisch sind.

Für die Bundesrepublik Deutschland:

*Hermann*

Für die Vereinigten Staaten von Amerika:

*James B. Conant*

Anhang

zu dem Abkommen zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika über die von der Bundesrepublik zu gewährenden Abgabenvergünstigungen für die von den Vereinigten Staaten im Interesse der gemeinsamen Verteidigung geleisteten Ausgaben.

1. Zu Artikel I

Die Abgabenvergünstigungen, die in dem beigefügten Abkommen eingeräumt werden, beziehen sich nicht auf

- a) Einkäufe und Einführen der Post Exchange-Organisation,
- b) Einkäufe der einzelnen Mitglieder der Streitkräfte der Vereinigten Staaten in Deutschland.

2. Zu Artikel II und VII

(1) Verteidigungsausgaben der Vereinigten Staaten im Sinne dieses Abkommens sind nur Ausgaben, die geleistet werden in

- a) Dollars der Vereinigten Staaten,
- b) Deutscher Mark, die mit Dollars der Vereinigten Staaten erworben ist,
- c) Deutscher Mark, die die Vereinigten Staaten zur Abgeltung anerkannter Dollarforderungen der Vereinigten Staaten gegen die Bundesrepublik erhalten,
- d) Deutscher Mark, die die Vereinigten Staaten in Verbindung mit oder auf Grund von Auelandshilfeausgaben erhalten, die in Dollars der Vereinigten Staaten in oder für Deutschland geleistet werden,
- e) Deutscher Mark, die die Vereinigten Staaten anderweitig erhalten und die sich auf Dollarausgaben bezieht, soweit sie aus besonderen von den beiden Regierungen vereinbarten Geschäften herrührt.

(2) Es besteht Einverständnis darüber, daß die Verwendung der oben unter Absatz 1 Buchstaben c), d) und e) erwähnten Deutschen Mark für die in Artikel II dieses Abkommens bezeichneten Zwecke von Vereinbarungen der beiden Regierungen hierüber abhängen soll.

3. Zu Artikel III, IV, V und VIII

Im Falle der Errichtung einer europäischen Verteidigungsorganisation, die für die Beechafung und Verteilung von Ausrüstungsgegenständen verantwortlich ist, können Stellen einer solchen Organisation

im Sinne dieses Abkommens als Stellen einer Regierung angesehen werden.

**4. Zu Artikel III Nr. 1**

(1) Einem Lieferer im Sinne des Artikels III Nr. 1 Buchstabe b) des beiliegenden Abkommens werden auf Antrag Umsatzsteuervergütungen nach § 16 Absätze 1 und 2 des Umsatzsteuergesetzes und der zugehörigen Durchführungsbestimmungen gewährt ohne Rücksicht darauf, ob eins Ausfuhr tatsächlich stattfindet oder nicht.

(2) Einem Lieferer im Sinne des Artikels III Nr. 1 Buchstabe c) des beigefügten Abkommens werden auf Antrag Umsatzsteuervergütungen nach § 16 Absätze 1 und 2 des Umsatzsteuergesetzes und der zugehörigen Durchführungsbestimmungen gewährt.

(3) Die in Artikel III Nr. 1 Buchstabe a) des beigefügten Abkommens im englischen Text verwendeten Worte "for equipment, materials or facilities delivered to, or services rendered for agencies" (wörtlich: "für Ausrüstung, Materialien oder Einrichtungen geliefert an, oder Leistungen erbracht für Stellen") sind gleichbedeutend mit den Wörtern im deutschen Text "für Lieferungen von Waren einschließlich Werklieferungen und für sonstige Leistungen an Stellen". Die in Artikel III Nr. 1 Buchstabe b) im englischen Text verwendeten Worte "equipment, materials, facilities or services" (wörtlich: "Ausrüstung, Materialien, Einrichtungen oder Leistungen") sind gleichbedeutend mit den Wörtern im deutschen Text "Lieferungen von Waren einschließlich Werklieferungen".

(4) Der Begriff der Werklieferung bestimmt sich grundsätzlich nach deutschem Umsatzsteuerrecht. Bauleistungen, die in der Errichtung von Bauwerken bestehen und vertragliche sonstige Leistungen (contract services) sind jedoch in jedem Falle als Werklieferungen anzusehen, wenn der Unternehmer die zur Durchführung erforderlichen Materialien liefert und die Kosten der Materialien mehr als 50 v.H. der

vertraglichen Gesamtkosten betragen. Entgelte, die bei Durchführung der vertraglichen Leistungen für Werklieferungen an Subunternehmer gezahlt werden, rechnen zu den Kosten für Materialien. Die Vergütung berechnet sich nach dem vollen Rechnungsbetrag für die Gesamtleistung.

(5) Für Bauleistungen aller Art, die nicht in der Errichtung von Bauwerken bestehen, wird dem Unternehmer ohne Rücksicht darauf, ob eine "Werklieferung" oder eine "Werkeistung" vorliegt, für das gesondert in Rechnung gestellte Material Umsatzsteuervergütung nach Nr. 4 Absatz 1 zum höchsten Vergütungssatz gewährt.

(6) Es besteht Einvernehmen darüber, daß bei Beschaffungsverträgen, die die Vereinigten Staaten mit der Bundesrepublik abschließen, unmittelbare Lieferungen und sonstige Leistungen an die Bundesrepublik wie unmittelbare Lieferungen und sonstige Leistungen an Stellen der Vereinigten Staaten oder an Stellen anderer von den Vereinigten Staaten bezeichneter Regierungen zu behandeln sind. Das gleiche gilt bei der Erteilung von Bauaufträgen an eine deutsche Bauverwaltung.

##### 5. Zu Artikel V

Für die Ausbesserung von militärischen Ausrüstungsgegenständen im Rahmen des beigefügten Abkommens ist ein erleichtertes Zollverfahren in Aussicht genommen. Zu diesem erleichterten Verfahren werden von den Hauptzollämtern auf Antrag Unternehmer zugelassen, denen Stellen der Vereinigten Staaten die Durchführung solcher Ausbesserungsarbeiten übertragen. Ausgeschlossen von der Zulassung sind Unternehmer, die steuerlich nicht zuverlässig sind oder die keine ordnungsgemäßige Buchführung haben. Die zugelassenen Unternehmer sollen von der üblichen Verpflichtung befreit werden, die auszubessernden Waren und die von den Stellen der Vereinigten Staaten für die Ausbesserung mitgelieferten Zutaten bei der Übergabe zur Ausbesserung und bei der Rückgabe nach der Ausbesserung in jedem einzelnen Falle einem Zollamt

zu gestellen und sollamtlich abfertigen zu lassen. Statt dessen sollen sie dem zuständigen Zollamt lediglich anzeigen, welche Waren sie jeweils zur Ausbesserung übernommen und welche Waren sie nach Ausbesserung zurückgegeben haben. Die Anzeigen sollen sich auch auf Zutaten erstrecken, die zur Ausführung der Aufträge mitgeliefert worden sind, und auf die angefallenen Abfälle. Abfälle von geringem Wert, die dem Unternehmer überlassen werden, sollen abgabenfrei bleiben. Für andere Abfälle müssen die Abgaben entrichtet werden, wenn sie von dem Unternehmer nicht der auftraggebenden Stelle zurückgegeben werden.

**6. Zu Artikel VIII**

Die Vereinigten Staaten haben erklärt und die Bundesrepublik hat zur Kenntnis genommen, daß gewisse Waren durch Dienststellen der Streitkräfte der Vereinigten Staaten, insbesondere durch das Quartiermeisterkorps, an die Mitglieder der Streitkräfte zu deren persönlichem Gebrauch oder Verbrauch weiterveräußert werden. Derartige Veräußerungen sollen nicht den Bestimmungen des Artikels VIII des beigefügten Abkommens unterliegen. In diesem Zusammenhang werden die Vereinigten Staaten und die Bundesrepublik, jeweils innerhalb ihrer Zuständigkeit, geeignete Maßnahmen ergreifen, um Verletzungen der deutschen Zoll-, Steuer- und Devisenbestimmungen zu verhindern, insbesondere bei Waren wie Tabak, Tabakwaren, Kaffee, Tee und alkoholischen Getränken.

**7. Zu Artikel III, IV, V und VIII**

Es besteht Einverständnis darüber, daß die Vergünstigungen bei Bundessteuern und Zöllen, wie sie im vorliegenden Abkommen vorgesehen sind, keine Änderung erfahren durch das Inkrafttreten von Vereinbarungen über die Rechte und Pflichten ausländischer Streitkräfte und ihrer Mitglieder in der Bundesrepublik Deutschland gemäß der in London am 3. Oktober 1954 getroffenen Entscheidung der Außenminister der Bundesrepublik Deutschland, Frankreichs, des Vereinigten Königreichs und der Vereinigten Staaten.

**8. Zu Artikel III und V**

Fälle die im Zeitpunkt der Unterzeichnung dieses Abkommens bestehenden deutschen Gesetze oder Durchführungsbestimmungen über

- a) die Gewährung von Umsatzsteuervergütungen wegen Auefuhr,
- b) Befreiungen oder Vergütungen von Zöllen und Verbrauchsteuern einschließlich der Umsatzausgleichsteuer oder Preisvergünstigungen bei Monopolgesetzen für ausgeführte Waren und
- c) die Veredelung von Waren im deutschen Zollgebiet geändert, durch neue Bestimmungen ersetzt oder aufgehoben werden, sollen die Vertragsteile unverzüglich in Beratungen eintreten, um Verfahren festzulegen, die die Entlastung der Verteidigungsausgaben der Vereinigten Staaten von deutschen Steuern, Zöllen und Monopolabgaben mindestens in dem Umfang sicherstellen, wie er in diesem Abkommen festgelegt ist.

*The Chancellor of the Federal Republic of Germany to the United States High Commissioner*

DER BUNDESKANZLER  
UND  
BUNDESMINISTER DES AUSWÄRTIGEN

Bonn, den 15. Oktober 1954

Seiner Exzellenz  
dem Hohen Kommissar der Vereinigten Staaten von Amerika  
Herrn Botschafter Dr. James B. Conant

Godesberg-Mehlem

Herr Botschafter!

Mit Beziehung auf das heute in Bonn unterzeichnete Abkommen zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika über die von der Bundesrepublik zu gewährenden Abgabenbegünstigungen für die von den Vereinigten Staaten im Interesse der gemeinsamen Verteidigung geleisteten Ausgaben (Steuerbegünstigungsabkommen), habe ich die Ehre, folgendes zu bestätigen:

Im Hinblick auf Nr. 2 Absatz 2 des Anhangs zu dem genannten Abkommen besteht Einverständnis darüber, daß zur Zeit seiner Unterzeichnung nur die nachstehend genannten Vereinbarungen in Betracht kommen:

- a) Das am 27. Februar 1953 in London unterzeichnete Abkommen zwischen der Bundesrepublik und den Vereinigten Staaten über die Regelung der Verbindlichkeiten der Bundesrepublik gegenüber den Vereinigten Staaten aus der Lieferung von Überschüßgütern an Deutschland. In diesem Zusammenhang bestätige ich, daß Einverständnis darüber besteht, daß Beträge in der Währung der Bundesrepublik Deutschland, welche die Vereinigten Staaten gemäß Artikel IV dieses Abkommens erhalten, von den Vereinigten Staaten zu Ausgaben für die Zwecke verwendet werden können, die in Artikel II des Steuerbegünstigungsabkommens bezeichnet sind.
- b) Das am 15. Dezember 1949 in Bonn unterzeichnete und insbesondere durch Briefwechsel zwischen dem Bundeskanzler

der Bundesrepublik Deutschland und dem ECA-Sonderbevollmächtigten der Vereinigten Staaten vom 19. und 28. Dezember 1951 geänderte Abkommen über wirtschaftliche Zusammenarbeit zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika. In diesem Zusammenhang bestätige ich, daß Einverständnis darüber besteht, daß die 10% Deutsche Mark-Gegenwertmittel, die den Vereinigten Staaten gemäß Artikel IV Absatz 4 dieses Abkommens in seiner abgeänderten Fassung zustehen, für die in Artikel II des Steuerbegünstigungsabkommens bezeichneten Zwecke verwendet werden können.

Genehmigen Sie, Herr Botschafter, den Ausdruck meiner ausgezeichnetsten Hochachtung.



(Adenauer)

DER BUNDESKANZLER  
UND  
BUNDESMINISTER DES AUSWÄRTIGEN

October 15, 1954.

His Excellency  
the United States High Commissioner  
Ambassador Dr. James B. Conant  
Godesberg - Mehlem

Mr. Ambassador,

With reference to the Agreement between the Federal Republic of Germany and the United States of America Concerning Tax Relief to be Accorded by the Federal Republic to United States Expenditures in the Interest of the Common Defense (Tax Relief Agreement), signed at Bonn on this day, I have the honor to confirm the following:

With respect to Point 2, Paragraph 2, of the Annex to the said Agreement, it is understood that the only agreements to be considered at the time of the signing of the Agreement are the following:

a) The Agreement between the Federal Republic of Germany and the United States of America Regarding the Settlement of the Obligation of the Federal Republic to the United States for Surplus Property Furnished Germany, signed at London on February 27, 1953. In this connection, I confirm that it is understood that the currency of the Federal Republik received by the United States in accordance with Article IV of that Agreement may be used by the United States for expenditures for the purposes defined in Article II of the Tax Relief Agreement.

TIAS 2797.  
4 UST 923.

TIAS 3360

b) The Economic Cooperation Agreement between the Federal Republic of Germany and the United States of America, signed at Bonn on December 15, 1949, as amended particularly by the exchange of letters between the United States ECA Special Representative and the Chancellor of the Federal Republic of Germany, dated December 19 and December 28, 1951, respectively. In this connection, I confirm that it is understood that the 10 percent Deutsche Mark counterpart funds available to the United States in accordance with Article IV, Paragraph 4 of that Agreement, as amended, may be used for the purposes defined in Article II of the Tax Relief Agreement.

TIAS 2024, 2278.  
64 Stat., pt. 3, p.  
881; 2 UST, pt. 2, p.  
1295.

TIAS 2607.  
3 UST, pt. 4, p.  
4564.

Accept, Mr. Ambassador, the renewed assurance of my highest consideration.



(Adenauer)

TIAS 3360

*The United States High Commissioner to the Chancellor of the  
Federal Republic of Germany*

UNITED STATES HIGH COMMISSIONER FOR GERMANY  
Bad Godesberg  
Germany

October 15, 1954

Excellency:

I have the honor to acknowledge the receipt of your letter dated today regarding (a) the use of currency of the Federal Republic received by the United States in accordance with Article IV of the Agreement between the United States of America and the Federal Republic of Germany regarding the Settlement of the Obligation of the Federal Republic to the United States for Surplus Property Furnished Germany, signed at London, February 27, 1953, and (b) the use of the 10 percent Deutsche Mark counterpart funds available to the United States in accordance with Article IV, Paragraph 4 of the Economic Cooperation Agreement between the Federal Republic of Germany and the United States of America, signed at Bonn on December 15, 1949, as amended, and to confirm that I agree with its contents.

Accept, Excellency, the renewed assurance of my most distinguished consideration.

James B. Conant

His Excellency,  
Chancellor of the  
Federal Republic of Germany,  
Palais Schaumburg,  
Bonn.

UNITED STATES HIGH COMMISSIONER FOR GERMANY  
Bad Godesberg  
Germany

October 15, 1954

Exzellenz:

Ich beeubre mich, den Eingang Ihres heutigen Schreibens zu bestaetigen, das betrifft a) die Verwendung von Betraegen in der Waehrung der Bundesrepublik Deutschland, die die Vereinigten Staaten von Amerika gemaeese Artikel IV des am 27. Februar 1953 in London unterzeichneten Abkommens zwischen der Bundesrepublik und den Vereinigten Staaten ueber die Regelung der Verbindlichkeiten der Bundesrepublik gegenuuber den Vereinigten Staaten aus der Lieferung von Ueberschussgutern an Deutschland erhalten, and b) die Verwendung der 10% Deutsches Mark-Gegenwertmittel, die den Vereinigten Staaten gemaeess Artikel IV Absatz 4 des am 15. Dezember 1949 in Bonn unterzeichneten Abkommens ueber wirtschaftliche Zusammenarbeit zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika in seiner abgeaenderten Fassung zuetzen, und erklaere mich mit seinem Inhalt einverstanden.

Genehmigen Sie, Exzellenz, den Ausdruck meiner ausgezeichneten Hochachtung.

James B. Conant

Seiner Exzellenz  
Bundeskanzler  
der Bundesrepublik Deutschland,  
Palais Schaumburg,  
Bonn.

TIAS 3360



# PHILIPPINES

## EDUCATION

*Agreement effected by exchange of notes  
Signed at Manila October 28, 1955;  
Entered into force October 28, 1955.*

TIAS 3361  
Oct. 28, 1955

*The American Ambassador to the Philippine Secretary of  
Foreign Affairs*

AMERICAN EMBASSY,  
Manila, October 28, 1955.

No. 0543

### EXCELLENCY:

I have the honor to refer to: (1) the recent conversations between representatives of our two Governments regarding the transfer of the administration of the Jackson High School, located within the United States Naval Reservation, Subic Bay; (2) the Embassy's note No. 247, dated August 27, 1952 in reply to the Philippine Department of Foreign Affairs note of August 12, 1952 (both relating to the operation of the Jackson High School); and (3) any other agreements, written or unwritten, concerning the operation of Philippine public schools within the Naval Reservation; and wish to confirm the following understanding already agreed to by our representatives:

(A) The Philippine Department of Education: (1) is to operate the public school system in the Naval Reservation in accordance with applicable Philippine laws and regulations; (2) will maintain the school buildings and property occupied as public schools in good condition and repair, it being understood that no buildings or equipment will be altered or remodeled without permission of the United States Naval authorities and no buildings which are the property of the Reservation will be altered, remodeled or removed without permission of the United States Naval authorities; (3) will pay the Naval Reservation monthly for the water and electricity supplied, either at the metered rate or at the flat rates established in the Reservation; (4) will employ in the schools only such persons as do not, in the opinion of the Naval authorities, constitute or

Administration of  
Philippine Public  
Schools within Subic  
Bay Naval Reserva-  
tion.

become risks to the security of the Naval Base and who are and remain authorized to enter the Naval Reservation; (5) will admit in these schools as students only those who are authorized and remain authorized by Naval authorities to reside on the Naval Reservation, it being understood that students presently enrolled in the schools on the Naval Reservation will be permitted to attend until the end of the current school year; (6) will collect the same rentals on the text books purchased by the Naval Reservation and used by the students until the books become unusable and remit the rentals to the Naval Reservation.

(B) The Commander United States Naval Forces Philippines: (1) will make available to the Philippine Department of Education for public school use, rent free, the buildings which are owned by the Reservation (said school buildings to remain the property of the Reservation) and the grounds presently occupied by the public schools within the Naval Reservation; (2) retains the right to repossess "plant accountable equipment" such as typewriters, machine tools, and other Navy items which are located in the Jackson High School; (3) will deliver to the Philippine Department of Education that portion of the matriculation and *ANCHOR* fees collected from the students in the Jackson High School for the current school year, which remains unexpended on December 1, 1955; and (4) will deliver to the Philippine Department of Education such portion of the supplies as has been purchased from tuition, matriculation or *ANCHOR* fees, other supplies to be paid for by the Department at cost.

(C) As it is the intention that the Department of Education should receive five-twelfths ( $\frac{5}{12}$ ths) of the total tuition fees of the students in the Jackson High School for the school year 1955-56 and that the United States Naval Reservation should receive seven-twelfths ( $\frac{7}{12}$ ths) of the total tuition fees for the same period, an accounting will be held on December 1, 1955, to effectuate the foregoing and the Naval Reservation will deliver to the Department of Education the amount due.

(D) It is understood that the library books in the Jackson High School continue to remain the property of the Naval Reservation, but may be used by the High School.

(E) This understanding is effective December 1, 1955.

I have the honor to propose that, if this understanding is acceptable to your Government, this note and Your Excellency's reply will constitute an Agreement between our two Governments, superseding those mentioned in my opening paragraph, governing

the operation of Philippine public schools within the United States Naval Reservation, Subic Bay.

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

HOMER FERGUSON

The Honorable

CARLOS P. GARCIA,

*Secretary of Foreign Affairs,*

*Republic of the Philippines.*

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*The Philippine Undersecretary of Foreign Affairs to the  
American Ambassador*

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS

No. 2966

MANILA, October 28, 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of your Note No. 0543 of even date, which reads as follows:

"I have the honor to refer to: (1) the recent conversations between representatives of our two Governments regarding the transfer of the administration of the Jackson High School, located within the United States Naval Reservation, Subic Bay; (2) the Embassy's note No. 247, dated August 27, 1952 in reply to the Philippine Department of Foreign Affairs note of August 12, 1952 (both relating to the operation of the Jackson High School); and (3) any other agreements, written or unwritten, concerning the operation of Philippine public schools within the Naval Reservation; and wish to confirm the following understanding already agreed to by our representatives:

(A) The Philippine Department of Education: (1) is to operate the public school system in the Naval Reservation in accordance with applicable Philippine laws and regulations; (2) will maintain the school buildings and property occupied as public schools in good condition and repair, it being understood that no buildings or equipment will be altered or remodeled without permission of the United States Naval authorities and no buildings which are the property of the Reservation will be altered, remodeled or removed without permission of the United States Naval authorities; (3) will pay the Naval Reservation monthly for the water and electricity supplied, either at the metered rate or at the flat rates established in the Reser-

vation; (4) will employ in the schools only such persons as do not, in the opinion of the Naval authorities, constitute or become risks to the security of the Naval Base and who are and remain authorized to enter the Naval Reservation; (5) will admit in these schools as students only those who are authorized and remain authorized by Naval authorities to reside on the Naval Reservation, it being understood that students presently enrolled in the schools on the Naval Reservation will be permitted to attend until the end of the current school year; (6) will collect the same rentals on the text books purchased by the Naval Reservation and used by the students until the books become unusable and remit the rentals to the Naval Reservation.

(B) The Commander United States Naval Forces Philippines: (1) will make available to the Philippine Department of Education for public school use, rent free, the buildings which are owned by the Reservation (said school buildings to remain the property of the Reservation) and the grounds presently occupied by the public schools within the Naval Reservation; (2) retains the right to repossess "plant accountable equipment" such as typewriters, machine tools, and other Navy items which are located in the Jackson High School; (3) will deliver to the Philippine Department of Education that portion of the matriculation and *ANCHOR* fees collected from the students in the Jackson High School for the current school year, which remains unexpended on December 1, 1955; and (4) will deliver to the Philippine Department of Education such portion of the supplies as has been purchased from tuition, matriculation or *ANCHOR* fees, other supplies to be paid for by the Department at cost.

(C) As it is the intention that the Department of Education should receive five-twelfths (5/12ths) of the total tuition fees of the students in the Jackson High School for the school year 1955-56 and that the United States Naval Reservation should receive seven-twelfths (7/12ths) of the total tuition fees for the same period, an accounting will be held on December 1, 1955, to effectuate the foregoing and the Naval Reservation will deliver to the Department of Education the amount due.

(D) It is understood that the library books in the Jackson High School continue to remain the property of the Naval Reservation, but may be used by the High School.

(E) This understanding is effective December 1, 1955.

I have the honor to propose that, if this understanding is acceptable to your Government, this note and Your Excellency's reply will constitute an Agreement between our two Governments, superseding those mentioned in my opening paragraph, governing the operation of Philippine public schools within the United States Naval Reservation, Subic Bay."

I am pleased to inform Your Excellency that the foregoing understanding is acceptable to my Government and I hereby confirm that this is also the understanding of the Philippine Government. My Government will therefore consider your note and this reply as constituting an Agreement between our two Governments, superseding those mentioned in the opening paragraph of your note governing the operation of Philippine public schools within the United States Naval Reservation, Subic Bay.

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

RAUL S MANGLAPUS  
Raul S. Manglapus  
*Undersecretary*

His Excellency  
HOMER FERGUSON  
*Ambassador of the United States of America*  
*Manila*

# MULTILATERAL

## PROTECTION OF WAR VICTIMS

### Armed Forces in the Field

*Convention, with annexes, dated at Geneva August 12, 1949;  
Ratification advised by the Senate of the United States of America,  
subject to a reservation and statement, July 6, 1955;  
Ratified by the President of the United States of America, subject to  
the said reservation and statement, July 14, 1955;  
Ratification of the United States of America deposited with the Swiss  
Federal Council August 2, 1955;  
Proclaimed by the President of the United States of America August  
30, 1955;  
Date of entry into force with respect to the United States of America:  
February 2, 1956.*

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### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field was open for signature from August 12, 1949 until February 12, 1950, and during that period was signed on behalf of the United States of America and sixty other States;

WHEREAS the text of the said Convention, in the English and French languages, as certified by the Swiss Federal Council, is word for word as follows:

CONVENTION DE GENÈVE  
POUR  
L'AMÉLIORATION DU SORT DES BLESSÉS  
ET DES MALADES  
DANS LES FORCES ARMÉES EN CAMPAGNE  
DU 12 AOUT 1949

GENEVA CONVENTION  
FOR THE  
AMELIORATION OF THE CONDITION  
OF THE WOUNDED AND SICK  
IN ARMED FORCES IN THE FIELD  
OF AUGUST 12, 1949

TS 847.  
47 Stat. 2074.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:

## CHAPTER I

### GENERAL PROVISIONS

#### ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

#### ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

#### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (i) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

Les soussignés, Plénipotentiaires des Gouvernements représentés à la Conférence diplomatique qui s'est réunie à Genève du 21 avril au 12 août 1949 en vue de reviser la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les armées en campagne du 27 juillet 1929, sont convenus de ce qui suit:

## CHAPITRE I

### DISPOSITIONS GÉNÉRALES

#### ARTICLE 1

Les Hautes Parties contractantes s'engagent à respecter et à faire respecter la présente Convention en toutes circonstances.

#### ARTICLE 2

En dehors des dispositions qui doivent entrer en vigueur dès le temps de paix, la présente Convention s'appliquera en cas de guerre déclarée ou de tout autre conflit armé surgissant entre deux ou plusieurs des Hautes Parties contractantes, même si l'état de guerre n'est pas reconnu par l'une d'elles.

La Convention s'appliquera également dans tous les cas d'occupation de tout ou partie du territoire d'une Haute Partie contractante, même si cette occupation ne rencontre aucune résistance militaire.

Si l'une des Puissances en conflit n'est pas partie à la présente Convention, les Puissances parties à celle-ci resteront néanmoins liées par elle dans leurs rapports réciproques. Elles seront liées en outre par la Convention envers ladite Puissance, si celle-ci en accepte et en applique les dispositions.

#### ARTICLE 3

En cas de conflit armé ne présentant pas un caractère international et surgissant sur le territoire de l'une des Hautes Parties contractantes, chacune des Parties au conflit sera tenue d'appliquer au moins les dispositions suivantes:

- 1) Les personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention, ou pour toute autre cause, seront, en toutes circonstances, traitées avec humanité, sans aucune distinction de caractère défavorable basée sur la race, la couleur, la religion ou la croyance, le sexe, la naissance ou la fortune, ou tout autre critère analogue.

A cet effet, sont et demeurent prohibés, en tout temps et en tout lieu, à l'égard des personnes mentionnées ci-dessus:

- a) les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices;

- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

#### ARTICLE 5

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Wounded and sick, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

- b) les prises d'otages;
  - c) les atteintes à la dignité des personnes, notamment les traitements humiliants et dégradants;
  - d) les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés.
- 2) Les blessés et malades seront recueillis et soignés.

Un organisme humanitaire impartial, tel que le Comité international de la Croix-Rouge, pourra offrir ses services aux Parties au conflit.

Les Parties au conflit s'efforceront, d'autre part, de mettre en vigueur par voie d'accords spéciaux tout ou partie des autres dispositions de la présente Convention.

L'application des dispositions qui précédent n'aura pas d'effet sur le statut juridique des Parties au conflit.

#### ARTICLE 4

Les Puissances neutres appliqueront par analogie les dispositions de la présente Convention aux blessés et malades ainsi qu'aux membres du personnel sanitaire et religieux, appartenant aux forces armées des Parties au conflit, qui seront reçus ou internés sur leur territoire, de même qu'aux morts recueillis.

#### ARTICLE 5

Pour les personnes protégées qui sont tombées au pouvoir de la Partie adverse, la présente Convention s'appliquera jusqu'au moment de leur rapatriement définitif.

#### ARTICLE 6

En dehors des accords expressément prévus par les articles 10, 15, 23, 28, 31, 36, 37 et 52, les Hautes Parties contractantes pourront conclure d'autres accords spéciaux sur toute question qu'il leur paraîtrait opportun de régler particulièrement. Aucun accord spécial ne pourra porter préjudice à la situation des blessés et malades, ainsi que des membres du personnel sanitaire et religieux, telle qu'elle est réglée par la présente Convention, ni restreindre les droits que celle-ci leur accorde.

Les blessés et malades, ainsi que les membres du personnel sanitaire et religieux, resteront au bénéfice de ces accords aussi longtemps que la Convention leur est applicable, sauf stipulations contraires contenues expressément dans les susdits accords ou dans des accords ultérieurs, ou également sauf mesures plus favorables prises à leur égard par l'une ou l'autre des Parties au conflit.

#### ARTICLE 7

Les blessés et malades, ainsi que les membres du personnel sanitaire et religieux, ne pourront en aucun cas renoncer partiellement ou totalement aux droits que leur assurent la présente Convention et, le cas échéant, les accords spéciaux visés à l'article précédent.

**ARTICLE 8**

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible, the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

**ARTICLE 9**

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.

**ARTICLE 10**

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

**ARTICLE 8**

La présente Convention sera appliquée avec le concours et sous le contrôle des Puissances protectrices chargées de sauvegarder les intérêts des Parties au conflit. A cet effet, les Puissances protectrices pourront, en dehors de leur personnel diplomatique ou consulaire, désigner des délégués parmi leurs propres ressortissants ou parmi les ressortissants d'autres Puissances neutres. Ces délégués devront être soumis à l'agrément de la Puissance auprès de laquelle ils exerceront leur mission.

Les Parties au conflit faciliteront, dans la plus large mesure possible, la tâche des représentants ou délégués des Puissances protectrices.

Les représentants ou délégués des Puissances protectrices ne devront en aucun cas dépasser les limites de leur mission, telle qu'elle ressort de la présente Convention; ils devront notamment tenir compte des nécessités impérieuses de sécurité de l'Etat auprès duquel ils exercent leurs fonctions. Seules des exigences militaires impérieuses peuvent autoriser, à titre exceptionnel et temporaire, une restriction de leur activité.

**ARTICLE 9**

Les dispositions de la présente Convention ne font pas obstacle aux activités humanitaires que le Comité international de la Croix-Rouge, ainsi que tout autre organisme humanitaire impartial, entreprendra pour la protection des blessés et malades, ainsi que des membres du personnel sanitaire et religieux, et pour les secours à leur apporter, moyennant l'agrément des Parties au conflit intéressées.

**ARTICLE 10**

Les Hautes Parties contractantes pourront, en tout temps, s'entendre pour confier à un organisme présentant toutes garanties d'impartialité et d'efficacité les tâches dévolues par la présente Convention aux Puissances protectrices.

Si des blessés et malades ou des membres du personnel sanitaire et religieux ne bénéficient pas ou ne bénéficient plus, quelle qu'en soit la raison, de l'activité d'une Puissance protectrice ou d'un organisme désigné conformément à l'alinéa premier, la Puissance détentrice devra demander soit à un Etat neutre, soit à un tel organisme, d'assumer les fonctions dévolues par la présente Convention aux Puissances protectrices désignées par les Parties au conflit.

Si une protection ne peut être ainsi assurée, la Puissance détentrice devra demander à un organisme humanitaire, tel que le Comité international de la Croix-Rouge, d'assumer les tâches humanitaires dévolues par la présente Convention aux Puissances protectrices ou devra accepter, sous réserve des dispositions du présent article, les offres de services émanant d'un tel organisme.

Toute Puissance neutre ou tout organisme invité par la Puissance intéressée ou s'offrant aux fins susmentionnées devra, dans son activité, rester conscient de sa responsabilité envers la Partie au conflit dont relèvent les personnes protégées par la présente Convention, et devra fournir des garanties suffisantes de capacité pour assumer les fonctions en question et les remplir avec impartialité.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

#### ARTICLE II

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

### CHAPTER II

#### WOUNDED AND SICK

##### ARTICLE 12

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

Il ne pourra être dérogé aux dispositions qui précèdent par accord particulier entre des Puissances dont l'une se trouverait, même temporairement, vis-à-vis de l'autre Puissance ou de ses alliés, limitée dans sa liberté de négociation par suite des événements militaires, notamment en cas d'une occupation de la totalité ou d'une partie importante de son territoire.

Toutes les fois qu'il est fait mention dans la présente Convention de la Puissance protectrice, cette mention désigne également les organismes qui la remplacent au sens du présent article.

#### ARTICLE II

Dans tous les cas où elles le jugeront utile dans l'intérêt des personnes protégées, notamment en cas de désaccord entre les Parties au conflit sur l'application ou l'interprétation des dispositions de la présente Convention, les Puissances protectrices préfereront leurs bons offices aux fins de règlement du différend.

A cet effet, chacune des Puissances protectrices pourra, sur l'invitation d'une Partie ou spontanément, proposer aux Parties au conflit une réunion de leurs représentants et, en particulier, des autorités chargées du sort des blessés et malades, ainsi que des membres du personnel sanitaire et religieux, éventuellement sur un territoire neutre convenablement choisi. Les Parties au conflit seront tenues de donner suite aux propositions qui leur seront faites dans ce sens. Les Puissances protectrices pourront, le cas échéant, proposer à l'agrément des Parties au conflit une personnalité appartenant à une Puissance neutre, ou une personnalité déléguée par le Comité international de la Croix-Rouge, qui sera appelée à participer à cette réunion.

### CHAPITRE II

#### DES BLESSÉS ET DES MALADES

##### ARTICLE 12

Les membres des forces armées et les autres personnes mentionnées à l'article suivant, qui seront blessés ou malades, devront être respectés et protégés en toutes circonstances.

Ils seront traités et soignés avec humanité par la Partie au conflit qui les aura en son pouvoir, sans aucune distinction de caractère défavorable basée sur le sexe, la race, la nationalité, la religion, les opinions politiques ou tout autre critère analogue. Est strictement interdite toute atteinte à leur vie et à leur personne et, entre autres, le fait de les achever ou de les exterminer, de les soumettre à la torture, d'effectuer sur eux des expériences biologiques, de les laisser de façon préméditée sans secours médical, ou sans soins, ou de les exposer à des risques de contagion ou d'infection créés à cet effet.

Seules des raisons d'urgence médicale autoriseront une priorité dans l'ordre des soins.

Les femmes seront traitées avec tous les égards particuliers dus à leur sexe.

La Partie au conflit, obligée d'abandonner des blessés ou des malades à son adversaire, laissera avec eux, pour autant que les exigences militaires le permettront, une partie de son personnel et de son matériel sanitaires pour contribuer à les soigner.

**ARTICLE 13**

The present Convention shall apply to the wounded and sick belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.
- (6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

**ARTICLE 14**

Subject to the provisions of Article 12, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

**ARTICLE 15**

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

**ARTICLE 13**

La présente Convention s'appliquera aux blessés et malades appartenant aux catégories suivantes:

- 1) les membres des forces armées d'une Partie au conflit, de même que les membres des milices et des corps de volontaires faisant partie de ces forces armées;
- 2) les membres des autres milices et les membres des autres corps de volontaires, y compris ceux des mouvements de résistance organisés, appartenant à une Partie au conflit et agissant en dehors ou à l'intérieur de leur propre territoire, même si ce territoire est occupé, pourvu que ces milices ou corps de volontaires, y compris ces mouvements de résistance organisés, remplissent les conditions suivantes:
  - a) d'avoir à leur tête une personne responsable pour ses subordonnés;
  - b) d'avoir un signe distinctif fixe et reconnaissable à distance;
  - c) de porter ouvertement les armes;
  - d) de se conformer, dans leurs opérations, aux lois et coutumes de la guerre;
- 3) les membres des forces armées régulières qui se réclament d'un gouvernement ou d'une autorité non reconnus par la Puissance détentrice;
- 4) les personnes qui suivent les forces armées sans en faire directement partie, telles que les membres civils d'équipages d'avions militaires, correspondants de guerre, fournisseurs, membres d'unités de travail ou de services chargés du bien-être des militaires, à condition qu'elles en aient reçu l'autorisation des forces armées qu'elles accompagnent;
- 5) les membres des équipages, y compris les commandants, pilotes et apprentis, de la marine marchande et les équipages de l'aviation civile des Parties au conflit qui ne bénéficient pas d'un traitement plus favorable en vertu d'autres dispositions du droit international;
- 6) la population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de se constituer en forces armées régulières, si elle porte ouvertement les armes et si elle respecte les lois et coutumes de la guerre.

**ARTICLE 14**

Compte tenu des dispositions de l'article 12, les blessés et les malades d'un belligérant, tombés au pouvoir de l'adversaire, seront prisonniers de guerre et les règles du droit des gens concernant les prisonniers de guerre leur seront applicables.

**ARTICLE 15**

En tout temps et notamment après un engagement, les Parties au conflit prendront sans tarder toutes les mesures possibles pour rechercher et recueillir les blessés et les malades, les protéger contre le pillage et les mauvais traitements et leur assurer les soins nécessaires, ainsi que pour rechercher les morts et empêcher qu'ils ne soient dépouillés.

Toutes les fois que les circonstances le permettront, un armistice, une interruption de feu ou des arrangements locaux seront convenus pour permettre l'enlèvement, l'échange et le transport des blessés laissés sur le champ de bataille.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

#### ARTICLE 16

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

#### ARTICLE 17

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if

De même, des arrangements locaux pourront être conclus entre les Parties au conflit pour l'évacuation ou l'échange des blessés et malades d'une zone assiégée ou encerclée et pour le passage de personnel sanitaire et religieux et de matériel sanitaire à destination de cette zone.

#### ARTICLE 16

Les Parties au conflit devront enregistrer, dans le plus bref délai possible, tous les éléments propres à identifier les blessés, les malades et les morts de la partie adverse tombés en leur pouvoir. Ces renseignements devront si possible comprendre ce qui suit:

- a) indication de la Puissance dont ils dépendent;
- b) affectation ou numéro matricule;
- c) nom de famille;
- d) le ou les prénoms;
- e) date de naissance;
- f) tout autre renseignement figurant sur la carte ou la plaque d'identité;
- g) date et lieu de la capture ou du décès;
- h) renseignements concernant les blessures, la maladie ou la cause du décès.

Dans le plus bref délai possible, les renseignements mentionnés ci-dessus devront être communiqués au bureau de renseignements, visé à l'article 122 de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949, qui les transmettra à la Puissance dont dépendent ces personnes, par l'intermédiaire de la Puissance protectrice et de l'Agence centrale des prisonniers de guerre.

Les Parties au conflit établiront et se communiqueront, par la voie indiquée à l'alinéa précédent, les actes de décès ou les listes de décès dûment authentifiées. Elles recueilleront et se transmettront également, par l'intermédiaire du même bureau, la moitié d'une double plaque d'identité, les testaments ou autres documents présentant de l'importance pour la famille des décédés, les sommes d'argent, et, en général, tous les objets ayant une valeur intrinsèque ou affective, trouvés sur les morts. Ces objets, ainsi que les objets non identifiés, seront envoyés dans des paquets scellés, accompagnés d'une déclaration donnant tous les détails nécessaires à l'identification du possesseur décédé, ainsi que d'un inventaire complet du paquet.

#### ARTICLE 17

Les Parties au conflit veilleront à ce que l'inhumation ou l'incinération des morts, faite individuellement dans toute la mesure où les circonstances le permettront, soit précédée d'un examen attentif et si possible médical des corps, en vue de constater la mort, d'établir l'identité et de pouvoir en rendre compte. La moitié de la double plaque d'identité ou la plaque elle-même, s'il s'agit d'une plaque simple, restera sur le cadavre.

Les corps ne pourront être incinérés que pour d'impérieuses raisons d'hygiène ou des motifs découlant de la religion des décédés. En cas d'incinération, il en sera fait mention circonstanciée, avec indication des motifs, sur l'acte de décès ou sur la liste authentifiée de décès.

Les Parties au conflit veilleront, en outre, à ce que les morts soient enterrés honorablement, si possible selon les rites de la religion à laquelle ils appartenaient, que leurs tombes soient

possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein.

#### **ARTICLE 18**

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

### **CHAPTER III**

#### **MEDICAL UNITS AND ESTABLISHMENTS**

#### **ARTICLE 19**

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

respectées, rassemblées si possible selon la nationalité des décédés, convenablement entretenues et marquées de façon à pouvoir toujours être retrouvées. A cet effet et au début des hostilités, elles organiseront officiellement un Service des tombes, afin de permettre des exhumations éventuelles, d'assurer l'identification des cadavres, quel que soit l'emplacement des tombes, et leur retour éventuel dans leur pays d'origine. Ces dispositions s'appliquent de même aux cendres qui seront conservées par le Service des tombes jusqu'à ce que le pays d'origine fasse connaître les dernières dispositions qu'il désire prendre à ce sujet.

Dès que les circonstances le permettront et au plus tard à la fin des hostilités, ces services échangeront, par l'intermédiaire du bureau de renseignements mentionné au deuxième alinéa de l'article 16, des listes indiquant l'emplacement exact et la désignation des tombes, ainsi que les renseignements relatifs aux morts qui y sont enterrés.

#### ARTICLE 18

L'autorité militaire pourra faire appel au zèle charitable des habitants pour recueillir et soigner bénêvolement, sous son contrôle, des blessés et des malades, en accordant aux personnes ayant répondu à cet appel la protection et les facilités nécessaires. Au cas où la partie adverse viendrait à prendre ou à reprendre le contrôle de la région, elle maintiendra à ces personnes cette protection et ces facilités.

L'autorité militaire doit autoriser les habitants et les sociétés de secours, même dans les régions envahies ou occupées, à recueillir et à soigner spontanément les blessés ou malades à quelque nationalité qu'ils appartiennent. La population civile doit respecter ces blessés et malades et notamment n'exercer contre eux aucun acte de violence.

Nul ne devra jamais être inquiété ou condamné pour le fait d'avoir donné des soins à des blessés ou à des malades.

Les dispositions du présent article ne dispensent pas la Puissance occupante des obligations qui lui incombent, dans le domaine sanitaire et moral, à l'égard des blessés et malades.

### CHAPITRE III

#### DES FORMATIONS ET DES ÉTABLISSEMENTS SANITAIRES

#### ARTICLE 19

Les établissements fixes et les formations sanitaires mobiles du Service de santé ne pourront en aucune circonstance être l'objet d'attaques, mais seront en tout temps respectés et protégés par les Parties au conflit. S'ils tombent aux mains de la partie adverse, ils pourront continuer à fonctionner tant que la Puissance captrice n'aura pas elle-même assuré les soins nécessaires aux blessés et malades se trouvant dans ces établissements et formations.

Les autorités compétentes veilleront à ce que les établissements et les formations sanitaires mentionnés ci-dessus soient, dans la mesure du possible, situés de telle façon que des attaques éventuelles contre des objectifs militaires ne puissent mettre ces établissements et formations sanitaires en danger.

TIAS 3363.  
*Post*, p. 3217.

#### ARTICLE 20

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

#### ARTICLE 21

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

#### ARTICLE 22

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

- (1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
- (2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
- (4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
- (5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

#### ARTICLE 23

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

*Post*, p. 3160.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

**ARTICLE 20**

Les navires-hôpitaux ayant droit à la protection de la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949, ne devront pas être attaqués de la terre.

**ARTICLE 21**

La protection due aux établissements fixes et aux formations sanitaires mobiles du Service de santé ne pourra cesser que s'il en est fait usage pour commettre, en dehors de leurs devoirs humanitaires, des actes nuisibles à l'ennemi. Toutefois, la protection ne cessera qu'après sommation fixant, dans tous les cas opportuns, un délai raisonnable et qui serait demeurée sans effet.

**ARTICLE 22**

Ne seront pas considérés comme étant de nature à priver une formation ou un établissement sanitaire de la protection assurée par l'article 19:

1. le fait que le personnel de la formation ou de l'établissement est armé et qu'il use de ses armes pour sa propre défense ou celle de ses blessés et de ses malades;
2. le fait qu'à défaut d'infirmiers armés, la formation ou l'établissement est gardé par un piquet ou des sentinelles ou une escorte;
3. le fait que dans la formation ou l'établissement se trouvent des armes portatives et des munitions retirées aux blessés et aux malades et n'ayant pas encore été versées au service compétent;
4. le fait que du personnel et du matériel du service vétérinaire se trouvent dans la formation ou l'établissement, sans en faire partie intégrante;
5. le fait que l'activité humanitaire des formations et établissements sanitaires ou de leur personnel est étendue à des civils blessés ou malades.

**ARTICLE 23**

Dès le temps de paix, les Hautes Parties contractantes et, après l'ouverture des hostilités, les Parties au conflit, pourront créer sur leur propre territoire et, s'il en est besoin, sur les territoires occupés, des zones et localités sanitaires organisées de manière à mettre à l'abri des effets de la guerre les blessés et les malades ainsi que le personnel chargé de l'organisation et de l'administration de ces zones et localités et des soins à donner aux personnes qui s'y trouveront concentrées.

Dès le début d'un conflit et au cours de celui-ci, les Parties intéressées pourront conclure entre elles des accords pour la reconnaissance des zones et localités sanitaires qu'elles auraient établies. Elles pourront à cet effet mettre en vigueur les dispositions prévues dans le projet d'accord annexé à la présente Convention, en y apportant éventuellement des modifications qu'elles jugeraient nécessaires.

Les Puissances protectrices et le Comité international de la Croix-Rouge sont invités à prêter leurs bons offices pour faciliter l'établissement et la reconnaissance de ces zones et localités sanitaires.

## CHAPTER IV

## PERSONNEL

## ARTICLE 24

Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

## ARTICLE 25

Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

## ARTICLE 26

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Each High Contracting Party shall notify to the other, either in time of peace, or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

## ARTICLE 27

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

**CHAPITRE IV****DU PERSONNEL****ARTICLE 24**

Le personnel sanitaire exclusivement affecté à la recherche, à l'enlèvement, au transport ou au traitement des blessés et des malades ou à la prévention des maladies, le personnel exclusivement affecté à l'administration des formations et établissements sanitaires, ainsi que les aumôniers attachés aux forces armées, seront respectés et protégés en toutes circonstances.

**ARTICLE 25**

Les militaires spécialement instruits pour être, le cas échéant, employés comme infirmiers ou brancardiers auxiliaires à la recherche ou à l'enlèvement, au transport ou au traitement des blessés et malades, seront également respectés et protégés s'ils remplissent ces fonctions au moment où ils viennent au contact de l'ennemi ou tombent en son pouvoir.

**ARTICLE 26**

Sont assimilés au personnel visé à l'article 24, le personnel des Sociétés nationales de la Croix-Rouge et celui des autres sociétés de secours volontaires, dûment reconnues et autorisées par leur gouvernement, qui sera employé aux mêmes fonctions que celles du personnel visé audit article, sous la réserve que le personnel de ces sociétés sera soumis aux lois et règlements militaires.

Chaque Haute Partie contractante notifiera à l'autre, soit dès le temps de paix, soit à l'ouverture ou au cours des hostilités, en tout cas avant tout emploi effectif, les noms des sociétés qu'elle aura autorisées à prêter leur concours, sous sa responsabilité, au service sanitaire officiel de ses armées.

**ARTICLE 27**

Une société reconnue d'un pays neutre ne pourra prêter le concours de son personnel et de ses formations sanitaires à une Partie au conflit qu'avec l'assentiment préalable de son propre gouvernement et l'autorisation de la Partie au conflit elle-même. Ce personnel et ces formations seront placés sous le contrôle de cette Partie au conflit.

Le gouvernement neutre notifiera cet assentiment à la partie adverse de l'Etat qui accepte ce concours. La Partie au conflit qui aura accepté ce concours est tenue, avant tout emploi, d'en faire la notification à la partie adverse.

En aucune circonstance ce concours ne devra être considéré comme une ingérence dans le conflit.

Les membres du personnel visé au premier alinéa devront être dûment munis des pièces d'identité prévues à l'article 40 avant de quitter le pays neutre auquel ils appartiennent.

**ARTICLE 28**

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

- (a) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.
- (b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.
- (c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

**ARTICLE 29**

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

**ARTICLE 30**

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the

## ARTICLE 28

Le personnel désigné aux articles 24 et 26 ne sera retenu, s'il tombe au pouvoir de la partie adverse, que dans la mesure où l'état sanitaire, les besoins spirituels et le nombre de prisonniers de guerre l'exigeront.

Les membres du personnel qui seront ainsi retenus ne seront pas considérés comme prisonniers de guerre. Toutefois, ils bénéficieront pour le moins de toutes les dispositions de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949. Ils continueront à exercer, dans le cadre des lois et règlements militaires de la Puissance détentrice, sous l'autorité de ses services compétents et en accord avec leur conscience professionnelle, leurs fonctions médicales ou spirituelles au profit des prisonniers de guerre appartenant de préférence aux forces armées dont ils relèvent. Ils jouiront en outre, pour l'exercice de leur mission médicale ou spirituelle, des facilités suivantes:

- a) Ils seront autorisés à visiter périodiquement les prisonniers de guerre se trouvant dans des détachements de travail ou dans des hôpitaux situés à l'extérieur du camp. L'autorité détentrice mettra à leur disposition, à cet effet, les moyens de transport nécessaires.
- b) Dans chaque camp, le médecin militaire le plus ancien dans le grade le plus élevé sera responsable auprès des autorités militaires du camp pour tout ce qui concerne les activités du personnel sanitaire retenu. A cet effet, les Parties au conflit s'entendront dès le début des hostilités au sujet de la correspondance des grades de leur personnel sanitaire, y compris celui des sociétés visées à l'article 26. Pour toutes les questions relevant de leur mission, ce médecin, ainsi que les aumôniers, auront accès direct auprès des autorités compétentes du camp. Ceux-ci leur donneront toutes les facilités nécessaires pour la correspondance ayant trait à ces questions.
- c) Bien qu'il soit soumis à la discipline intérieure du camp dans lequel il se trouve, le personnel retenu ne pourra être astreint à aucun travail étranger à sa mission médicale ou religieuse.

Au cours des hostilités, les Parties au conflit s'entendront au sujet d'une relève éventuelle du personnel retenu et en fixeront les modalités.

Aucune des dispositions qui précèdent ne dispense la Puissance détentrice des obligations qui lui incombent à l'égard des prisonniers de guerre dans les domaines sanitaire et spirituel.

## ARTICLE 29

Le personnel désigné à l'article 25, tombé aux mains de l'ennemi, sera considéré comme prisonnier de guerre, mais il sera employé à des missions sanitaires pour autant que le besoin s'en fasse sentir.

## ARTICLE 30

Les membres du personnel dont la rétention ne sera pas indispensable en vertu des dispositions de l'article 28, seront rendus à la Partie au conflit dont ils relèvent dès qu'une voie sera ouverte pour leur retour et que les nécessités militaires le permettront.

En attendant leur renvoi, ils ne seront pas considérés comme prisonniers de guerre. Toutefois, ils bénéficieront pour le moins de toutes les dispositions de la Convention de

Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

#### ARTICLE 31

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

#### ARTICLE 32

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health.

### CHAPTER V

#### BUILDINGS AND MATERIAL

#### ARTICLE 33

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of

Genève relative au traitement des prisonniers de guerre du 12 août 1949. Ils continueront à remplir leurs fonctions sous la direction de la partie adverse et seront de préférence affectés aux soins des blessés et malades de la Partie au conflit dont ils relèvent.

A leur départ, ils emporteront les effets, objets personnels, valeurs et instruments qui leur appartiennent en propre.

#### ARTICLE 31

Le choix du personnel dont le renvoi à la Partie au conflit est prévu aux termes de l'article 30 s'opérera à l'exclusion de toute considération de race, de religion ou d'opinion politique, de préférence selon l'ordre chronologique de leur capture et leur état de santé.

Dès le début des hostilités, les Parties au conflit pourront fixer par accords spéciaux le pourcentage du personnel à retenir en fonction du nombre des prisonniers ainsi que sa répartition dans les camps.

#### ARTICLE 32

Les personnes désignées dans l'article 27, qui seront tombées au pouvoir de la partie adverse, ne pourront être retenues.

Sauf accord contraire, elles seront autorisées à regagner leur pays ou à défaut le territoire de la Partie au conflit au service de laquelle elles se trouvaient placées, dès qu'une voie sera ouverte pour leur retour et que les exigences militaires le permettront.

En attendant leur renvoi, elles continueront à remplir leurs fonctions sous la direction de la partie adverse; elles seront de préférence affectées aux soins des blessés et malades de la Partie au conflit au service de laquelle elles se trouvaient placées.

A leur départ, elles emporteront les effets, objets personnels et valeurs, les instruments, les armes et si possible les moyens de transport qui leur appartiennent.

Les Parties au conflit assureront à ce personnel, pendant qu'il sera en leur pouvoir, le même entretien, le même logement, les mêmes allocations et la même solde qu'au personnel correspondant de leur armée. La nourriture sera en tout cas suffisante en quantité, qualité et variété pour assurer aux intéressés un équilibre normal de santé.

### CHAPITRE V

#### DES BATIMENTS ET DU MATÉRIEL

#### ARTICLE 33

Le matériel des formations sanitaires mobiles des forces armées qui seront tombées au pouvoir de la partie adverse, demeurera affecté aux blessés et malades.

Les bâtiments, le matériel et les dépôts des établissements sanitaires fixes des forces armées demeureront soumis au droit de la guerre, mais ne pourront être détournés de leur emploi tant qu'ils seront nécessaires aux blessés et aux malades. Toutefois, les commandants

forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

#### ARTICLE 34

The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

### CHAPTER VI

#### MEDICAL TRANSPORTS

#### ARTICLE 35

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

#### ARTICLE 36

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.



**ARTICLE 37**

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

**CHAPTER VII****THE DISTINCTIVE EMBLEM****ARTICLE 38**

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.

**ARTICLE 39**

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

**ARTICLE 40**

The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national

**ARTICLE 37**

Les aéronefs sanitaires des Parties au conflit pourront, sous réserve du deuxième alinéa, survoler le territoire des Puissances neutres et y atterrir ou amerrir en cas de nécessité ou pour y faire escale. Ils devront notifier préalablement aux Puissances neutres leur passage sur leur territoire et obéir à toute sommation d'atterrir ou d'amerrir. Ils ne seront à l'abri des attaques que durant leur vol à des altitudes, à des heures et suivant des itinéraires spécifiquement convenus entre les Parties au conflit et les Puissances neutres intéressées.

Toutefois, les Puissances neutres pourront fixer des conditions ou restrictions quant au survol de leur territoire par les aéronefs sanitaires ou à leur atterrissage. Ces conditions ou restrictions éventuelles seront appliquées d'une manière égale à toutes les Parties au conflit.

Les blessés ou malades débarqués, avec le consentement de l'autorité locale, sur un territoire neutre par un aéronef sanitaire, devront, à moins d'un arrangement contraire de l'Etat neutre avec les Parties au conflit, être gardés par l'Etat neutre, lorsque le droit international le requiert, de manière qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre. Les frais d'hospitalisation et d'internement seront supportés par la Puissance dont dépendent les blessés et malades.

**CHAPITRE VII****DU SIGNE DISTINCTIF****ARTICLE 38**

Par hommage pour la Suisse, le signe heraldique de la croix rouge sur fond blanc, formé par interversion des couleurs fédérales, est maintenu comme emblème et signe distinctif du Service sanitaire des armées.

Toutefois, pour les pays qui emploient déjà comme signe distinctif à la place de la croix rouge, le croissant rouge ou le lion et le soleil rouges sur fond blanc, ces emblèmes sont également admis dans le sens de la présente Convention.

**ARTICLE 39**

Sous le contrôle de l'autorité militaire compétente, l'emblème figurera sur les drapeaux, les brassards ainsi que sur tout le matériel se rattachant au Service sanitaire.

**ARTICLE 40**

Le personnel visé à l'article 24, et aux articles 26 et 27, portera, fixé au bras gauche, un brassard résistant à l'humidité et muni du signe distinctif, délivré et timbré par l'autorité militaire.

Ce personnel, outre la plaque d'identité prévue à l'article 16, sera également porteur d'une carte d'identité spéciale munie du signe distinctif. Cette carte devra résister à l'humidité et être de dimensions telles qu'elle puisse être mise dans la poche. Elle sera rédigée

language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

#### ARTICLE 41

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

#### ARTICLE 42

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

#### ARTICLE 43

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

dans la langue nationale, mentionnera au moins les nom et prénoms, la date de naissance, le grade et le numéro matricule de l'intéressé. Elle établira en quelle qualité il a droit à la protection de la présente Convention. La carte sera munie de la photographie du titulaire et, en outre, soit de sa signature, soit de ses empreintes digitales, soit des deux à la fois. Elle portera le timbre sec de l'autorité militaire.

La carte d'identité devra être uniforme dans chaque armée et autant que possible du même type dans les armées des Hautes Parties contractantes. Les Parties au conflit pourront s'inspirer du modèle annexé à titre d'exemple à la présente Convention. Elles se communiqueront, au début des hostilités, le modèle qu'elles utilisent. Chaque carte d'identité sera établie, si possible, en deux exemplaires au moins, dont l'un sera conservé par la Puissance d'origine.

En aucun cas, le personnel mentionné ci-dessus ne pourra être privé de ses insignes ni de sa carte d'identité ni du droit de porter son brassard. En cas de perte, il aura le droit d'obtenir des duplicata de la carte et le remplacement des insignes.

#### ARTICLE 41

Le personnel désigné à l'article 25 portera, seulement pendant qu'il remplit des fonctions sanitaires, un brassard blanc portant en son milieu le signe distinctif, mais de dimensions réduites, délivré et timbré par l'autorité militaire.

Les pièces d'identité militaires dont ce personnel sera porteur spécifieront l'instruction sanitaire reçue par le titulaire, le caractère temporaire de ses fonctions et le droit qu'il a au port du brassard.

#### ARTICLE 42

Le drapeau distinctif de la Convention ne pourra être arboré que sur les formations et les établissements sanitaires qu'elle ordonne de respecter et seulement avec le consentement de l'autorité militaire.

Dans les formations mobiles comme dans les établissements fixes, il pourra être accompagné du drapeau national de la Partie au conflit dont relève la formation ou l'établissement.

Toutefois, les formations sanitaires tombées au pouvoir de l'ennemi n'arboreront que le drapeau de la Convention.

Les Parties au conflit prendront, pour autant que les exigences militaires le permettront, les mesures nécessaires pour rendre nettement visibles aux forces ennemis terrestres, aériennes et maritimes, les emblèmes distinctifs signalant les formations et les établissements sanitaires, en vue d'écartier la possibilité de toute action agressive.

#### ARTICLE 43

Les formations sanitaires des pays neutres qui, dans les conditions prévues par l'article 27, auraient été autorisées à prêter leurs services à un belligérant, devront arborer, avec le drapeau de la Convention, le drapeau national de ce belligérant, si celui-ci use de la faculté que lui confère l'article 42.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

**ARTICLE 44**

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

**CHAPTER VIII****EXECUTION OF THE CONVENTION****ARTICLE 45**

Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

**ARTICLE 46**

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

Sauf ordre contraire de l'autorité militaire compétente, elles pourront en toutes circonstances arborer leur drapeau national, même si elles tombent au pouvoir de la partie adverse.

#### ARTICLE 44

L'emblème de la croix rouge sur fond blanc et les mots « croix rouge » ou « croix de Genève » ne pourront, à l'exception des cas visés dans les alinéas suivants du présent article, être employés, soit en temps de paix, soit en temps de guerre, que pour désigner ou protéger les formations et les établissements sanitaires, le personnel et le matériel protégés par la présente Convention et par les autres Conventions internationales réglant semblable matière. Il en sera de même en ce qui concerne les emblèmes visés à l'article 38, deuxième alinéa, pour les pays qui les emploient. Les Sociétés nationales de la Croix-Rouge et les autres sociétés visées à l'article 26 n'auront droit à l'usage du signe distinctif conférant la protection de la Convention que dans le cadre des dispositions de cet alinéa.

En outre, les Sociétés nationales de la Croix-Rouge (Croissant-Rouge, Lion et Soleil Rouges) pourront en temps de paix, conformément à la législation nationale, faire usage du nom et de l'emblème de la Croix-Rouge pour leurs autres activités conformes aux principes formulés par les Conférences internationales de la Croix-Rouge. Lorsque ces activités se poursuivront en temps de guerre, les conditions de l'emploi de l'emblème devront être telles qu'il ne puisse être considéré comme visant à conférer la protection de la Convention; l'emblème sera relativement de petites dimensions et il ne pourra être apposé sur un brassard ou une toiture.

Les organismes internationaux de la Croix-Rouge et leur personnel dûment légitimé seront autorisés à se servir en tout temps du signe de la croix rouge sur fond blanc.

A titre exceptionnel, conformément à la législation nationale, et avec l'autorisation expresse de l'une des Sociétés nationales de la Croix-Rouge (Croissant-Rouge, Lion et Soleil Rouges), il pourra être fait usage de l'emblème de la Convention en temps de paix, pour signaler les véhicules utilisés comme ambulances et pour marquer l'emplacement des postes de secours exclusivement réservés aux soins gratuits à donner à des blessés ou à des malades.

### CHAPITRE VIII

#### DE L'EXÉCUTION DE LA CONVENTION

#### ARTICLE 45

Chaque Partie au conflit, par l'intermédiaire de ses commandants en chef, aura à pourvoir aux détails d'exécution des articles précédents, ainsi qu'aux cas non prévus, conformément aux principes généraux de la présente Convention.

#### ARTICLE 46

Les mesures de représailles contre les blessés, les malades, le personnel, les bâtiments ou le matériel protégés par la Convention sont interdites.

**ARTICLE 47**

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

**ARTICLE 48**

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

**CHAPTER IX****REPRESSION OF ABUSES AND INFRACTIONS****ARTICLE 49**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of

*TIAS 3364.*  
*Post, p. 3396.*  
August 12, 1949.

**ARTICLE 50**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.



**ARTICLE 51**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

**ARTICLE 52**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

**ARTICLE 53**

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

**ARTICLE 54**

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

**ARTICLE 51**

Aucune Partie contractante ne pourra s'exonérer elle-même, ni exonérer une autre Partie contractante, des responsabilités encourues par elle-même ou par une autre Partie contractante en raison des infractions prévues à l'article précédent.

**ARTICLE 52**

A la demande d'une Partie au conflit, une enquête devra être ouverte, selon le mode à fixer entre les Parties intéressées, au sujet de toute violation alléguée de la Convention.

Si un accord sur la procédure d'enquête n'est pas réalisé, les Parties s'entendront pour choisir un arbitre, qui décidera de la procédure à suivre.

Une fois la violation constatée, les Parties au conflit y mettront fin et la réprimeront le plus rapidement possible.

**ARTICLE 53**

L'emploi par des particuliers, sociétés ou maisons de commerce tant publiques que privées, autres que ceux y ayant droit en vertu de la présente Convention, de l'emblème ou de la dénomination de « croix rouge » ou de « croix de Genève », de même que de tout signe ou de toute dénomination en constituant une imitation, sera interdit en tout temps, quel que soit le but de cet emploi et quelle qu'aït pu en être la date antérieure d'adoption.

En raison de l'hommage rendu à la Suisse par l'adoption des couleurs fédérales interverties et de la confusion qui peut naître entre les armoiries de la Suisse et le signe distinctif de la Convention, l'emploi par des particuliers, sociétés ou maisons de commerce, des armoiries de la Confédération suisse, de même que de tout signe en constituant une imitation, soit comme marque de fabrique ou de commerce ou comme élément de ces marques, soit dans un but contraire à la loyauté commerciale, soit dans des conditions susceptibles de blesser le sentiment national suisse, sera interdit en tout temps.

Toutefois, les Hautes Parties contractantes qui n'étaient pas parties à la Convention de Genève du 27 juillet 1929 pourront accorder aux usagers antérieurs des emblèmes, dénominations ou marques visés au premier alinéa, un délai maximum de trois ans, dès l'entrée en vigueur de la présente Convention, pour en abandonner l'usage, étant entendu que pendant ce délai, l'usage ne pourra apparaître, en temps de guerre, comme visant à conférer la protection de la Convention.

L'interdiction établie par le premier alinéa de cet article s'applique également, sans effet sur les droits acquis des usagers antérieurs, aux emblèmes et dénominations prévus au deuxième alinéa de l'article 38.

**ARTICLE 54**

Les Hautes Parties contractantes, dont la législation ne serait pas dès à présent suffisante, prendront les mesures nécessaires pour empêcher et réprimer en tout temps les abus visés à l'article 53.

## FINAL PROVISIONS

### ARTICLE 55

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

### ARTICLE 56

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

TS 377, 464, 847.  
22 Stat. 940; 35  
Stat. 1885; 47  
Stat. 2074.

### ARTICLE 57

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

### ARTICLE 58

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

### ARTICLE 59

The present Convention replaces the Conventions of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

### ARTICLE 60

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

### ARTICLE 61

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

## DISPOSITIONS FINALES

### ARTICLE 55

La présente Convention est établie en français et en anglais. Les deux textes sont également authentiques.

Le Conseil fédéral suisse fera établir des traductions officielles de la Convention en langue russe et en langue espagnole.

### ARTICLE 56

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au 12 février 1950, être signée au nom des Puissances représentées à la Conférence qui s'est ouverte à Genève le 21 avril 1949, ainsi que des Puissances non représentées à cette Conférence qui participent aux Conventions de Genève de 1864, de 1906 ou de 1929, pour l'amélioration du sort des blessés et des malades dans les armées en campagne.

### ARTICLE 57

La présente Convention sera ratifiée aussitôt que possible et les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification un procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

### ARTICLE 58

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie contractante six mois après le dépôt de son instrument de ratification.

### ARTICLE 59

La présente Convention remplace les Conventions du 22 août 1864, du 6 juillet 1906 et du 27 juillet 1929 dans les rapports entre les Hautes Parties contractantes.

### ARTICLE 60

Dès la date de son entrée en vigueur, la présente Convention sera ouverte à l'adhésion de toute Puissance au nom de laquelle cette Convention n'aura pas été signée.

### ARTICLE 61

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

**ARTICLE 62**

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

**ARTICLE 63**

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

**ARTICLE 64**

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

**IN WITNESS WHEREOF** the undersigned, having deposited their respective full powers, have signed the present Convention.

**DONE** at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

**ARTICLE 62**

Les situations prévues aux articles 2 et 3 donneront effet immédiat aux ratifications déposées et aux adhésions notifiées par les Parties au conflit avant ou après le début des hostilités ou de l'occupation. La communication des ratifications ou adhésions reçues des Parties au conflit sera faite par le Conseil fédéral suisse par la voie la plus rapide.

**ARTICLE 63**

Chacune des Hautes Parties contractantes aura la faculté de dénoncer la présente Convention.

La dénonciation sera notifiée par écrit au Conseil fédéral suisse. Celui-ci communiquera la notification aux Gouvernements de toutes les Hautes Parties contractantes.

La dénonciation produira ses effets un an après sa notification au Conseil fédéral suisse. Toutefois la dénonciation notifiée alors que la Puissance dénonçante est impliquée dans un conflit, ne produira aucun effet aussi longtemps que la paix n'aura pas été conclue et, en tout cas, aussi longtemps que les opérations de libération et de rapatriement des personnes protégées par la présente Convention ne seront pas terminées.

La dénonciation vaudra seulement à l'égard de la Puissance dénonçante. Elle n'aura aucun effet sur les obligations que les Parties au conflit demeureront tenues de remplir en vertu des principes du droit des gens tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

**ARTICLE 64**

Le Conseil fédéral suisse fera enregistrer la présente Convention au Secrétariat des Nations Unies. Le Conseil fédéral suisse informera également le Secrétariat des Nations Unies de toutes les ratifications, adhésions et dénonciations qu'il pourra recevoir au sujet de la présente Convention.

**EN FOI DE QUOI** les soussignés, ayant déposé leurs pleins pouvoirs respectifs, ont signé la présente Convention.

**FAIT** à Genève, le 12 août 1949, en langues française et anglaise, l'original devant être déposé dans les Archives de la Confédération suisse. Le Conseil fédéral suisse transmettra une copie certifiée conforme de la Convention à chacun des Etats signataires, ainsi qu'aux Etats qui auront adhéré à la Convention.

For AFGHANISTAN

Pour l'AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF  
ALBANIAPour la RÉPUBLIQUE POPULAIRE  
D'ALBANIEAvec la réserve pour l'article 10 ci-jointe<sup>1</sup>

J. MALO

For ARGENTINA

Pour l'ARGENTINE

Avec la réserve ci-jointe<sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Pour l'AUSTRALIE

Norman R. MIGHELL

Subject to ratification<sup>3</sup>

For AUSTRIA

Pour l'AUTRICHE

Dr. Rud. BLUEHDORN

For BELGIUM

Pour la BELGIQUE

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET  
SOCIALIST REPUBLICPour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE DE BIÉLORUSSIEС оговоркой по ст. 10<sup>4</sup>  
Текст оговорки прилагаетсяГлава делегации БССР  
И. КУЦЕЙНИКОВ

For BOLIVIA

Pour la BOLIVIE

G. MEDEIROS

For BRAZIL

Pour le BRÉSIL

João PINTO DA SILVA  
General Floriano DE LIMA BRAYNER<sup>1</sup> Voir le texte de la réserve à la page 233. [*Post*, p. 3168.]<sup>2</sup> Voir le texte de la réserve à la page 234. [*Post*, p. 3170.]<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.<sup>4</sup> Voir le texte de la réserve à la page 234. [*Post*, p. 3170.]

Avec la réserve ci-jointe<sup>1</sup>

K. B. SVETLOV

For CANADA Pour le CANADA

Max H. WERSHOF

For CEYLON Pour CEYLAN

V. COOMARASWAMY

Pour le CHILI

F. CISTERNAS ORTIZ

For CHINA Pour la CHINE

WU NAN-JU

For COLOMBIA Pour la COLOMBIE

Rafael Koch & Schloss

For CUBA Pour CUBA

J. DE LA LUZ LEÓN

For DENMARK Pour le DANEMARK

Georg COHN Paul IPSEN BAGGE

For EGYPT Pour l'ÉGYPTE

A. K. SAFWAT

For ECUADOR Pour l'ÉQUATEUR

Alex. GASTELU

For SPAIN Pour l'ESPAGNE

Luis CALDERÓN

For the UNITED STATES OF AMERICA Pour les ÉTATS-UNIS D'AMÉRIQUE

Leland HARRISON Baymund TYINGLING

For ETHIOPIA Pour l'ÉTHIOPIE

Gachau ZELLEKE

<sup>1</sup> Voir le texte de la réserve à la page 236. [Post, p. 3174.]

For FINLAND

Pour la FINLANDE

Reinhold SVENTO

For FRANCE

Pour la FRANCE

JACQUINOT G. CAHEN-SALVADOR

For GREECE

Pour la GRÈCE

M. PESMAZOGLOU

For GUATEMALA

Pour le GUATEMALA

A. DUPONT-WILLEMIN

For the HUNGARIAN PEOPLE'S  
REPUBLICPour la RÉPUBLIQUE POPULAIRE  
HONGROISEAvec les réserves ci-jointes<sup>1</sup>

Anna KARA

For INDIA

Pour l'INDE

D. B. DESAI

For IRAN

Pour l'IRAN

A. H. MEYKADEH

For the REPUBLIC OF IRELAND

Pour la RÉPUBLIQUE D'IRLANDE

Sean MACBRIDE

For ISRAEL

Pour ISRAËL

Avec la réserve ci-jointe<sup>2</sup>

M. KAHANY

For ITALY

Pour l'ITALIE

Giacinto AURITI Ettore BAISTROCCHI

For the LEBANON

Pour le LIBAN

MIKAOUI

For LIECHTENSTEIN

Pour le LIECHTENSTEIN

Comte F. WILCZEK

<sup>1</sup> Voir le texte des réserves à la page 239. [*Post*, p. 3180.]<sup>2</sup> Voir le texte de la réserve à la page 241. [*Post*, p. 3184.]

For LUXEMBURG

Pour le LUXEMBOURG

J. STURM

For MEXICO

Pour le MEXIQUE

Pedro DE ALBA W. R. CASTRO

For the PRINCIPALITY OF MONACO

Pour la PRINCIPAUTE DE MONACO

M. Lozé

For NICARAGUA

Pour le NICARAGUA

Ad referendum

LIFSCHEITZ

For NORWAY

Pour la NORVÈGE

Rolf ANDERSEN

For NEW ZEALAND

Pour la NOUVELLE-ZÉLANDE

G. R. LAKING

For PAKISTAN

Pour le PAKISTAN

S. M. A. FARUKI, M. G. A. H. SHAIKH

For PARAGUAY

Pour le PARAGUAY

Conrad FEHR

For the NETHERLANDS

Pour les PAYS-BAS

J. BOSCH DE ROSENTHAL

For PERU

Pour le Pérou

Gonzalo PIZARRO

For the REPUBLIC OF  
THE PHILIPPINESPour la RÉPUBLIQUE  
DES PHILIPPINESP. SEBASTIAN<sup>1</sup>

For POLAND

Pour la POLOGNE

Avec la réserve ci-jointe<sup>2</sup>

Julian PRZYBOS

<sup>1</sup> "This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution".

<sup>2</sup> Voir le texte de la réserve à la page 244. [Post, p. 3190.]

For PORTUGAL

Pour le PORTUGAL

Avec les réserves ci-jointes<sup>1</sup>

G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S  
REPUBLICPour la RÉPUBLIQUE POPULAIRE  
ROUMAINEAvec la réserve ci-jointe<sup>2</sup>

I. DRAGOMIR

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Pour le ROYAUME-UNI DE GRANDE-BRITAIN ET D'IRLANDE DU NORD

Robert CRAIGIE H. A. STRUTT W. H. GARDNER

For the HOLY SEE

Pour le SAINT-SIÈGE

Philippe BERNARDINI

For EL SALVADOR

Pour EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Pour la SUÈDE

Sous réserve de ratification par S.M. le Roi de Suède  
avec l'approbation du Riksdag

Staffan SÖDERBLOM

For SWITZERLAND

Pour la SUISSE

Max PETITPIERRE Plinio BOLLA  
Colonel div. du PASQUIER Ph. ZUTTER  
H. MEULI

For SYRIA

Pour la SYRIE

Omar EL DJABRI A. GENNAOUI

For CZECHOSLOVAKIA

Pour la TCHECOSLOVAQUIE

Avec la réserve ci-jointe<sup>3</sup>

TAUBER

For TURKEY

Pour la TURQUIE

Rana TARHAN

<sup>1</sup> Voir le texte des réserves à la page 246. [*Post*, p. 3194.]<sup>2</sup> Voir le texte de la réserve à la page 247. [*Post*, p. 3196.]<sup>3</sup> Voir le texte de la réserve à la page 249. [*Post*, p. 3200.]

For the UKRAINIAN SOVIET  
SOCIALIST REPUBLIC

Pour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE D'UKRAINE

С оговоркой по статье 10<sup>1</sup>  
Текст оговорки прилагается

По уполномочию Правительства УССР  
Профессор О. БОГОМОЛЕЦ

For the UNION OF SOVIET SOCIALIST  
REPUBLICS

Pour l'UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUES

С оговоркой по статье 10<sup>2</sup>  
Текст оговорки прилагается

Глава делегации СССР  
Н. СЛАВИН

For URUGUAY

Pour l'URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

Pour le VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Pour la RÉPUBLIQUE FÉDÉRATIVE  
POPULAIRE DE YOUGOSLAVIE

Milan Ristić

Avec la réserve ci-jointe<sup>3</sup>

<sup>1</sup> Voir le texte de la réserve à la page 250. [Post, p. 3202.]

<sup>2</sup> Voir le texte de la réserve à la page 252. [Post, p. 3206.]

<sup>3</sup> Voir le texte de la réserve à la page 253. [Post, p. 3208.]

## ANNEX I

*Draft Agreement relating to Hospital Zones and Localities*

## ARTICLE 1

Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

## ARTICLE 2

No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

## ARTICLE 3

The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

## ARTICLE 4

Hospital zones shall fulfil the following conditions:

- (a) They shall comprise only a small part of the territory governed by the Power which has established them.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

## ARTICLE 5

Hospital zones shall be subject to the following obligations:

- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

## ANNEXE I

### PROJET D'ACCORD RELATIF AUX ZONES ET LOCALITÉS SANITAIRES

#### ARTICLE 1

Les zones sanitaires seront réservées strictement aux personnes mentionnées à l'article 23 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, ainsi qu'au personnel chargé de l'organisation et de l'administration de ces zones et localités et des soins à donner aux personnes qui s'y trouveront concentrées.

Toutefois, les personnes qui ont leur résidence permanente à l'intérieur de ces zones auront le droit d'y séjourner.

#### ARTICLE 2

Les personnes se trouvant, à quelque titre que ce soit, dans une zone sanitaire, ne devront se livrer à aucun travail qui aurait un rapport direct avec les opérations militaires ou la production du matériel de guerre ni à l'intérieur ni à l'extérieur de cette zone.

#### ARTICLE 3

La Puissance qui crée une zone sanitaire prendra toutes mesures appropriées pour en interdire l'accès à toutes les personnes qui n'ont pas le droit de s'y rendre ou de s'y trouver.

#### ARTICLE 4

Les zones sanitaires répondront aux conditions suivantes:

- a) elles ne représenteront qu'une faible partie du territoire contrôlé par la Puissance qui les a créées;
- b) elles devront être faiblement peuplées par rapport à leur possibilité d'accueil;
- c) elles seront éloignées et dépourvues de tout objectif militaire et de toute installation industrielle ou administrative importante;
- d) elles ne seront pas situées dans des régions qui, selon toute probabilité, peuvent avoir une importance pour la conduite de la guerre.

#### ARTICLE 5

Les zones sanitaires seront soumises aux obligations suivantes:

- a) les voies de communication et les moyens de transport qu'elles peuvent comporter ne seront pas utilisés pour des déplacements de personnel ou de matériel militaire, même en simple transit;
- b) elles ne seront militairement défendues en aucune circonstance.

**ARTICLE 6**

Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings. They may be similarly marked at night by means of appropriate illumination.

**ARTICLE 7**

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

**ARTICLE 8**

Any Power having recognized one or several hospital zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

**ARTICLE 9**

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

**ARTICLE 10**

Any Power setting up one or more hospital zones and localities, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commissions mentioned in Articles 8 and 9.

**ARTICLE 11**

In no circumstances may hospital zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

**ARTICLE 6**

Les zones sanitaires seront désignées par des croix rouges (croissants rouges, lions et soleils rouges) sur fond blanc apposées à la périphérie et sur les bâtiments.

De nuit, elles pourront l'être également par un éclairage approprié.

**ARTICLE 7**

Dès le temps de paix ou à l'ouverture des hostilités, chaque Puissance communiquera à toutes les Hautes Parties contractantes, la liste des zones sanitaires établies sur le territoire qu'elle contrôle. Elle les informera de toute nouvelle zone créée au cours d'un conflit.

Dès que la partie adverse aura reçu la notification mentionnée ci-dessus, la zone sera régulièrement constituée.

Si, toutefois, la partie adverse estime qu'une des conditions posées par le présent accord n'est manifestement pas remplie, elle pourra refuser de reconnaître la zone en communiquant d'urgence son refus à la partie dont relève la zone, ou subordonner sa reconnaissance à l'institution du contrôle prévu à l'article 8.

**ARTICLE 8**

Chaque Puissance, qui aura reconnu une ou plusieurs zones sanitaires établies par la partie adverse, aura le droit de demander qu'une ou plusieurs commissions spéciales contrôlent si les zones remplissent les conditions et obligations énoncées dans le présent accord.

A cet effet, les membres des commissions spéciales auront en tout temps libre accès aux différentes zones et pourront même y résider de façon permanente. Toute facilité leur sera accordée pour qu'ils puissent exercer leur mission de contrôle.

**ARTICLE 9**

Au cas où les commissions spéciales constateraient des faits qui leur paraîtraient contraires aux stipulations du présent accord, elles en avertiraient immédiatement la Puissance dont relève la zone et lui impartiraient un délai de cinq jours au maximum pour y remédier; elles en informeront la Puissance qui a reconnu la zone.

Si, à l'expiration de ce délai, la Puissance dont dépend la zone n'a pas donné suite à l'avertissement qui lui a été adressé, la partie adverse pourra déclarer qu'elle n'est plus liée, par le présent accord à l'égard de cette zone.

**ARTICLE 10**

La Puissance qui aura créé une ou plusieurs zones et localités sanitaires, ainsi que les parties adverses auxquelles leur existence aura été notifiée, nommeront, ou feront désigner par des Puissances neutres, les personnes qui pourront faire partie des commissions spéciales dont il est fait mention aux articles 8 et 9.

**ARTICLE 11**

Les zones sanitaires ne pourront, en aucune circonstance, être attaquées, mais seront en tout temps protégées et respectées par les Parties au conflit.

## ARTICLE 12

In the case of occupation of a territory, the hospital zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

## ARTICLE 13

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital zones.

## ANNEXE II

Front

Reverse Side

|  |  |        |      |      |       |       |       |
|--|--|--------|------|------|-------|-------|-------|
| <br><small>(Space reserved for the name of the country and military authority issuing this card.)</small><br><b>IDENTITY CARD</b><br><small>for members of medical and religious personnel attached to the armed forces</small><br>Surname .....<br>First names .....<br>Date of Birth .....<br>Rank .....<br>Army Number .....<br><small>The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949, in his capacity as</small><br><small>Date of issue _____ Number of Card _____</small> | <br><br><div style="border: 1px dashed black; padding: 5px; width: fit-content; margin: auto;">           Photo of bearer         </div> <div style="border: 1px dashed black; padding: 5px; width: fit-content; margin: auto;">           Signature of bearer or fingerprints or both         </div> <div style="border: 1px dashed black; padding: 5px; width: fit-content; margin: auto;">           Embossed stamp of military authority issuing card         </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Height</td> <td style="width: 33%;">Eyes</td> <td style="width: 33%;">Hair</td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </table> <div style="margin-top: 10px;">           Other distinguishing marks<br/>           .....<br/>           .....<br/>           .....<br/>           .....         </div> | Height | Eyes | Hair | ..... | ..... | ..... |
| Height   | Eyes   | Hair   |      |      |       |       |       |
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## ARTICLE I2

En cas d'occupation d'un territoire, les zones sanitaires qui s'y trouvent devront continuer à être respectées et utilisées comme telles.

Cependant, la Puissance occupante pourra en modifier l'affectation après avoir assuré le sort des personnes qui y étaient recueillies.

## ARTICLE I3

Le présent accord s'appliquera également aux localités que les Puissances affecteraient au même but que les zones sanitaires.

## ANNEXE II

Recto

Verso

|  |   |  |
|--|---|--|
|  | (Place réservée à l'indication du pays et de l'autorité militaire qui délivrent la présente carte.) |  |
| <b>CARTE D'IDENTITÉ</b>  |   |  |
| pour les membres du personnel sanitaire et religieux attachés aux armées.  |   |  |
| Nom .....  |   |  |
| Prénoms .....  |   |  |
| Date de naissance .....  |   |  |
| Grade .....  |   |  |
| Numéro matricule .....   |   |  |
| Le titulaire de la présente carte est protégé par la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, du 12 août 1949 en qualité de |   |  |
| Date de l'établissement de la carte .....  | Numéro de la carte .....  |  |

|   |   |               |
|---|---|---------------|
| Photographie du porteur                               | Signature ou empreintes digitales ou les deux |               |
| Timbre sec de l'autorité militaire délivrant la carte |   |               |
| Taille .....  | Yeux .....                                    | Cheveux ..... |
| Autres éléments éventuels d'identification: .....     |   |               |
| .....   |   |               |
| .....   |   |               |



## RÉSERVES

FAITES A L'OCCASION DE LA SIGNATURE  
DES CONVENTIONS DE GENÈVE DU 12 AOUT 1949  
POUR LA PROTECTION DES VICTIMES  
DE LA GUERRE

## RESERVATIONS

MADE AT THE TIME OF SIGNATURE  
OF THE GENEVA CONVENTIONS FOR THE PROTECTION  
OF WAR VICTIMS OF AUGUST 12, 1949

## PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris:

- (1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

*Ante*, p. 3120.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

TIAS 3363.  
*Post*, p. 3217.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (3) Convention relative to the Treatment of Prisoners of War.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

*Article 12:* "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

*Article 85:* "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

## RÉPUBLIQUE POPULAIRE D'ALBANIE

M. MALO, Premier Secrétaire près de la Légation d'Albanie à Paris :

- 1) Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 2) Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 3) Convention relative au traitement des prisonniers de guerre.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les prisonniers de guerre sont ressortissants. »

*Ad article 12:* « La République populaire d'Albanie considère que, au cas où les prisonniers de guerre seraient transférés à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces prisonniers de guerre continuera toujours à incomber à la Puissance qui les a capturés. »

*Ad article 85:* « La République populaire d'Albanie considère que les personnes condamnées conformément à la législation de la Puissance détentrice d'après les principes du procès de Nuremberg pour des crimes de guerre et des crimes contre l'humanité doivent subir le même régime que des personnes condamnées dans le pays en question. Par conséquent, l'Albanie ne se voit pas liée par l'article 85 en ce qui concerne la catégorie des personnes mentionnées dans la présente réserve. »

TIAS 3365.  
*Post*, p. 3516.

- (4) Convention relative to the Protection of Civilian Persons in Time of War.

*Article 11:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

#### ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions :

"The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

„Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68.”

#### BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. KOUTEINIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic :

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

4) Convention relative à la protection des personnes civiles en temps de guerre.

*Ad article 11:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

*Ad article 45:* « La République populaire d'Albanie considère que, au cas où les personnes protégées seraient transférées à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces personnes protégées continuera toujours à incomber à la Puissance détentrice. »

#### ARGENTINE

M. SPERONI, Premier Secrétaire près la Légation d'Argentine à Berne, formule la réserve suivante concernant les quatre Conventions de Genève :

« Le Gouvernement argentin a suivi avec intérêt, et la délégation argentine a pris part avec plaisir, aux travaux de la Conférence. La tâche a été difficile, mais, comme l'a bien dit notre Président à l'occasion de la séance de clôture, nous avons réussi.

» L'Argentine, Messieurs, a toujours pris position à l'avant-garde de beaucoup d'autres nations, dans les questions qui ont été l'objet de nos débats. Je signerai donc, au nom de mon Gouvernement et ad referendum, les quatre Conventions, sous réserve de ce que l'article 3 commun, à l'exclusion de tous les autres, sera le seul applicable dans le cas de conflits armés ne présentant pas un caractère international. De même, je signerai la Convention relative à la protection des personnes civiles sous réserve de l'article 68. »

#### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE

M. KOUTEINIKOV, Chef de la délégation de la République Socialiste Soviétique de Biélorussie :

1) En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

*Article 12:* "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

2) En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

3) En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule les réserves suivantes :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis. »

*Ad article 12:* « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir. »

*Ad article 85:* « La République Socialiste Soviétique de Biélorussie ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine. »

4) En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie croit devoir déclarer ce qui suit :

« Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entière-

humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained.

*Article 45:* "The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

"On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property."

#### BULGARIAN PEOPLE'S REPUBLIC

Mr. Kosta B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

"In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

ment aux exigences humanitaires, la délégation de la République Socialiste Soviétique de Biélorussie, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique de Biélorussie de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11* : « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

*Ad article 45* : « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### BRÉSIL

M. PINTO DA SILVA, Consul général du Brésil à Genève, formule les réserves suivantes en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

« En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Brésil tient à formuler deux réserves expresses. Quant à l'article 44, parce qu'il est susceptible de nuire à l'action de la Puissance détentrice. Quant à l'article 46, parce que le contenu de son alinéa 2 échappe aux attributions de la Convention, dont l'objectif essentiel, spécifique, est la protection des personnes et non de leurs biens matériels. »

#### RÉPUBLIQUE POPULAIRE DE BULGARIE

M. Kosta B. SVETLOV, Ministre de Bulgarie en Suisse, fait la déclaration suivante :

« En ma qualité de mandataire du Gouvernement de la République Populaire de Bulgarie, j'ai l'agréable devoir d'exprimer ici sa satisfaction d'avoir pu participer à l'élaboration d'un acte humanitaire de la plus haute importance internationale, acte-conventions pour la protection de toutes les victimes de la guerre.

" Nevertheless, my wish is that there shall be no need to apply them ; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

" I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population."

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions :

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 11:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 45:* " The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention :

*With regard to Article 10:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

» Je forme, cependant, le *vœu que* point ne soit besoin de leur application, c'est-à-dire que nous tous, nous déployions tous nos efforts pour empêcher une nouvelle guerre, pour ne pas avoir de victimes à secourir en suivant les règles d'une convention.

» Je dois exprimer, avant tout, les vifs regrets de mon Gouvernement de ce que la majorité de la Conférence diplomatique n'a pas accepté la proposition de la délégation soviétique concernant l'interdiction inconditionnelle des armes atomiques et des autres armes d'extermination en masse de la population. »

En signant donc les Conventions, le Gouvernement de la République Populaire de Bulgarie formule les réserves qui suivent, réserves qui constituent partie intégrante des Conventions :

1) Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 11:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de personnes civiles en temps de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont elles sont ressortissantes. »

*Concernant l'article 45:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de personnes civiles en temps de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades et de naufragés ou de personnel sanitaire des forces armées sur mer s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

(3) Convention relative to the Treatment of Prisoners of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 12:* "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

*With regard to Article 85:* "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

(4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

#### CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War :

3) Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de prisonniers de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

*Concernant l'article 12:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de prisonniers de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

*Concernant l'article 85:* « La République Populaire de Bulgarie ne s'estime pas tenue de remplir, par extension, les dispositions découlant de l'article 85 à l'égard de prisonniers de guerre condamnés, en vertu de la législation de la Puissance détentrice et conformément aux principes du procès de Nuremberg, pour crimes de guerre ou crimes antihumanitaires que ces personnes ont commis avant d'avoir été faites prisonniers, parce que ces condamnés doivent se soumettre au régime du pays institué pour purger la peine. »

4) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades ou de personnel sanitaire dans les forces armées en campagne s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ces personnes sont ressortissantes. »

#### CANADA

M. WERSHOF, Conseiller d'Ambassade, du Haut Commissariat du Canada à Londres, formule la réserve suivante en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

"Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### SPAIN

Mr. CALDERÓN Y MARTIN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

"In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces.

"Under 'International Law in force' (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by organizations in which she participates."

#### UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949, made the following declaration:

"The Government of the United States fully supports the objectives of this Convention.

"I am instructed by my Government to sign, making the following reservation to Article 68:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

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#### HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations:

"At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their

« Le Canada se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

### ESPAGNE

M. CALDERÓN Y MARTIN, Ministre d'Espagne en Suisse, formule la réserve suivante en ce qui concerne la Convention de Genève relative au traitement des prisonniers de guerre ; le texte de cette réserve a été déposé en espagnol, français et anglais :

« En matière de garanties de procédure et de sanctions pénales et disciplinaires, l'Espagne accordera aux prisonniers de guerre le même traitement qu'établissent ses lois pour ses propres forces nationales.

» Par « droit international en vigueur » (article 99), l'Espagne entend n'accepter que celui de source conventionnelle ou celui qui aurait été élaboré au préalable par des organismes auxquels elle prend part. »

### ÉTATS-UNIS D'AMÉRIQUE

M. VINCENT, Ministre des Etats-Unis d'Amérique en Suisse, fait la déclaration suivante en signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949 :

« Le Gouvernement des Etats-Unis d'Amérique approuve entièrement les buts que poursuit la Convention de Genève relative à la protection des personnes civiles en temps de guerre.

» J'ai reçu de mon Gouvernement pour instruction de signer cette Convention en formulant la réserve qui suit au sujet de l'article 68 :

» Les Etats-Unis d'Amérique se réservent le droit d'appliquer la peine de mort selon les dispositions de l'Article 68, paragraphe 2, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

### RÉPUBLIQUE POPULAIRE HONGROISE

Mme KARA formule les réserves suivantes :

« La délégation de la République Populaire Hongroise s'est ménagé le droit, à la séance du 11 août 1949 de la Confédération diplomatique, de faire des réservés expresses lors de la signature des Conventions, après les avoir examinées. Elle a

speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims.

"The Government of the Hungarian People's Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population.

"The Delegation of the Hungarian People's Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People's Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People's Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War ; they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention ; by virtue of that Article the provisions of the Civilians Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People's Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold.

"The Hungarian People's Government has also serious objections to Article 5 of the said Convention ; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People's Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory.

"The express reservations made by the Government of the Hungarian People's Republic on signing the Conventions, are as follows :

(1) "In the opinion of the Government of the Hungarian People's Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilians Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists.

fait remarquer dans son discours à la séance mentionnée qu'elle n'était pas d'accord avec toutes les dispositions de ces Conventions. Après l'examen approfondi des textes des Conventions, le Gouvernement de la République Populaire Hongroise s'est décidé de signer les Conventions malgré leurs défauts qui sautent aux yeux, puisqu'il est d'avis que les Conventions constituent un progrès par rapport à la situation actuelle du point de vue de la réalisation des principes humanitaires et de la défense des victimes de la guerre.

» Le Gouvernement de la République Populaire Hongroise est obligé de constater que les résultats réels de la Conférence diplomatique terminée le 12 août ne se conforment pas aux espoirs, vu que la majorité des membres de la Conférence n'a pas adopté les projets de la délégation soviétique concernant l'arme atomique et les autres moyens d'extermination en masse de la population.

» La délégation de la République Populaire Hongroise a pris acte avec regret du point de vue de la majorité de la Conférence qui est contraire aux désirs des peuples engagés dans la lutte pour la paix et pour leur liberté. La délégation de la République Populaire Hongroise est convaincue que l'acceptation des propositions soviétiques aurait signifié la mesure la plus efficace en vue de la protection des victimes de la guerre. La délégation de la République Populaire Hongroise tient spécialement à démontrer les défauts essentiels de la Convention relative à la protection des personnes civiles en temps de guerre, défauts sur lesquels elle a attiré l'attention des Etats participant à la Conférence pendant les séances. Il s'agit particulièrement de l'article 4 de la Convention en vertu duquel les dispositions de la Convention relative à la protection des personnes civiles ne s'étendent pas à certaines personnes, parce que l'Etat, dont elles sont les ressortissants n'a pas adhéré à la Convention. Le Gouvernement de la République Populaire Hongroise estime que ces dispositions sont contraires aux principes humanitaires que la Convention désire assurer.

» Le Gouvernement Populaire Hongrois a également de graves objections contre l'article 5 de ladite Convention, en vertu duquel une suspicion légitime d'une activité préjudiciable à la sécurité de l'Etat suffit déjà à priver les personnes protégées de la protection assurée par la Convention. Le Gouvernement de la République Populaire Hongroise est d'avis que cette disposition rend d'avance illusoire la réalisation des principes fondamentaux de la Convention.

» Les réserves expresses du Gouvernement de la République Populaire Hongroise par rapport à la signature des Conventions sont les suivantes :

i) « Selon l'avis du Gouvernement de la République Populaire Hongroise les dispositions de l'article 10 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », ainsi que de l'article 11 de la Convention relative à la protection des personnes civiles, concernant la substitution de la Puissance protectrice, ne peuvent être appliquées que dans le cas où le Gouvernement de l'Etat, dont les personnes protégées sont les ressortissants, n'existe plus.

(2) "The Government of the Hungarian People's Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilians Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention.

(3) "In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People's Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers.

(4) "The Delegation of the Hungarian People's Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes.

(5) "Lastly, the Government of the Hungarian People's Republic maintains the point of view which it expressed in regard to Article 45 of the Civilians Convention, namely that, in the case of the transfer of protected persons from one Power to another, the responsibility for the application of the Convention must rest with both of those Powers."

#### ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration :

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows :

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

2) » Le Gouvernement de la République Populaire Hongroise ne peut pas approuver les dispositions de l'article 11 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », respectivement de l'article 12 de la Convention relative à la protection des personnes civiles, selon lesquelles la compétence de la Puissance protectrice s'étend à l'interprétation des Conventions.

3) » Par rapport à l'article 12 de la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Hongroise maintient son point de vue, selon lequel, en cas de transfert de prisonniers de guerre d'une Puissance à une autre, la responsabilité pour l'application des dispositions des Conventions doit incomber à ces deux Puissances.

4) » La délégation de la République Populaire Hongroise répète sa protestation élevée au cours des séances relatives à l'article 85 de la Convention des prisonniers de guerre jugés pour des crimes de guerre et pour des crimes contre l'humanité conformément aux principes de Nuremberg, doivent être soumis au même traitement que les criminels condamnés pour d'autres crimes.

5) » Le Gouvernement de la République Populaire Hongroise maintient finalement son point de vue exprimé, concernant l'article 45 de la Convention relative à la protection des personnes civiles, selon lequel en cas de transfert de personnes protégées d'une Puissance à une autre, la responsabilité pour l'application de la Convention doit incomber à ces deux Puissances. »

#### ISRAËL

M. KAHANY, délégué d'Israël auprès de l'Office européen des Nations Unies et du Comité international de la Croix-Rouge, fait la déclaration suivante :

« Conformément aux instructions reçues de mon Gouvernement, je signerai la Convention de Genève relative au traitement des prisonniers de guerre sans réserve aucune. Mais pour chacune des trois autres Conventions, notre signature sera accompagnée des réserves dont voici la teneur :

1) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif du service sanitaire de ses forces armées. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

#### ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva :

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended 'that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other', the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible, during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication.

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

"The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed."

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David sur les drapeaux, les brassards, ainsi que tout le matériel (y compris les navires-hôpitaux) se rattachant au service sanitaire. »

3) Convention de Genève relative à la protection des personnes civiles en temps de guerre.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs prévus dans l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif prévu dans cette Convention. »

#### ITALIE

M. AURITI, Ambassadeur d'Italie, fait les déclarations suivantes au sujet de la Convention relative au traitement des prisonniers de guerre et des Résolutions n° 6, 7 et 9 de la Conférence diplomatique de Genève :

1) Convention de Genève relative au traitement des prisonniers de guerre.

« Le Gouvernement italien déclare faire des réserves au sujet du dernier alinéa de l'article 66 de la Convention relative au traitement des prisonniers de guerre. »

2) Résolution n° 6 de la Conférence diplomatique de Genève.

« Attendu que la Conférence a émis le vœu «que les Hautes Parties contractantes confient dans un avenir rapproché à une Commission d'Experts le soin d'étudier la mise au point technique des moyens modernes de transmission entre les navires-hôpitaux, d'une part, et les navires de guerre et aéronefs militaires, d'autre part» le Gouvernement italien exprime l'espoir que ladite Commission d'Experts soit convoquée si possible dans les mois qui suivent pour l'élaboration d'un code international réglementant, de façon précise, l'usage de ces moyens.

« Les forces armées italiennes sont en train de procéder à une étude approfondie à ce sujet et seraient prêtes à présenter, le cas échéant, des propositions techniques concrètes qui pourraient servir comme base de discussion. »

3) Résolution n° 7 de la Conférence diplomatique.

« Le Gouvernement italien est prêt à prendre toutes les dispositions utiles pour que les navires-hôpitaux diffusent à intervalles fréquents et réguliers tous renseignements relatifs à leur position, à leur direction et à leur vitesse. »

## (4) Resolution 9 of the Diplomatic Conference of Geneva.

"In regard to the second paragraph of Resolution 9, the Italian Government considers that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost."

## LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxemburg in Switzerland, made the following reservation :

"The undersigned Delegate of the Grand Duchy of Luxemburg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation :

"that its existing national law shall continue to be applied to cases now under consideration."

## NEW ZEALAND

Mr. George Robert LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration :

"In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

"In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations :

(1) "New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins ;

## 4) Résolution n° 9 de la Conférence diplomatique.

« En ce qui concerne le deuxième alinéa de la Résolution n° 9, le Gouvernement italien est d'avis que les administrations des télécommunications des Hautes Parties contractantes doivent collaborer pour établir un système de groupement des télegrammes des prisonniers de guerre pour faciliter la transmission des messages chiffrés afin d'éviter des erreurs et les doubles transmissions internationales avec l'augmentation de leur coût. »

## LUXEMBOURG

M. STURM, Chargé d'Affaires du Luxembourg en Suisse, formule la réserve suivante :

« Le soussigné délégué du Grand-Duché de Luxembourg, dûment autorisé par son Gouvernement, a signé aujourd'hui, le 8 décembre 1949, la Convention élaborée par la Conférence diplomatique de Genève relative au traitement des prisonniers de guerre sous la réserve :

« que le droit national positif continuera à être appliqué aux procédures en cours. »

## NOUVELLE-ZÉLANDE

M. George Robert LAKING, Conseiller près l'Ambassade de la Nouvelle-Zélande à Washington, fait la déclaration suivante :

« Le Gouvernement de la Nouvelle-Zélande désire que je déclare en signant les quatre Conventions élaborées par la Conférence diplomatique de Genève en 1949 que, n'ayant pas eu le temps nécessaire pour étudier les réserves faites par d'autres Etats, il réserve pour l'instant ses vues à l'égard des dites réserves.

» Le Gouvernement de la Nouvelle-Zélande désire qu'au moment de signer la Convention relative à la protection des personnes civiles en temps de guerre, je fasse les réserves suivantes :

1) » La Nouvelle-Zélande se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation.

(2) "In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a General codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1."

#### NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration :

"My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Government wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows :

"The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

2) » Etant donné que l'Assemblée générale des Nations Unies, ayant approuvé les principes établis par la charte et le jugement du Tribunal de Nuremberg, a chargé la Commission du droit international d'inclure ces principes dans une codification générale des infractions contre la paix et la sécurité de l'humanité, la Nouvelle-Zélande se réserve le droit de prendre les mesures nécessaires pour obtenir que de telles infractions soient punies, nonobstant les dispositions de l'article 70, premier alinéa. »

#### PAYS-BAS

M. BOSCH, Chevalier DE ROSENTHAL, Ministre des Pays-Bas en Suisse, déclare ce qui suit :

« Mon Gouvernement m'a donné pour instructions de signer les quatre Conventions élaborées par la Conférence diplomatique qui s'est tenue à Genève du 21 avril au 12 août 1949. Mon Gouvernement désire cependant formuler la réserve suivante en ce qui concerne la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume des Pays-Bas se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### POLOGNE

M. PRZYBOS, Ministre de Pologne en Suisse, formule les réserves suivantes en ce qui concerne les quatre Conventions de Genève :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent."

"In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them."

"In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned."

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent."

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

» En ce qui concerne l'article 85, le Gouvernement de la République polonaise ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes énoncés lors des jugements de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis aux prescriptions sur l'exécution des peines en vigueur dans l'Etat intéressé.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### PORUGAL

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made the following declaration :

(a) *Article 3, common to the four Conventions:*

"As there is no actual definition of what is meant by a conflict not of an international character, and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

(b) *Article 10 of Conventions I, II and III and Article 11 of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by Protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

(c) *Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

(d) *Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

» En ce qui concerne l'article 45, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### PORUGAL

M. Gonçalo CALDEIRA COELHO, Chargé d'Affaires du Portugal en Suisse, formule les réserves suivantes :

*a) Article 3, commun aux quatre Conventions :*

« N'étant pas concrètement défini ce qui doit être appelé un conflit de caractère non international et, en cas que, par cette désignation on entend se référer uniquement à la guerre civile, n'étant pas clairement établi le moment à partir duquel une rébellion armée de caractère interne doit être considérée comme telle, le Portugal se réserve le droit de ne pas appliquer, dans tous les territoires soumis à sa souveraineté dans n'importe quelle partie du monde, la matière de l'article 3 dans tout ce qu'elle puisse avoir de contraire aux dispositions de la loi portugaise. »

*b) Article 10, des Conventions I, II, III et article 11 de la Convention IV:*

« Le Gouvernement portugais n'accepte la doctrine des articles cités que sous réserve que les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire pour qu'ils assument les fonctions dévolues normalement aux Puissances protectrices aient l'assentiment ou l'accord du gouvernement du pays duquel sont originaires les personnes à protéger (Puissances d'origine). »

*c) Article 13 de la Convention I et article 4 de la Convention III:*

« Le Gouvernement portugais fait une réserve dans l'application de ces articles dans tous les cas dans lesquels le gouvernement légitime a déjà sollicité et accepté l'armistice ou la suspension des opérations militaires de n'importe quelle nature, même si les forces armées en campagne n'ont pas encore capitulé. »

*d) Article 60 de la Convention III:*

« Le Gouvernement portugais accepte la doctrine de cet article sous la réserve que, en aucun cas, il ne s'oblige à payer aux prisonniers comme solde mensuelle une somme supérieure à 50 % des appointements dus aux militaires portugais de poste ou catégorie équivalents, qui se trouvent en service actif dans la zone de combat. »

## RUMANIAN PEOPLE'S REPUBLIC

Mr. Ioan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservations :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

*Article 85:* "The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for

RÉPUBLIQUE POPULAIRE ROUMAINE

M. Ioan DRAGOMIR, Chargé d'Affaires de Roumanie en Suisse, fait la déclaration suivante :

1) » En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays, dont les personnes protégées sont ressortissantes, n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Roumaine formule les réserves suivantes :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices au cas où le consentement respectif du gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre, pendant le temps où ceux-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Populaire Roumaine ne se considère pas tenue par l'obligation qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice, conformément aux principes du procès de Nuremberg, pour avoir commis

war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War :

"The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

"Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations :

*Article 11:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration :

"In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation :

"The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi, dans le pays en question, pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, je suis autorisé à déclarer ce qui suit :

» Le Gouvernement de la République Populaire Roumaine considère que cette Convention, du fait qu'elle ne s'applique pas à la population civile qui se trouve en dehors du territoire occupé par l'ennemi, ne correspond pas entièrement aux exigences humanitaires.

» Malgré cela, prenant en considération le fait que la Convention se propose de défendre les intérêts de la population civile qui se trouve en territoire occupé, je suis autorisé par le Gouvernement de la République Populaire Roumaine à signer ladite Convention avec les réserves suivantes :

*Ad article 11:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps où celles-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir. »

#### ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le très Honorable Sir Robert L. CRAIGIE, du Ministère des Affaires étrangères, fait la déclaration suivante :

« Le Gouvernement de Sa Majesté m'a chargé de formuler la réserve suivante en signant la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

## CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

## TCHÉCOSLOVAQUIE

M. TAUBER, Ministre de Tchécoslovaquie en Suisse, formule les réserves suivantes :

1) « En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En procédant à la signature de la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

" In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) " On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

" In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

" In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic :

(1) " On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) " On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

» En ce qui concerne l'article 85, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes appliqués au procès de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis au régime sur l'exécution des peines en vigueur dans l'Etat où ils ont été condamnés.

4) » En procédant à la signature de la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE

M. BOGOMOLETZ, Chef de la délégation de la République Socialiste Soviétique d'Ukraine :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations :

*Article 11:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule les réserves suivantes :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Socialiste Soviétique d'Ukraine ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de la République Socialiste Soviétique d'Ukraine, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique d'Ukraine de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protec-

the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

trices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

Le Général SLAVINE, Chef de la délégation de l'Union des Républiques Socialistes Soviétiques :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule les réserves suivantes :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Article 12:* "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations :

*Article 11:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

*Article 45:* "The Union of Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Mr. Milan RISTIĆ, Yugoslav Minister in Switzerland, made the following declaration :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the

*Ad article 12:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* « L'Union des Républiques Socialistes Soviétiques ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de l'Union des Républiques Socialistes Soviétiques, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de l'Union des Républiques Socialistes Soviétiques de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE YOUGOSLAVIE

M. Milan RISTIĆ, Ministre de Yougoslavie en Suisse, fait la déclaration suivante :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement

Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral

de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 10 et 12.

» En ce qui concerne l'article 10, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas que la Puissance qui a effectué le transfert de prisonniers de guerre est libérée de sa responsabilité de l'application de cette Convention pour tout le temps pendant lequel ces prisonniers de guerre se trouveront chez la Puissance qui a accepté de les accueillir.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la

State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Federal People's Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them."

Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées à une autre Puissance soit libérée de sa responsabilité d'appliquer la Convention pour tout le temps pendant lequel ces personnes protégées se trouveront chez la Puissance qui a accepté de les accueillir. »

WHEREAS the Senate of the United States of America by their resolution of July 6, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention with the following reservation:

"The United States in ratifying the Geneva convention for the amelioration of the condition of the wounded and sick in armed forces in the field does so with the reservation that irrespective of any provision or provisions in said convention to the contrary, nothing contained therein shall make unlawful, or obligate the United States of America to make unlawful, any use or right of use within the United States of America and its territories and possessions of the Red Cross emblem, sign, insignia, or words as was lawful by reason of domestic law and a use begun prior to January 5, 1905, provided such use by pre-1905 users does not extend to the placing of the Red Cross emblem, sign, or insignia upon aircraft, vessels, vehicles, buildings or other structures, or upon the ground."

WHEREAS in giving advice and consent to the ratification of the said Convention, the Senate of the United States of America made the following statement:

"Rejecting the reservations which States have made with respect to the Geneva convention for the amelioration of the condition of the wounded and sick in armed forces in the field, the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."

WHEREAS the said Convention was duly ratified by the President of the United States of America on July 14, 1955, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation and statement;

WHEREAS it is provided in Article 58 of the said Convention that the Convention shall come into force six months after not less than two instruments of ratification have been deposited, and that the Convention thereafter shall come into force for each High Contracting Party six months after the deposit of its instrument of ratification;

WHEREAS instruments of ratification of the said Convention were deposited with the Government of Switzerland by the Governments of the following States, namely: Switzerland, March 31, 1950; Yugoslavia, April 21, 1950; the Principality of Monaco, July 5, 1950; Liechtenstein, September 21, 1950; Chile,

October 12, 1950; India, November 9, 1950; Czechoslovakia, December 19, 1950; the Holy See, February 22, 1951; the Republic of the Philippines, March 7, 1951; Lebanon, April 10, 1951; Pakistan, June 12, 1951; Denmark, June 27, 1951; France, June 28, 1951; Israel, July 6, 1951; Norway, August 3, 1951; Italy, December 17, 1951; Guatemala, May 14, 1952; Spain, August 4, 1952; Belgium, September 3, 1952; Mexico, October 29, 1952; Egypt, November 10, 1952; El Salvador, June 17, 1953; Luxembourg, July 1, 1953; Austria, August 27, 1953; Syria, November 2, 1953; Nicaragua, December 17, 1953; Sweden, December 28, 1953; Turkey, February 10, 1954; Cuba, April 15, 1954; the Union of Soviet Socialist Republics, May 10, 1954; Rumania, June 1, 1954; Bulgaria, July 22, 1954; the Byelorussian Soviet Socialist Republic, August 3, 1954; Hungary, August 3, 1954; the Netherlands, August 3, 1954; the Ukrainian Soviet Socialist Republic, August 3, 1954; Ecuador, August 11, 1954; Poland, November 26, 1954; Finland, February 22, 1955; and the United States of America, August 2, 1955;

WHEREAS notifications of accession to the said Convention, in accordance with Article 61 thereof, were given to the Government of Switzerland by the Governments of the following States, namely: the Hashemite Kingdom of Jordan, May 29, 1951; the Union of South Africa, March 31, 1952; Japan, April 21, 1953; San Marino, August 29, 1953; Vietnam, November 14, 1953; Liberia, March 29, 1954; the Federal Republic of Germany, September 3, 1954; and Thailand, December 29, 1954;

AND WHEREAS, pursuant to the aforesaid provisions of Article 58 of the said Convention, the Convention will come into force with respect to the United States of America on February 2, 1956, six months after August 2, 1955, the date of deposit by the United States of America of its instrument of ratification of the said Convention;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field to the end that the same and every article and clause thereof, subject to the reservation and statement hereinbefore recited, shall be observed and fulfilled with good faith, on and after February 2, 1956, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this thirtieth day of August in the year of our Lord one thousand nine hundred fifty-[SEAL] five and of the Independence of the United States of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

HERBERT HOOVER JR

*Acting Secretary of State*

# MULTILATERAL PROTECTION OF WAR VICTIMS

## Armed Forces at Sea

*Convention, with annex, dated at Geneva August 12, 1949;  
Ratification advised by the Senate of the United States of America,  
subject to a statement, July 6, 1955;  
Ratified by the President of the United States of America, subject to  
said statement, July 14, 1955;  
Ratification of the United States of America deposited with the Swiss  
Federal Council August 2, 1955;  
Proclaimed by the President of the United States of America August 30,  
1955;  
Date of entry into force with respect to the United States of America:  
February 2, 1956.*

TIAS 3363  
Aug. 12, 1949

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea was open for signature from August 12, 1949 until February 12, 1950, and during that period was signed on behalf of the United States of America and sixty other States;

WHEREAS the text of the said Convention, in the English and French languages, as certified by the Swiss Federal Council, is word for word as follows:



CONVENTION DE GENÈVE  
POUR  
L'AMÉLIORATION DU SORT DES BLESSÉS,  
DES MALADES ET DES NAUFRAGÉS  
DES FORCES ARMÉES SUR MER  
DU 12 AOUT 1949

GENEVA CONVENTION  
FOR THE  
AMELIORATION OF THE CONDITION  
OF WOUNDED, SICK AND SHIPWRECKED  
MEMBERS OF ARMED FORCES AT SEA  
OF AUGUST 12, 1949

TS 543.  
36 Stat. 2371.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

## CHAPTER I

### GENERAL PROVISIONS

#### ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

#### ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

#### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (r) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Les soussignés, Plénipotentiaires des Gouvernements représentés à la Conférence diplomatique qui s'est réunie à Genève du 21 avril au 12 août 1949 en vue de reviser la X<sup>me</sup> Convention de La Haye du 18 octobre 1907 pour l'adaptation à la guerre maritime des principes de la Convention de Genève de 1906, sont convenus de ce qui suit:

## CHAPITRE I

### DISPOSITIONS GÉNÉRALES

#### ARTICLE 1

Les Hautes Parties contractantes s'engagent à respecter et à faire respecter la présente Convention en toutes circonstances.

#### ARTICLE 2

En dehors des dispositions qui doivent entrer en vigueur dès le temps de paix, la présente Convention s'appliquera en cas de guerre déclarée ou de tout autre conflit armé surgissant entre deux ou plusieurs des Hautes Parties contractantes, même si l'état de guerre n'est pas reconnu par l'une d'elles.

La Convention s'appliquera également dans tous les cas d'occupation de tout ou partie du territoire d'une Haute Partie contractante, même si cette occupation ne rencontre aucune résistance militaire.

Si l'une des Puissances en conflit n'est pas partie à la présente Convention, les Puissances parties à celle-ci resteront néanmoins liées par elle dans leurs rapports réciproques. Elles seront liées en outre par la Convention envers ladite Puissance, si celle-ci en accepte et en applique les dispositions.

#### ARTICLE 3

En cas de conflit armé ne présentant pas un caractère international et surgissant sur le territoire de l'une des Hautes Parties contractantes, chacune des Parties au conflit sera tenue d'appliquer au moins les dispositions suivantes:

- 1) Les personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention, ou pour toute autre cause, seront, en toutes circonstances, traitées avec humanité, sans aucune distinction de caractère défavorable basée sur la race, la couleur, la religion ou la croyance, le sexe, la naissance ou la fortune, ou tout autre critère analogue.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) taking of hostages;
  - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

In case of hostilities between land and naval forces of Parties to the conflict, the provisions of the present Convention shall apply only to forces on board ship.

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

TIAS 3362,  
*Ante*, p. 3114.

#### ARTICLE 5

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in

A cet effet, sont et demeurent prohibés, en tout temps et en tout lieu, à l'égard des personnes mentionnées ci-dessus:

- a) les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices;
  - b) les prises d'otages;
  - c) les atteintes à la dignité des personnes, notamment les traitements humiliants et dégradants;
  - d) les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés.
- 2) Les blessés, les malades et les naufragés seront recueillis et soignés.

Un organisme humanitaire impartial, tel que le Comité international de la Croix-Rouge, pourra offrir ses services aux Parties au conflit.

Les Parties au conflit s'efforceront, d'autre part, de mettre en vigueur par voie d'accords spéciaux tout ou partie des autres dispositions de la présente Convention.

L'application des dispositions qui précèdent n'aura pas d'effet sur le statut juridique des Parties au conflit.

#### ARTICLE 4

En cas d'opérations de guerre entre les forces de terre et de mer des Parties au conflit, les dispositions de la présente Convention ne seront applicables qu'aux forces embarquées.

Les forces débarquées seront immédiatement soumises aux dispositions de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

#### ARTICLE 5

Les Puissances neutres appliqueront par analogie les dispositions de la présente Convention aux blessés, malades et naufragés, aux membres du personnel sanitaire et religieux, appartenant aux forces armées des Parties au conflit, qui seront reçus ou internés sur leur territoire, de même qu'aux morts recueillis.

#### ARTICLE 6

En dehors des accords expressément prévus par les articles 10, 18, 31, 38, 39, 40, 43 et 53, les Hautes Parties contractantes pourront conclure d'autres accords spéciaux sur toute question qu'il leur paraîtrait opportun de régler particulièrement. Aucun accord spécial ne pourra porter préjudice à la situation des blessés, malades et naufragés, ainsi que des membres du personnel sanitaire et religieux, telle qu'elle est réglée par la présente Convention, ni restreindre les droits que celle-ci leur accorde.

Les blessés, malades et naufragés, ainsi que les membres du personnel sanitaire et religieux, resteront au bénéfice de ces accords aussi longtemps que la Convention leur est applicable, sauf stipulations contraires contenues expressément dans les susdits accords ou dans

subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

#### ARTICLE 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

#### ARTICLE 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

#### ARTICLE 10

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

des accords ultérieurs, ou également sauf mesures plus favorables prises à leur égard par l'une ou l'autre des Parties au conflit.

#### ARTICLE 7

Les blessés, malades et naufragés, ainsi que les membres du personnel sanitaire et religieux, ne pourront en aucun cas renoncer partiellement ou totalement aux droits que leur assurent la présente Convention et, le cas échéant, les accords spéciaux visés à l'article précédent.

#### ARTICLE 8

La présente Convention sera appliquée avec le concours et sous le contrôle des Puissances protectrices chargées de sauvegarder les intérêts des Parties au conflit. A cet effet, les Puissances protectrices pourront, en dehors de leur personnel diplomatique ou consulaire, désigner des délégués parmi leurs propres ressortissants ou parmi les ressortissants d'autres Puissances neutres. Ces délégués devront être soumis à l'agrément de la Puissance auprès de laquelle ils exerceront leur mission.

Les Parties au conflit faciliteront, dans la plus large mesure possible, la tâche des représentants ou délégués des Puissances protectrices.

Les représentants ou délégués des Puissances protectrices ne devront en aucun cas dépasser les limites de leur mission, telle qu'elle ressort de la présente Convention; ils devront notamment tenir compte des nécessités impérieuses de sécurité de l'Etat auprès duquel ils exercent leurs fonctions. Seules des exigences militaires impérieuses peuvent autoriser, à titre exceptionnel et temporaire, une restriction de leur activité.

#### ARTICLE 9

Les dispositions de la présente Convention ne font pas obstacle aux activités humanitaires que le Comité international de la Croix-Rouge, ainsi que tout autre organisme humanitaire impartial, entreprendra pour la protection des blessés, malades et naufragés, ainsi que des membres du personnel sanitaire et religieux, et pour les secours à leur apporter, moyennant l'agrément des Parties au conflit intéressées.

#### ARTICLE 10

Les Hautes Parties contractantes pourront, en tout temps, s'entendre pour confier à un organisme présentant toutes garanties d'impartialité et d'efficacité les tâches dévolues par la présente Convention aux Puissances protectrices.

Si des blessés, malades et naufragés, ou des membres du personnel sanitaire et religieux, ne bénéficient pas ou ne bénéficient plus, quelle qu'en soit la raison, de l'activité d'une Puissance protectrice ou d'un organisme désigné conformément à l'alinéa premier, la Puissance détentrice devra demander soit à un Etat neutre, soit à un tel organisme, d'assumer les fonctions dévolues par la présente Convention aux Puissances protectrices désignées par les Parties au conflit.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

#### ARTICLE II

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

#### CHAPTER II

##### WOUNDED, SICK AND SHIPWRECKED

#### ARTICLE I2

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected

Si une protection ne peut être ainsi assurée, la Puissance détentrice devra demander à un organisme humanitaire, tel que le Comité international de la Croix-Rouge, d'assumer les tâches humanitaires dévolues par la présente Convention aux Puissances protectrices ou devra accepter, sous réserve des dispositions du présent article, les offres de services émanant d'un tel organisme.

Toute Puissance neutre ou tout organisme invité par la Puissance intéressée ou s'offrant aux fins susmentionnées devra, dans son activité, rester conscient de sa responsabilité envers la Partie au conflit dont relèvent les personnes protégées par la présente Convention, et devra fournir des garanties suffisantes de capacité pour assumer les fonctions en question et les remplir avec impartialité.

Il ne pourra être dérogé aux dispositions qui précèdent par accord particulier entre des Puissances dont l'une se trouverait, même temporairement, vis-à-vis de l'autre Puissance ou de ses alliés, limitée dans sa liberté de négociation par suite des événements militaires, notamment en cas d'une occupation de la totalité ou d'une partie importante de son territoire.

Toutes les fois qu'il est fait mention dans la présente Convention de la Puissance protectrice, cette mention désigne également les organismes qui la remplacent au sens du présent article.

#### ARTICLE 11

Dans tous les cas où elles le jugeront utile dans l'intérêt des personnes protégées, notamment en cas de désaccord entre les Parties au conflit sur l'application ou l'interprétation des dispositions de la présente Convention, les Puissances protectrices prêteront leurs bons offices aux fins de règlement du différend.

A cet effet, chacune des Puissances protectrices pourra, sur l'invitation d'une Partie ou spontanément, proposer aux Parties au conflit une réunion de leurs représentants et, en particulier, des autorités chargées du sort des blessés, malades et naufragés, ainsi que des membres du personnel sanitaire et religieux, éventuellement sur un territoire neutre convenablement choisi. Les Parties au conflit seront tenues de donner suite aux propositions qui leur seront faites dans ce sens. Les Puissances protectrices pourront, le cas échéant, proposer à l'agrément des Parties au conflit une personnalité appartenant à une Puissance neutre, ou une personnalité déléguée par le Comité international de la Croix-Rouge, qui sera appelée à participer à cette réunion.

### CHAPITRE II

#### DES BLESSÉS, DES MALADES ET DES NAUFRAGÉS

#### ARTICLE 12

Les membres des forces armées et les autres personnes mentionnées à l'article suivant qui se trouveront en mer et qui seront blessés, malades ou naufragés, devront être respectés

in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

#### ARTICLE 13

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

et protégés en toutes circonstances, étant entendu que le terme de naufrage sera applicable à tout naufrage, quelles que soient les circonstances dans lesquelles il s'est produit, y compris l'amerrissage forcé ou la chute en mer.

Ils seront traités et soignés avec humanité par la Partie au conflit qui les aura en son pouvoir, sans aucune distinction de caractère défavorable basée sur le sexe, la race, la nationalité, la religion, les opinions politiques ou tout autre critère analogue. Est strictement interdite toute atteinte à leur vie et à leur personne et, entre autres, le fait de les achever ou de les exterminer, de les soumettre à la torture, d'effectuer sur eux des expériences biologiques, de les laisser de façon prémeditée sans secours médical ou sans soins, ou de les exposer à des risques de contagion ou d'infection créés à cet effet.

Seules des raisons d'urgence médicale autoriseront une priorité dans l'ordre des soins.

Les femmes seront traitées avec tous les égards particuliers dus à leur sexe.

#### ARTICLE 13

La présente Convention s'appliquera aux naufragés, blessés et malades en mer appartenant aux catégories suivantes:

- 1) les membres des forces armées d'une Partie au conflit, de même que les membres des milices et des corps de volontaires faisant partie de ces forces armées;
- 2) les membres des autres milices et les membres des autres corps de volontaires, y compris ceux des mouvements de résistance organisés, appartenant à une Partie au conflit et agissant en dehors ou à l'intérieur de leur propre territoire, même si ce territoire est occupé, pourvu que ces milices ou corps de volontaires, y compris ces mouvements de résistance organisés, remplissent les conditions suivantes:
  - a) d'avoir à leur tête une personne responsable pour ses subordonnés;
  - b) d'avoir un signe distinctif fixe et reconnaissable à distance;
  - c) de porter ouvertement les armes;
  - d) de se conformer, dans leurs opérations, aux lois et coutumes de la guerre;
- 3) les membres des forces armées régulières qui se réclament d'un gouvernement ou d'une autorité non reconnus par la Puissance détentrice;
- 4) les personnes qui suivent les forces armées sans en faire directement partie, telles que les membres civils d'équipages d'avions militaires, correspondants de guerre, fournisseurs, membres d'unités de travail ou de services chargés du bien-être des militaires, à condition qu'elles en aient reçue l'autorisation des forces armées qu'elles accompagnent;
- 5) les membres des équipages, y compris les commandants, pilotes et apprentis, de la marine marchande et les équipages de l'aviation civile des Parties au conflit qui ne bénéficient pas d'un traitement plus favorable en vertu d'autres dispositions du droit international;
- 6) la population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de se constituer en forces armées régulières, si elle porte ouvertement les armes et si elle respecte les lois et coutumes de la guerre.

**ARTICLE 14**

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

**ARTICLE 15**

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

**ARTICLE 16**

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

**ARTICLE 17**

Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

**ARTICLE 18**

After each engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 14

Tout vaisseau de guerre d'une Partie belligérante pourra réclamer la remise des blessés, des malades ou des naufragés qui sont à bord de navires-hôpitaux militaires, de navires-hôpitaux de sociétés de secours ou de particuliers ainsi que de navires de commerce, yachts et embarcations, quelle que soit leur nationalité, pour autant que l'état de santé des blessés et malades en permette la remise et que le vaisseau de guerre dispose d'installations permettant d'assurer à ceux-ci un traitement suffisant.

ARTICLE 15

Si des blessés, des malades ou des naufragés sont recueillis à bord d'un vaisseau de guerre neutre ou par un aéronef militaire neutre, il devra être pourvu, lorsque le droit international le requiert, à ce qu'ils ne puissent pas de nouveau prendre part à des opérations de guerre.

ARTICLE 16

Compte tenu des dispositions de l'article 12, les blessés, les malades et les naufragés d'un belligérant, tombés au pouvoir de l'adversaire, seront prisonniers de guerre et les règles du droit des gens concernant les prisonniers de guerre leur seront applicables. Il appartiendra au capteur de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de son pays, sur un port neutre, ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers de guerre ainsi rendus à leur pays ne pourront servir pendant la durée de la guerre.

ARTICLE 17

Les blessés, les malades ou les naufragés qui seront débarqués dans un port neutre, du consentement de l'autorité locale, devront, à moins d'un arrangement contraire de la Puissance neutre avec les Puissances belligérantes, être gardés par la Puissance neutre, lorsque le droit international le requiert, de telle manière qu'ils ne puissent pas de nouveau prendre part aux opérations de guerre.

Les frais d'hospitalisation et d'internement seront supportés par la Puissance dont relèvent les blessés, les malades ou les naufragés.

ARTICLE 18

Après chaque combat, les Parties au conflit prendront sans tarder toutes les mesures possibles pour rechercher et recueillir les naufragés, les blessés et les malades, les protéger contre le pillage et les mauvais traitements et leur assurer les soins nécessaires, ainsi que pour rechercher les morts et empêcher qu'ils ne soient dépouillés.

Toutes les fois que les circonstances le permettront, les Parties au conflit concluront des arrangements locaux pour l'évacuation par mer des blessés et malades d'une zone assiégée ou encerclée et pour le passage de personnel sanitaire et religieux et de matériel sanitaire à destination de cette zone.

## ARTICLE 19

The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

TIAS 3364.  
Post, p. 3412.

## ARTICLE 20

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

TIAS 3362.  
Ante, p. 3114.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

**ARTICLE 19**

Les Parties au conflit devront enregistrer, dans le plus bref délai possible, tous les éléments propres à identifier les naufragés, les blessés, les malades et les morts de la partie adverse tombés en leur pouvoir. Ces renseignements devront si possible comprendre ce qui suit:

- a) indication de la Puissance dont ils dépendent;
- b) affectation ou numéro matricule;
- c) nom de famille;
- d) le ou les prénoms;
- e) date de naissance;
- f) tout autre renseignement figurant sur la carte ou la plaque d'identité;
- g) date et lieu de la capture ou du décès;
- h) renseignements concernant les blessures, la maladie ou la cause du décès.

Dans le plus bref délai possible, les renseignements mentionnés ci-dessus devront être communiqués au bureau de renseignements visé à l'article 122 de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949, qui les transmettra à la Puissance dont dépendent ces prisonniers, par l'intermédiaire de la Puissance protectrice et de l'Agence centrale des prisonniers de guerre.

Les Parties au conflit établiront et se communiqueront, par la voie indiquée à l'alinéa précédent, les actes de décès ou les listes de décès dûment authentifiés. Elles recueilleront et se transmettront également, par l'intermédiaire du même bureau, la moitié de la double plaque d'identité ou la plaque elle-même, s'il s'agit d'une plaque simple, les testaments ou autres documents présentant de l'importance pour la famille des décédés, les sommes d'argent et, en général, tous les objets ayant une valeur intrinsèque ou affective trouvés sur les morts. Ces objets, ainsi que les objets non identifiés, seront envoyés dans des paquets scellés, accompagnés d'une déclaration donnant tous les détails nécessaires à l'identification du possesseur décédé, ainsi que d'un inventaire complet du paquet.

**ARTICLE 20**

Les Parties au conflit veilleront à ce que l'immersion des morts, faite individuellement dans toute la mesure où les circonstances le permettront, soit précédée d'un examen attentif et si possible médical des corps, en vue de constater la mort, d'établir l'identité et de pouvoir en rendre compte. S'il est fait usage d'une double plaque d'identité, la moitié de cette plaque restera sur le cadavre.

Si des morts sont débarqués, les dispositions de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949 leur seront applicables.

**ARTICLE 21**

The Parties to the conflict may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

**CHAPTER III****HOSPITAL SHIPS****ARTICLE 22**

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

**ARTICLE 23**

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

**ARTICLE 24**

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

These ships must be provided with certificates from the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

**ARTICLE 21**

Les Parties au conflit pourront faire appel au zèle charitable des commandants de bateaux de commerce, yachts ou embarcations neutres, pour prendre à bord et soigner des blessés, des malades ou des naufragés ainsi que pour recueillir des morts.

Les bateaux de tous genres qui auront répondu à cet appel, ainsi que ceux qui spontanément auront recueilli des blessés, des malades ou des naufragés, jouiront d'une protection spéciale et de facilités pour l'exécution de leur mission d'assistance.

En aucun cas ils ne pourront être capturés pour le fait d'un tel transport; mais, sauf promesses contraires qui leur auraient été faites, ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

**CHAPITRE III****DES NAVIRES HÔPITAUX****ARTICLE 22**

Les navires-hôpitaux militaires, c'est-à-dire les navires construits ou aménagés par les Puissances, spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, de les traiter et de les transporter, ne pourront en aucune circonstance être attaqués ni capturés, mais seront en tout temps respectés et protégés, à condition que leurs noms et caractéristiques aient été communiqués aux Parties au conflit, dix jours avant leur emploi.

Les caractéristiques qui doivent figurer dans la notification comprendront le tonnage brut enregistré, la longueur de la poupe à la proue et le nombre de mâts et de cheminées.

**ARTICLE 23**

Les établissements situés sur la côte et qui ont droit à la protection de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949 ne devront être ni attaqués ni bombardés de la mer.

**ARTICLE 24**

Les navires-hôpitaux utilisés par des Sociétés nationales de la Croix-Rouge, par des Sociétés de secours officiellement reconnues ou par des particuliers jouiront de la même protection que les navires-hôpitaux militaires et seront exempts de capture, si la Partie au conflit dont ils dépendent leur a donné une commission officielle et pour autant que les dispositions de l'article 22 relatives à la notification auront été observées.

Ces navires devront être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ.

**ARTICLE 25**

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

**ARTICLE 26**

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

**ARTICLE 27**

Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

**ARTICLE 28**

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

**ARTICLE 29**

Any hospital ship in a port which falls into the hands of the enemy shall be authorized to leave the said port.

**ARTICLE 30**

The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

**ARTICLE 25**

Les navires-hôpitaux utilisés par des Sociétés nationales de la Croix-Rouge, par des Sociétés de secours officiellement reconnues ou par des particuliers de pays neutres, jouiront de la même protection que les navires-hôpitaux militaires et seront exempts de capture, à condition qu'ils se soient mis sous la direction de l'une des Parties au conflit, avec l'assentiment préalable de leur propre gouvernement et avec l'autorisation de cette Partie et pour autant que les dispositions de l'article 22 concernant la notification auront été observées.

**ARTICLE 26**

La protection prévue aux articles 22, 24 et 25 s'appliquera aux navires-hôpitaux de tous tonnages et à leurs canots de sauvetage, en quelque lieu qu'ils opèrent. Toutefois, pour assurer le maximum de confort et de sécurité, les Parties au conflit s'efforceront de n'utiliser, pour le transport des blessés, malades et naufragés, sur de longues distances et en haute mer, que des navires-hôpitaux jaugeant plus de 2.000 tonnes brutes.

**ARTICLE 27**

Aux mêmes conditions que celles qui sont prévues aux articles 22 et 24, les embarcations utilisées par l'Etat ou par des Sociétés de secours officiellement reconnues pour les opérations de sauvetage côtières seront également respectées et protégées dans la mesure où les nécessités des opérations le permettront.

Il en sera de même, dans la mesure du possible, pour les installations côtières fixes utilisées exclusivement par ces embarcations pour leurs missions humanitaires.

**ARTICLE 28**

Dans le cas d'un combat à bord de vaisseaux de guerre, les infirmeries seront respectées et épargnées autant que faire se pourra. Ces infirmeries et leur matériel demeureront soumis aux lois de la guerre, mais ne pourront pas être détournés de leur emploi tant qu'ils seront nécessaires aux blessés et malades. Toutefois, le commandant qui les a en son pouvoir aura la faculté d'en disposer, en cas de nécessités militaires urgentes, en assurant au préalable le sort des blessés et des malades qui y sont traités.

**ARTICLE 29**

Tout navire-hôpital se trouvant dans un port qui tombe au pouvoir de l'ennemi sera autorisé à en sortir.

**ARTICLE 30**

Les navires et embarcations mentionnés aux articles 22, 24, 25 et 27 porteront secours et assistance aux blessés, aux malades et aux naufragés, sans distinction de nationalité.

The High Contracting Parties undertake not to use these vessels for any military purpose.  
Such vessels shall in no wise hamper the movements of the combatants.  
During and after an engagement, they will act at their own risk.

#### **ARTICLE 31**

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

Parties to the conflict may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

#### **ARTICLE 32**

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

#### **ARTICLE 33**

Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

#### **ARTICLE 34**

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

Les Hautes Parties contractantes s'engagent à n'utiliser ces navires et embarcations pour aucun but militaire.

Ces navires et embarcations ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

#### ARTICLE 31

Les Parties au conflit auront le droit de contrôle et de visite sur les navires et embarcations visés aux articles 22, 24, 25 et 27. Elles pourront refuser le concours de ces navires et embarcations, leur enjoindre de s'éloigner, leur imposer une direction déterminée, régler l'emploi de leur T. S. F. et de tous autres moyens de communication et même les retenir pour une durée maximum de sept jours à partir du moment de l'arrasonnement, si la gravité des circonstances l'exigeait.

Elles pourront mettre temporairement à bord un commissaire, dont la tâche exclusive consistera à assurer l'exécution des ordres donnés en vertu des dispositions de l'alinéa précédent.

Autant que possible, les Parties au conflit inscriront sur le journal de bord des navires-hôpitaux, dans une langue compréhensible pour le commandant du navire-hôpital, les ordres qu'elles leur donneront.

Les Parties au conflit pourront, soit unilatéralement, soit par accord spécial, placer à bord de leurs navires-hôpitaux des observateurs neutres qui constateront la stricte observation des dispositions de la présente Convention.

#### ARTICLE 32

Les navires et embarcations désignés aux articles 22, 24, 25 et 27 ne sont pas assimilés aux navires de guerre quant à leur séjour dans un port neutre.

#### ARTICLE 33

Les navires de commerce qui auront été transformés en navires-hôpitaux ne pourront être désaffectés pendant toute la durée des hostilités.

#### ARTICLE 34

La protection due aux navires-hôpitaux et aux infirmeries de vaisseaux ne pourra cesser que s'il en est fait usage pour commettre, en dehors de leurs devoirs humanitaires, des actes nuisibles à l'ennemi. Toutefois, la protection ne cessera qu'après sommation fixant, dans tous les cas opportuns, un délai raisonnable et qui serait demeurée sans effet.

En particulier, les navires-hôpitaux ne pourront posséder ni utiliser de code secret pour leurs émissions par T. S. F. ou par tout autre moyen de communication.

**ARTICLE 35**

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

- (1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.
- (2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.
- (3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.
- (4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.
- (5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

**CHAPTER IV****PERSONNEL****ARTICLE 36**

The religious, medical and hospital personnel of hospital ships and their crews shall be respected and protected; they may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board.

**ARTICLE 37**

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it prove necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

**ARTICLE 35**

Ne seront pas considérés comme étant de nature à priver les navires-hôpitaux ou les infirmeries de vaisseaux de la protection qui leur est due:

- 1) le fait que le personnel de ces navires ou infirmeries est armé et qu'il use de ses armes pour le maintien de l'ordre, pour sa propre défense ou celle de ses blessés et de ses malades;
- 2) le fait de la présence à bord d'appareils destinés exclusivement à assurer la navigation ou les transmissions;
- 3) le fait qu'à bord des navires-hôpitaux ou dans les infirmeries de vaisseaux se trouvent des armes portatives et des munitions retirées aux blessés, aux malades et aux naufragés, et n'ayant pas encore été versées au service compétent;
- 4) le fait que l'activité humanitaire des navires-hôpitaux et infirmeries de vaisseaux ou de leur personnel est étendue à des civils blessés, malades ou naufragés;
- 5) le fait que des navires-hôpitaux transportent du matériel et du personnel exclusivement destiné à des fonctions sanitaires, en plus de celui qui leur est habituellement nécessaire.

**CHAPITRE IV****DU PERSONNEL****ARTICLE 36**

Le personnel religieux, médical et hospitalier des navires-hôpitaux et leur équipage seront respectés et protégés; ils ne pourront être capturés pendant le temps où ils sont au service de ces navires, qu'il y ait ou non des blessés et malades à bord.

**ARTICLE 37**

Le personnel religieux, médical et hospitalier, affecté au service médical ou spirituel des personnes désignées aux articles 12 et 13, qui tombe au pouvoir de l'ennemi, sera respecté et protégé; il pourra continuer à exercer ses fonctions aussi longtemps que ce sera nécessaire pour les soins à donner aux blessés et malades. Il devra ensuite être renvoyé aussitôt que le commandant en chef qui l'a en son pouvoir le jugera possible. Il pourra emporter, en quittant le navire, les objets qui sont sa propriété personnelle.

Si toutefois il se révélait nécessaire de retenir une partie de ce personnel par suite des besoins sanitaires ou spirituels des prisonniers de guerre, toutes mesures seront prises pour le débarquer le plus rapidement possible.

A son débarquement, le personnel retenu sera soumis aux dispositions de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

## CHAPTER V

## MEDICAL TRANSPORTS

## ARTICLE 38

Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

## ARTICLE 39

Medical aircraft, that is to say, aircraft exclusively employed for the removal of the wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

## ARTICLE 40

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune

**CHAPITRE V**  
**DES TRANSPORTS SANITAIRES**

**ARTICLE 38**

Les navires affrétés à cette fin seront autorisés à transporter du matériel exclusivement destiné au traitement des blessés et des malades des forces armées ou à la prévention des maladies, pourvu que les conditions de leur voyage soient signalées à la Puissance adverse et agréées par elle. La Puissance adverse conservera le droit de les arraisionner, mais non de les capturer ni de saisir le matériel transporté.

D'accord entre les Parties au conflit, des observateurs neutres pourront être placés à bord de ces navires pour contrôler le matériel transporté. A cette fin, ce matériel devra être aisément accessible.

**ARTICLE 39**

Les aéronefs sanitaires, c'est-à-dire les aéronefs exclusivement utilisés pour l'évacuation des blessés, des malades et des naufragés, ainsi que pour le transport du personnel et du matériel sanitaires, ne seront pas l'objet d'attaques mais seront respectés par les Parties au conflit pendant les vols qu'ils effectueront à des altitudes, à des heures et suivant des itinéraires spécifiquement convenus entre toutes les Parties au conflit intéressées.

Ils porteront ostensiblement le signe distinctif prévu à l'article 41, à côté des couleurs nationales, sur leurs faces inférieure, supérieure et latérales. Ils seront dotés de toute autre signalisation ou moyen de reconnaissance fixés par accord entre les Parties au conflit soit au début, soit au cours des hostilités.

Sauf accord contraire, le survol du territoire ennemi ou occupé par l'ennemi sera interdit.

Les aéronefs sanitaires devront obéir à toute sommation d'atterrir ou d'amerrir. En cas d'atterrissement ou d'amerrissage ainsi imposé, l'aéronef, avec ses occupants, pourra reprendre son vol après contrôle éventuel.

En cas d'atterrissement ou d'amerrissage fortuits sur territoire ennemi ou occupé par l'ennemi, les blessés, malades et naufragés, ainsi que l'équipage de l'aéronef seront prisonniers de guerre. Le personnel sanitaire sera traité conformément aux articles 36 et 37.

**ARTICLE 40**

Les aéronefs sanitaires des Parties au conflit pourront, sous réserve du deuxième alinéa, survoler le territoire des Puissances neutres et y atterrir ou amerrir en cas de nécessité ou pour y faire escale. Ils devront notifier préalablement aux Puissances neutres leur passage sur leur territoire et obéir à toute sommation d'atterrir ou d'amerrir. Ils ne seront à l'abri

from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

## CHAPTER VI

### THE DISTINCTIVE EMBLEM

#### ARTICLE 41

Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, these emblems are also recognized by the terms of the present Convention.

#### ARTICLE 42

The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the

des attaques que durant leur vol à des altitudes, à des heures et suivant des itinéraires spécifiquement convenus entre les Parties au conflit et les Puissances neutres intéressées.

Toutefois, les Puissances neutres pourront fixer des conditions ou restrictions quant au survol de leur territoire par les aéronefs sanitaires ou à leur atterrissage. Ces conditions ou restrictions éventuelles seront appliquées d'une manière égale à toutes les Parties au conflit.

Les blessés, malades ou naufragés débarqués, avec le consentement de l'autorité locale, sur un territoire neutre par un aéronef sanitaire, devront, à moins d'un arrangement contraire de l'Etat neutre avec les Parties au conflit, être gardés par l'Etat neutre, lorsque le droit international le requiert, de manière qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre. Les frais d'hospitalisation et d'internement seront supportés par la Puissance dont dépendent les blessés, malades ou naufragés.

## CHAPITRE VI

### DU SIGNE DISTINCTIF

#### ARTICLE 41

Sous le contrôle de l'autorité militaire compétente, l'emblème de la croix rouge sur fond blanc figurera sur les drapeaux, les brassards, ainsi que sur tout le matériel se rattachant au Service sanitaire.

Toutefois, pour les pays qui emploient déjà comme signe distinctif à la place de la croix rouge, le croissant rouge ou le lion et le soleil rouges sur fond blanc, ces emblèmes sont également admis dans le sens de la présente Convention.

#### ARTICLE 42

Le personnel visé aux articles 36 et 37, portera, fixé au bras gauche, un brassard résistant à l'humidité et muni du signe distinctif, délivré et timbré par l'autorité militaire.

Ce personnel, outre la plaque d'identité prévue à l'article 19, sera également porteur d'une carte d'identité spéciale munie du signe distinctif. Cette carte devra résister à l'humidité et être de dimensions telles qu'elle puisse être mise dans la poche. Elle sera rédigée dans la langue nationale, mentionnera au moins les nom et prénoms, la date de naissance, le grade et le numéro matricule de l'intéressé. Elle établira en quelle qualité il a droit à la protection de la présente Convention. La carte sera munie de la photographie du titulaire et, en outre, soit de sa signature, soit de ses empreintes digitales, soit des deux à la fois. Elle portera le timbre sec de l'autorité militaire.

La carte d'identité devra être uniforme dans chaque armée et autant que possible du même type dans les armées des Hautes Parties contractantes. Les Parties au conflit pourront s'inspirer du modèle annexé à titre d'exemple à la présente Convention. Elles se communi-

*Post*, p. 3264.

conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

#### ARTICLE 43

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

- (a) All exterior surfaces shall be white.
- (b) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

queront, au début des hostilités, le modèle qu'elles utilisent. Chaque carte d'identité sera établie, si possible, en deux exemplaires au moins, dont l'un sera conservé par la Puissance d'origine.

En aucun cas, le personnel mentionné ci-dessus ne pourra être privé de ses insignes ni de sa carte d'identité, ni du droit de porter son brassard. En cas de perte, il aura le droit d'obtenir des duplicata de la carte et le remplacement des insignes.

#### ARTICLE 43

Les navires et embarcations désignés aux articles 22, 24, 25 et 27 se distingueront de la manière suivante:

- a) toutes leurs surfaces extérieures seront blanches;
- b) une ou plusieurs croix rouge foncé aussi grandes que possible seront peintes de chaque côté de la coque ainsi que sur les surfaces horizontales, de façon à assurer de l'air et de la mer la meilleure visibilité.

Tous les navires-hôpitaux se feront reconnaître en hissant leur pavillon national et en outre, s'ils ressortissent à un Etat neutre, le pavillon de la Partie au conflit sous la direction de laquelle ils se sont placés. Un pavillon blanc à croix rouge devra flotter au grand mât, le plus haut possible.

Les canots de sauvetage des navires-hôpitaux, les canots de sauvetage côtiers et toutes les petites embarcations employées par le Service de Santé seront peints en blanc avec des croix rouge foncé nettement visibles et, d'une manière générale, les modes d'identification stipulés ci-dessus pour les navires-hôpitaux leur seront applicables.

Les navires et embarcations ci-dessus mentionnés, qui veulent s'assurer de nuit et en temps de visibilité réduite la protection à laquelle ils ont droit, devront prendre, avec l'assentiment de la Partie au conflit au pouvoir de laquelle ils se trouvent, les mesures nécessaires pour rendre leur peinture et leurs emblèmes distinctifs suffisamment apparents.

Les navires-hôpitaux qui, en vertu de l'article 31, sont retenus provisoirement par l'ennemi, devront rentrer le pavillon de la Partie au conflit au service de laquelle ils se trouvent, ou dont ils ont accepté la direction.

Les canots de sauvetage côtiers, s'ils continuent, avec le consentement de la Puissance occupante, à opérer d'une base occupée, pourront être autorisés à continuer à arborer leurs propres couleurs nationales en même temps que le pavillon à croix rouge, lorsqu'ils seront éloignés de leur base, sous réserve de notification préalable à toutes les Parties au conflit intéressées.

Toutes les stipulations de cet article relatives à l'emblème de la croix rouge s'appliquent également aux autres emblèmes mentionnés à l'article 41.

Les Parties au conflit devront, en tout temps, s'efforcer d'aboutir à des accords en vue d'utiliser les méthodes les plus modernes se trouvant à leur disposition, pour faciliter l'identification des navires et embarcations visés dans cet article.

**ARTICLE 44**

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

**ARTICLE 45**

The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

**CHAPTER VII****EXECUTION OF THE CONVENTION****ARTICLE 46**

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

**ARTICLE 47**

Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

**ARTICLE 48**

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

**ARTICLE 49**

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

**ARTICLE 44**

Les signes distinctifs prévus à l'article 43 ne pourront être utilisés, en temps de paix comme en temps de guerre, que pour désigner ou protéger les navires qui y sont mentionnés, sous réserve des cas qui seraient prévus par une autre Convention internationale ou par accord entre toutes les Parties au conflit intéressées.

**ARTICLE 45**

Les Hautes Parties contractantes, dont la législation ne serait pas dès à présent suffisante, prendront les mesures nécessaires pour empêcher et réprimer en tout temps tout emploi abusif des signes distinctifs prévus à l'article 43.

**CHAPITRE VII**

**DE L'EXÉCUTION DE LA CONVENTION**

**ARTICLE 46**

Chaque Partie au conflit, par l'intermédiaire de ses commandants en chef, aura à pourvoir aux détails d'exécution des articles précédents, ainsi qu'aux cas non prévus, conformément aux principes généraux de la présente Convention.

**ARTICLE 47**

Les mesures de représailles contre les blessés, les malades, les naufragés, le personnel, les navires ou le matériel protégés par la Convention sont interdites.

**ARTICLE 48**

Les Hautes Parties contractantes s'engagent à diffuser le plus largement possible, en temps de paix et en temps de guerre, le texte de la présente Convention dans leurs pays respectifs, et notamment à en incorporer l'étude dans les programmes d'instruction militaire et, si possible, civile, de telle manière que les principes en soient connus de l'ensemble de la population, notamment des forces armées combattantes, du personnel sanitaire et des aumôniers.

**ARTICLE 49**

Les Hautes Parties contractantes se communiqueront par l'entremise du Conseil fédéral suisse et, pendant les hostilités, par l'entremise des Puissances protectrices les traductions officielles de la présente Convention, ainsi que les lois et règlements qu'elles pourront être amenées à adopter pour en assurer l'application.

## CHAPTER VIII

## REPRESSION OF ABUSES AND INFRACTIONS

## ARTICLE 50

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

## ARTICLE 51

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

## ARTICLE 52

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

## CHAPITRE VIII

### DE LA RÉPRESSION DES ABUS ET DES INFRACTIONS

#### ARTICLE 50

Les Hautes Parties contractantes s'engagent à prendre toute mesure législative nécessaire pour fixer les sanctions pénales adéquates à appliquer aux personnes ayant commis, ou donné l'ordre de commettre, l'une ou l'autre des infractions graves à la présente Convention définies à l'article suivant.

Chaque Partie contractante aura l'obligation de rechercher les personnes prévenues d'avoir commis, ou d'avoir ordonné de commettre, l'une ou l'autre de ces infractions graves, et elle devra les déferer à ses propres tribunaux, quelle que soit leur nationalité. Elle pourra aussi, si elle le préfère, et selon les conditions prévues par sa propre législation, les remettre pour jugement à une autre Partie contractante intéressée à la poursuite, pour autant que cette Partie contractante ait retenu contre lesdites personnes des charges suffisantes.

Chaque Partie contractante prendra les mesures nécessaires pour faire cesser les actes contraires aux dispositions de la présente Convention, autres que les infractions graves définies à l'article suivant.

En toutes circonstances, les inculpés bénéficieront de garanties de procédure et de libre défense qui ne seront pas inférieures à celles prévues par les articles 105 et suivants de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

#### ARTICLE 51

Les infractions graves visées à l'article précédent sont celles qui comportent l'un ou l'autre des actes suivants, s'ils sont commis contre des personnes ou des biens protégés par la Convention: l'homicide intentionnel, la torture ou les traitements inhumains, y compris les expériences biologiques, le fait de causer intentionnellement de grandes souffrances ou de porter des atteintes graves à l'intégrité physique ou à la santé, la destruction et l'appropriation de biens, non justifiées par des nécessités militaires et exécutées sur une grande échelle de façon illicite et arbitraire.

#### ARTICLE 52

Aucune Partie contractante ne pourra s'exonérer elle-même, ni exonérer une autre Partie contractante, des responsabilités encourues par elle-même ou par une autre Partie contractante en raison des infractions prévues à l'article précédent.

**ARTICLE 53**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

**FINAL PROVISIONS****ARTICLE 54**

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

**ARTICLE 55**

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

TS 543.  
36 Stat. 2371.

TS 377, 464, 847.  
22 Stat. 940; 35  
Stat. 1885; 47  
Stat. 2074.

**ARTICLE 56**

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**ARTICLE 57**

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 53

A la demande d'une Partie au conflit, une enquête devra être ouverte, selon le mode à fixer entre les Parties intéressées, au sujet de toute violation alléguée de la Convention.

Si un accord sur la procédure d'enquête n'est pas réalisé, les Parties s'entendront pour choisir un arbitre, qui décidera de la procédure à suivre.

Une fois la violation constatée, les Parties au conflit y mettront fin et la réprimeront le plus rapidement possible.

DISPOSITIONS FINALES

ARTICLE 54

La présente Convention est établie en français et en anglais. Les deux textes sont également authentiques.

Le Conseil fédéral suisse fera établir des traductions officielles de la Convention en langue russe et en langue espagnole.

ARTICLE 55

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au 12 février 1950, être signée au nom des Puissances représentées à la Conférence qui s'est ouverte à Genève le 21 avril 1949, ainsi que des Puissances non représentées à cette Conférence qui participent à la X<sup>e</sup> Convention de La Haye du 18 octobre 1907, pour l'adaptation à la guerre maritime des principes de la Convention de Genève de 1906, ou aux Conventions de Genève de 1864, de 1906 ou de 1929, pour l'amélioration du sort des blessés et des malades dans les armées en campagne.

ARTICLE 56

La présente Convention sera ratifiée aussitôt que possible et les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification un procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

ARTICLE 57

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie contractante six mois après le dépôt de son instrument de ratification.

**ARTICLE 58**

The present Convention replaces the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

**ARTICLE 59**

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

**ARTICLE 60**

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**ARTICLE 61**

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

**ARTICLE 62**

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 58

La présente Convention remplace la X<sup>me</sup> Convention de La Haye du 18 octobre 1907, pour l'adaptation à la guerre maritime des principes de la Convention de Genève de 1906, dans les rapports entre les Hautes Parties contractantes.

ARTICLE 59

Dès la date de son entrée en vigueur, la présente Convention sera ouverte à l'adhésion de toute Puissance au nom de laquelle cette Convention n'aura pas été signée.

ARTICLE 60

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

ARTICLE 61

Les situations prévues aux articles 2 et 3 donneront effet immédiat aux ratifications déposées et aux adhésions notifiées par les Parties au conflit avant ou après le début des hostilités ou de l'occupation. La communication des ratifications ou adhésions reçues des Parties au conflit sera faite par le Conseil fédéral suisse par la voie la plus rapide.

ARTICLE 62

Chacune des Hautes Parties contractantes aura la faculté de dénoncer la présente Convention.

La dénonciation sera notifiée par écrit au Conseil fédéral suisse. Celui-ci communiquera la notification aux Gouvernements de toutes les Hautes Parties contractantes.

La dénonciation produira ses effets un an après sa notification au Conseil fédéral suisse. Toutefois la dénonciation notifiée alors que la Puissance dénonçante est impliquée dans un conflit ne produira aucun effet aussi longtemps que la paix n'aura pas été conclue et, en tout cas, aussi longtemps que les opérations de libération et de rapatriement des personnes protégées par la présente Convention ne seront pas terminées.

La dénonciation vaudra seulement à l'égard de la Puissance dénonçante. Elle n'aura aucun effet sur les obligations que les Parties au conflit demeureront tenues de remplir en vertu des principes du droit des gens tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

**ARTICLE 63**

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

**IN WITNESS WHEREOF** the undersigned, having deposited their respective full powers, have signed the present Convention.

**DONE** at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

For AFGHANISTAN

Pour l'AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF  
ALBANIA

Pour la RÉPUBLIQUE POPULAIRE  
D'ALBANIE

Avec la réserve pour l'article 10-ci-jointe<sup>1</sup>  
J. MALO

For ARGENTINA

Pour l'ARGENTINE

Avec la réserve ci-jointe<sup>2</sup>  
Guillermo A. SPERONI

For AUSTRALIA

Pour l'AUSTRALIE

Norman R. MIGHELL  
Subject to ratification<sup>3</sup>

For AUSTRIA

Pour l'AUTRICHE

WILDMANN

<sup>1</sup> Voir le texte de la réserve à la page 233. [*Post*, p. 3268.]

<sup>2</sup> Voir le texte de la réserve à la page 234. [*Post*, p. 3270.]

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.

## ARTICLE 63

Le Conseil fédéral suisse fera enregistrer la présente Convention au Secrétariat des Nations Unies. Le Conseil fédéral suisse informera également le Secrétariat des Nations Unies de toutes les ratifications, adhésions et dénonciations qu'il pourra recevoir au sujet de la présente Convention.

**EN FOI DE QUOI** les soussignés, ayant déposé leurs pleins pouvoirs respectifs, ont signé la présente Convention.

FAIT à Genève, le 12 août 1949, en langues française et anglaise, l'original devant être déposé dans les Archives de la Confédération suisse. Le Conseil fédéral suisse transmettra une copie certifiée conforme de la Convention à chacun des Etats signataires, ainsi qu'aux Etats qui auront adhéré à la Convention.

For BELGIUM

Maurice BOURQUIN

Pour la BELGIQUE

For the BYELORUSSIAN SOVIET  
SOCIALIST REPUBLICPour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE DE BIELORUSSIE

С оговоркой по ст. 10.<sup>1</sup>  
 Текст оговорки прилагается.  
 Глава делегации БССР  
 И. КУЦЕЙНИКОВ

For BOLIVIA

G. MEDEIROS

Pour la BOLIVIE

For BRAZIL

João PINTO DA SILVA

General Floriano DE LIMA BRAYNER

Pour le BRÉSIL

For the BULGARIAN PEOPLE'S  
REPUBLICPour la RÉPUBLIQUE POPULAIRE  
DE BULGARIE

Avec la réserve ci-jointe<sup>2</sup>  
 K. B. SVETLOV

<sup>1</sup> Voir le texte de la réserve à la page 234 [Post, p. 3270.]<sup>2</sup> Voir le texte de la réserve à la page 236 [Post, p. 3274.]

For CANADA

Max H. WERSHOF

Pour le CANADA

For CEYLON

V. COOMARASWAMY

Pour CEYLAN

For CHILE

F. CISTERNAS ORTIZ

Pour le CHILI

For CHINA

Wu Nan-Ju

Pour la CHINE

For COLOMBIA

Rafael ROCHA SCHLOSS

Pour la COLOMBIE

For CUBA

J. DE LA LUZ LEÓN

Pour CUBA

For DENMARK

Georg COHN      Paul IPSEN      BAGGE

Pour le DANEMARK

For EGYPT

A. K. SAFWAT

Pour l'ÉGYPTE

For ECUADOR

Alex. GASTELÚ

Pour l'ÉQUATEUR

For SPAIN

Luis CALDERÓN

Pour l'ESPAGNE

For the UNITED STATES OF AMERICA

Leland HARRISON      Raymund J.T.YINGLING

Pour les ÉTATS-UNIS D'AMÉRIQUE

For ETHIOPIA

Gachaou ZELLEKE

Pour l'ÉTHIOPIE

For FINLAND

Reinhold SVENTO

Pour la FINLANDE

For FRANCE

G. CAHEN-SALVADOR      JACQUINOT

Pour la FRANCE

For GREECE

M. PESMAZOGLOU

Pour la GRÈCE

For GUATEMALA

A. DUPONT-WILLEMIN

Pour le GUATEMALA

For the HUNGARIAN PEOPLE'S  
REPUBLIC

Pour la RÉPUBLIQUE POPULAIRE  
HONGROISE

Avec les réserves ci-jointes <sup>1</sup>

Anna KARA

For INDIA

D. B. DESAI

Pour l'INDE

For IRAN

A. H. MEYKADEH

Pour l'IRAN

For the REPUBLIC OF IRELAND

Pour la RÉPUBLIQUE D'IRLANDE

Sean MACBRIDE

For ISRAEL

Avec la réserve ci-jointe <sup>2</sup>

M. KAHANY

Pour ISRAËL

For ITALY

Giacinto AURITI      Ettore BAISTROCCHI

Pour l'ITALIE

For the LEBANON

MIKAOUI

Pour le LIBAN

For LIECHTENSTEIN

Comte F. WILCZEK

Pour le LIECHTENSTEIN

For LUXEMBURG

J. STURM

Pour le LUXEMBOURG

For MEXICO

Pedro DE ALBA      W. R. CASTRO

Pour le MEXIQUE

<sup>1</sup> Voir le texte des réserves à la page 239. [Post, p. 3280.]

<sup>2</sup> Voir le texte de la réserve à la page 241. [Post, p. 3284.]

For the PRINCIPALITY OF MONACO

Pour la PRINCIPAUTÉ DE MONACO

M. Lozé

For NICARAGUA

*Ad referendum*  
LIFSCHITZ

Pour le NICARAGUA

For NORWAY

Rolf ANDERSEN

Pour la NORVÈGE

For NEW ZEALAND

G. R. LAKING

Pour la NOUVELLE-ZÉLANDE

For PAKISTAN

S. M. A. FARUKI, M.G.      A. H. SHAIKH

Pour le PAKISTAN

For PARAGUAY

Conrad FEHR

Pour le PARAGUAY

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

Pour les PAYS-BAS

For PERU

Gonzalo PIZARRO

Pour le Pérou

For the REPUBLIC OF THE  
PHILIPPINES

P. SEBASTIAN<sup>1</sup>

Pour la RÉPUBLIQUE DES  
PHILIPPINES

<sup>1</sup> "This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution".

For POLAND

Pour la POLOGNE

Avec la réserve ci-jointe<sup>1</sup>  
 Julian PRZYBOS

For PORTUGAL

Pour le PORTUGAL

Avec les réserves ci-jointes<sup>2</sup>  
 G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S  
REPUBLIC

Pour la RÉPUBLIQUE POPULAIRE  
ROUMAINE

Avec la réserve ci-jointe<sup>3</sup>  
 I. DRAGOMIR

For the UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND

Pour le ROYAUME-UNI DE GRANDE  
Bretagne et d'Irlande du  
Nord

Robert CRAIGIE      H. A. STRUTT      W. H. GARDNER

For the HOLY SEE

Pour le SAINT-SIÈGE

Philippe BERNARDINI

For EL SALVADOR

Pour EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Pour la SUÈDE

Sous réserve de ratification par S. M. le Roi de Suède  
 avec l'approbation du Riksdag  
 Staffan SÖDERBLOM

For SWITZERLAND

Pour la SUISSE

Max PETITPIERRE      Plinio BOLLA  
 Colonel div. DU PASQUIER      Ph. ZUTTER  
 H. MEULI

For SYRIA

Pour la SYRIE

Omar EL DJABRI      A. GENNAOUI

<sup>1</sup> Voir le texte de la réserve à la page 244 [Post, p. 3290.]<sup>2</sup> Voir le texte des réserves à la page 246 [Post, p. 3294.]<sup>3</sup> Voir le texte de la réserve à la page 247 [Post, p. 3296.]

For CZECHOSLOVAKIA

Pour la TCHÉCOSLOVAQUIE

Avec la réserve ci-jointe<sup>1</sup>  
TAUBER

For TURKEY

Pour la TURQUIE

Rana TARHAN

For the UKRAINIAN SOVIET  
SOCIALIST REPUBLICPour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE D'UKRAINEС оговоркой по статье 10.<sup>2</sup>  
Текст оговорки прилагается.  
По уполномочию Правительства УССР  
Профессор О. БОГОМОЛЕЦFor the UNION OF SOVIET  
SOCIALIST REPUBLICSPour l'UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUESС оговоркой по статье 10.<sup>3</sup>  
Текст оговорки прилагается.  
Глава делегации СССР  
Н. СЛАВИН

For URUGUAY

Pour l'URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

Pour le VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIAPour la RÉPUBLIQUE FÉDÉRATIVE  
POPULAIRE DE YUGOSLAVIEAvec la réserve ci-jointe<sup>4</sup>  
Milan RISTIĆ<sup>1</sup> Voir le texte de la réserve à la page 249. [Post, p. 3300.]<sup>2</sup> Voir le texte de la réserve à la page 250. [Post, p. 3302.]<sup>3</sup> Voir le texte de la réserve à la page 252. [Post, p. 3306.]<sup>4</sup> Voir le texte de la réserve à la page 253. [Post, p. 3308.]

**ANNEXE**  
**ANNEX**

**TIAS 3363**

## ANNEX

*Front*

|  |   |
|--|---|
|    | (Space reserved for the name of the country and military authority issuing this card) |
| <b>IDENTITY CARD</b>   |   |
| for members of medical and religious personnel attached to the armed forces at sea   |   |
| Surname _____  |   |
| First names _____  |   |
| Date of Birth _____  |   |
| Rank _____   |   |
| Army Number _____  |   |
| The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, in his capacity as _____ |   |
| Date of Issue _____  | Number of Card _____  |

*Reverse Side*

|  |  |      |
|--|--|------|
| <div style="border: 1px dashed black; padding: 5px; width: 100px; height: 80px; margin-bottom: 10px;"></div> <div style="border: 1px dashed black; border-radius: 50%; width: 100px; height: 100px; margin-bottom: 10px;"></div> | Signature of bearer or<br>fingerprints or both |      |
| Height   | Eyes   | Hair |
| Other distinguishing marks   |  |      |
|  |  |      |

## ANNEXE

*Recto*

(Place réservée à l'indication du pays et de l'autorité militaire qui délivrent la présente carte)




**CARTE D'IDENTITÉ**  
pour les membres du personnel sanitaire et religieux attaché aux forces armées sur mer

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Nom \_\_\_\_\_  
 Prénoms \_\_\_\_\_  
 Date de naissance \_\_\_\_\_  
 Grade \_\_\_\_\_  
 Numéro matricole \_\_\_\_\_

Le titulaire de la présente carte est protégé par la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949 en qualité de

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Date de l'établissement de la carte \_\_\_\_\_      Numéro de la carte \_\_\_\_\_

*Verso*

Photographie du porteur

Signatures ou empreintes digitales ou les deux

Timbre sec de l'autorité militaire délivrant la carte

|        |      |         |
|--------|------|---------|
| Taille | Yeux | Cheveux |
|--------|------|---------|

Autres éléments éventuels d'identification:

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TIAS 3363



## RÉSERVES

FAITES A L'OCCASION DE LA SIGNATURE  
DES CONVENTIONS DE GENEVE DU 12 AOUT 1949  
POUR LA PROTECTION DES VICTIMES  
DE LA GUERRE

## RESERVATIONS

MADE AT THE TIME OF SIGNATURE  
OF THE GENEVA CONVENTIONS FOR THE PROTECTION  
OF WAR VICTIMS OF AUGUST 12, 1949

## PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris :

- (1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

TIAS 3362.  
*Ante*, p. 3114.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

*Ante*, p. 3224.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (3) Convention relative to the Treatment of Prisoners of War.

TIAS 3364.  
*Post*, p. 3316.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

*Article 12:* "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

*Article 85:* "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

## RÉPUBLIQUE POPULAIRE D'ALBANIE

M. MALO, Premier Secrétaire près de la Légation d'Albanie à Paris :

- 1) Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 2) Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 3) Convention relative au traitement des prisonniers de guerre.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les prisonniers de guerre sont ressortissants. »

*Ad article 12:* « La République populaire d'Albanie considère que, au cas où les prisonniers de guerre seraient transférés à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces prisonniers de guerre continuera toujours à incomber à la Puissance qui les a capturés. »

*Ad article 85:* « La République populaire d'Albanie considère que les personnes condamnées conformément à la législation de la Puissance détentrice d'après les principes du procès de Nuremberg pour des crimes de guerre et des crimes contre l'humanité doivent subir le même régime que des personnes condamnées dans le pays en question. Par conséquent, l'Albanie ne se voit pas liée par l'article 85 en ce qui concerne la catégorie des personnes mentionnées dans la présente réserve. »

TIAS 3365.  
*Post*, p. 3516.

(4) Convention relative to the Protection of Civilian Persons in Time of War.

*Article 11:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

#### ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions :

"The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

.. Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68."

#### BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr KOUTEINIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic :

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

4) Convention relative à la protection des personnes civiles en temps de guerre.

*Ad article 11:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

*Ad article 45:* « La République populaire d'Albanie considère que, au cas où les personnes protégées seraient transférées à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces personnes protégées continuera toujours à incomber à la Puissance détentrice. »

### ARGENTINE

M. SPERONI, Premier Secrétaire près la Légation d'Argentine à Berne, formule la réserve suivante concernant les quatre Conventions de Genève :

« Le Gouvernement argentin a suivi avec intérêt, et la délégation argentine a pris part avec plaisir, aux travaux de la Conférence. La tâche a été difficile, mais, comme l'a bien dit notre Président à l'occasion de la séance de clôture, nous avons réussi.

» L'Argentine, Messieurs, a toujours pris position à l'avant-garde de beaucoup d'autres nations, dans les questions qui ont été l'objet de nos débats. Je signerai donc, au nom de mon Gouvernement et ad referendum, les quatre Conventions, sous réserve de ce que l'article 3 commun, à l'exclusion de tous les autres, sera le seul applicable dans le cas de conflits armés ne présentant pas un caractère international. De même, je signerai la Convention relative à la protection des personnes civiles sous réserve de l'article 68. »

### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE

M. KOUTEINIKOV, Chef de la délégation de la République Socialiste Soviétique de Biélorussie :

i) En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

*Article 12:* "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

2) En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

3) En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule les réserves suivantes :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis. »

*Ad article 12:* « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir. »

*Ad article 85:* « La République Socialiste Soviétique de Biélorussie ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine. »

4) En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie croit devoir déclarer ce qui suit :

« Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entière-

humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained.

*Article 45:* "The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

"On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property."

#### BULGARIAN PEOPLE'S REPUBLIC

Mr. Kosta B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

"In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

ment aux exigences humanitaires, la délégation de la République Socialiste Soviétique de Biélorussie, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique de Biélorussie de signer la présente Convention en formulant les réserves suivantes » :

*Ad article 11:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

*Ad article 45:* « La République Socialiste Soviétique de Biélorussie ne considéra pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### BRÉSIL

M. PINTO DA SILVA, Consul général du Brésil à Genève, formule les réserves suivantes en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

« En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Brésil tient à formuler deux réserves expresses. Quant à l'article 44, parce qu'il est susceptible de nuire à l'action de la Puissance détentrice. Quant à l'article 46, parce que le contenu de son alinéa 2 échappe aux attributions de la Convention, dont l'objectif essentiel, spécifique, est la protection des personnes et non de leurs biens matériels. »

#### RÉPUBLIQUE POPULAIRE DE BULGARIE

M. Kosta B. SVETLOV, Ministre de Bulgarie en Suisse, fait la déclaration suivante :

« En ma qualité de mandataire du Gouvernement de la République Populaire de Bulgarie, j'ai l'agréable devoir d'exprimer ici sa satisfaction d'avoir pu participer à l'élaboration d'un acte humanitaire de la plus haute importance internationale, acte-conventions pour la protection de toutes les victimes de la guerre.

" Nevertheless, my wish is that there shall be no need to apply them ; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

" I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population."

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions :

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 11* : " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 45* : " The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention :

*With regard to Article 10* : " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

» Je forme, cependant, le vœu que point ne soit besoin de leur application, c'est-à-dire que nous tous, nous déployions tous nos efforts pour empêcher une nouvelle guerre, pour ne pas avoir de victimes à secourir en suivant les règles d'une convention.

» Je dois exprimer, avant tout, les vifs regrets de mon Gouvernement de ce que la majorité de la Conférence diplomatique n'a pas accepté la proposition de la délégation soviétique concernant l'interdiction inconditionnelle des armes atomiques et des autres armes d'extermination en masse de la population. »

En signant donc les Conventions, le Gouvernement de la République Populaire de Bulgarie formule les réserves qui suivent, réserves qui constituent partie intégrante des Conventions :

1) Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 11:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de personnes civiles en temps de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont elles sont ressortissantes. »

*Concernant l'article 45:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de personnes civiles en temps de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades et de naufragés ou de personnel sanitaire des forces armées sur mer s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

(3) Convention relative to the Treatment of Prisoners of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 12:* "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

*With regard to Article 85:* "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

(4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

#### CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War :

3) Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de prisonniers de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

*Concernant l'article 12:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de prisonniers de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

*Concernant l'article 85:* « La République Populaire de Bulgarie ne s'estime pas tenue de remplir, par extension, les dispositions découlant de l'article 85 à l'égard de prisonniers de guerre condamnés, en vertu de la législation de la Puissance détentrice et conformément aux principes du procès de Nuremberg, pour crimes de guerre ou crimes antihumanitaires que ces personnes ont commis avant d'avoir été faites prisonniers, parce que ces condamnés doivent se soumettre au régime du pays institué pour purger la peine. »

4) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades ou de personnel sanitaire dans les forces armées en campagne s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ces personnes sont ressortissantes. »

#### CANADA

M. WERSHOF, Conseiller d'Ambassade, du Haut Commissariat du Canada à Londres, formule la réserve suivante en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

"Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### SPAIN

Mr. CALDERÓN Y MARTÍN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

"In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces.

"Under 'International Law in force' (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by organizations in which she participates."

#### UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949, made the following declaration:

"The Government of the United States fully supports the objectives of this Convention.

"I am instructed by my Government to sign, making the following reservation to Article 68:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations:

"At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their

« Le Canada se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### ESPAGNE

M. CALDERÓN Y MARTIN, Ministre d'Espagne en Suisse, formule la réserve suivante en ce qui concerne la Convention de Genève relative au traitement des prisonniers de guerre; le texte de cette réserve a été déposé en espagnol, français et anglais :

« En matière de garanties de procédure et de sanctions pénales et disciplinaires, l'Espagne accordera aux prisonniers de guerre le même traitement qu'établissent ses lois pour ses propres forces nationales.

» Par « droit international en vigueur » (article 99), l'Espagne entend n'accepter que celui de source conventionnelle ou celui qui aurait été élaboré au préalable par des organismes auxquels elle prend part. »

#### ÉTATS-UNIS D'AMÉRIQUE

M. VINCENT, Ministre des Etats-Unis d'Amérique en Suisse, fait la déclaration suivante en signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949 :

« Le Gouvernement des Etats-Unis d'Amérique approuve entièrement les buts que poursuit la Convention de Genève relative à la protection des personnes civiles en temps de guerre.

» J'ai reçu de mon Gouvernement pour instruction de signer cette Convention en formulant la réserve qui suit au sujet de l'article 68 :

» Les Etats-Unis d'Amérique se réservent le droit d'appliquer la peine de mort selon les dispositions de l'Article 68, paragraphe 2, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### RÉPUBLIQUE POPULAIRE HONGROISE

Mme KARA formule les réserves suivantes :

« La délégation de la République Populaire Hongroise s'est ménagé le droit, à la séance du 11 août 1949 de la Confédération diplomatique, de faire des réserves expresses lors de la signature des Conventions, après les avoir examinées. Elle a

speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims.

"The Government of the Hungarian People's Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population.

"The Delegation of the Hungarian People's Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People's Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People's Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War; they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention; by virtue of that Article the provisions of the Civilians Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People's Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold.

"The Hungarian People's Government has also serious objections to Article 5 of the said Convention; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People's Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory.

"The express reservations made by the Government of the Hungarian People's Republic on signing the Conventions, are as follows:

(1) "In the opinion of the Government of the Hungarian People's Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilians Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists.

fait remarquer dans son discours à la séance mentionnée qu'elle n'était pas d'accord avec toutes les dispositions de ces Conventions. Après l'examen approfondi des textes des Conventions, le Gouvernement de la République Populaire Hongroise s'est décidé de signer les Conventions malgré leurs défauts qui sautent aux yeux, puisqu'il est d'avis que les Conventions constituent un progrès par rapport à la situation actuelle du point de vue de la réalisation des principes humanitaires et de la défense des victimes de la guerre.

» Le Gouvernement de la République Populaire Hongroise est obligé de constater que les résultats réels de la Conférence diplomatique terminée le 12 août ne se conforment pas aux espoirs, vu que la majorité des membres de la Conférence n'a pas adopté les projets de la délégation soviétique concernant l'arme atomique et les autres moyens d'extermination en masse de la population.

» La délégation de la République Populaire Hongroise a pris acte avec regret du point de vue de la majorité de la Conférence qui est contraire aux désirs des peuples engagés dans la lutte pour la paix et pour leur liberté. La délégation de la République Populaire Hongroise est convaincue que l'acceptation des propositions soviétiques aurait signifié la mesure la plus efficace en vue de la protection des victimes de la guerre. La délégation de la République Populaire Hongroise tient spécialement à démontrer les défauts essentiels de la Convention relative à la protection des personnes civiles en temps de guerre, défauts sur lesquels elle a attiré l'attention des Etats participant à la Conférence pendant les séances. Il s'agit particulièrement de l'article 4 de la Convention en vertu duquel les dispositions de la Convention relative à la protection des personnes civiles ne s'étendent pas à certaines personnes, parce que l'Etat, dont elles sont les ressortissants n'a pas adhéré à la Convention. Le Gouvernement de la République Populaire Hongroise estime que ces dispositions sont contraires aux principes humanitaires que la Convention désire assurer.

» Le Gouvernement Populaire Hongrois a également de graves objections contre l'article 5 de ladite Convention, en vertu duquel une suspicion légitime d'une activité préjudiciable à la sécurité de l'Etat suffit déjà à priver les personnes protégées de la protection assurée par la Convention. Le Gouvernement de la République Populaire Hongroise est d'avis que cette disposition rend d'avance illusoire la réalisation des principes fondamentaux de la Convention.

» Les réserves expresses du Gouvernement de la République Populaire Hongroise par rapport à la signature des Conventions sont les suivantes :

1) « Selon l'avis du Gouvernement de la République Populaire Hongroise les dispositions de l'article 10 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », ainsi que de l'article 11 de la Convention relative à la protection des personnes civiles, concernant la substitution de la Puissance protectrice, ne peuvent être appliquées que dans le cas où le Gouvernement de l'Etat, dont les personnes protégées sont les ressortissants, n'existe plus.

(2) "The Government of the Hungarian People's Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilians Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention.

(3) "In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People's Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers.

(4) "The Delegation of the Hungarian People's Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes.

(5) "Lastly, the Government of the Hungarian People's Republic maintains the point of view which it expressed in regard to Article 45 of the Civilians Convention, namely that, in the case of the transfer of protected persons from one Power to another, the responsibility for the application of the Convention must rest with both of those Powers."

#### ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration :

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows :

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

2) » Le Gouvernement de la République Populaire Hongroise ne peut pas approuver les dispositions de l'article 11 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », respectivement de l'article 12 de la Convention relative à la protection des personnes civiles, selon lesquelles la compétence de la Puissance protectrice s'étend à l'interprétation des Conventions.

3) » Par rapport à l'article 12 de la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Hongroise maintient son point de vue, selon lequel, en cas de transfert de prisonniers de guerre d'une Puissance à une autre, la responsabilité pour l'application des dispositions des Conventions doit incomber à ces deux Puissances.

4) » La délégation de la République Populaire Hongroise répète sa protestation élevée au cours des séances relatives à l'article 85 de la Convention des prisonniers de guerre jugés pour des crimes de guerre et pour des crimes contre l'humanité conformément aux principes de Nuremberg, doivent être soumis au même traitement que les criminels condamnés pour d'autres crimes.

5) » Le Gouvernement de la République Populaire Hongroise maintient finalement son point de vue exprimé, concernant l'article 45 de la Convention relative à la protection des personnes civiles, selon lequel en cas de transfert de personnes protégées d'une Puissance à une autre, la responsabilité pour l'application de la Convention doit incomber à ces deux Puissances. »

#### ISRAËL

M. KAHANY, délégué d'Israël auprès de l'Office européen des Nations Unies et du Comité international de la Croix-Rouge, fait la déclaration suivante :

« Conformément aux instructions reçues de mon Gouvernement, je signerai la Convention de Genève relative au traitement des prisonniers de guerre sans réserve aucune. Mais pour chacune des trois autres Conventions, notre signature sera accompagnée des réserves dont voici la teneur :

1) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif du service sanitaire de ses forces armées. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

#### ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva :

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other, the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible, during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication.

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

"The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed."

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David sur les drapeaux, les brassards, ainsi que tout le matériel (y compris les navires-hôpitaux) se rattachant au service sanitaire. »

3) Convention de Genève relative à la protection des personnes civiles en temps de guerre.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs prévus dans l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif prévu dans cette Convention. »

#### ITALIE

M. AURITI, Ambassadeur d'Italie, fait les déclarations suivantes au sujet de la Convention relative au traitement des prisonniers de guerre et des Résolutions n°s 6, 7 et 9 de la Conférence diplomatique de Genève :

1) Convention de Genève relative au traitement des prisonniers de guerre.

« Le Gouvernement italien déclare faire des réserves au sujet du dernier alinéa de l'article 66 de la Convention relative au traitement des prisonniers de guerre. »

2) Résolution n° 6 de la Conférence diplomatique de Genève.

« Attendu que la Conférence a émis le vœu « que les Hautes Parties contractantes confient dans un avenir rapproché à une Commission d'Experts le soin d'étudier la mise au point technique des moyens modernes de transmission entre les navires-hôpitaux, d'une part, et les navires de guerre et aéronefs militaires, d'autre part » le Gouvernement italien exprime l'espérance que ladite Commission d'Experts soit convoquée si possible dans les mois qui suivent pour l'élaboration d'un code international réglementant, de façon précise, l'usage de ces moyens. »

« Les forces armées italiennes sont en train de procéder à une étude approfondie à ce sujet et seraient prêtes à présenter, le cas échéant, des propositions techniques concrètes qui pourraient servir comme base de discussion. »

3) Résolution n° 7 de la Conférence diplomatique.

« Le Gouvernement italien est prêt à prendre toutes les dispositions utiles pour que les navires-hôpitaux diffusent à intervalles fréquents et réguliers tous renseignements relatifs à leur position, à leur direction et à leur vitesse. »

## (4) Resolution 9 of the Diplomatic Conference of Geneva.

"In regard to the second paragraph of Resolution 9, the Italian Government considers that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost."

## LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxemburg in Switzerland, made the following reservation :

"The undersigned Delegate of the Grand Duchy of Luxemburg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation :

"that its existing national law shall continue to be applied to cases now under consideration."

## NEW ZEALAND

Mr. George Robert LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration :

"In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

"In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations :

(1) "New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins ;

## 4) Résolution n° 9 de la Conférence diplomatique.

« En ce qui concerne le deuxième alinéa de la Résolution n° 9, le Gouvernement italien est d'avis que les administrations des télécommunications des Hautes Parties contractantes doivent collaborer pour établir un système de groupement des télegrammes des prisonniers de guerre pour faciliter la transmission des messages chiffrés afin d'éviter des erreurs et les doubles transmissions internationales avec l'augmentation de leur coût. »

## LUXEMBOURG

M. STURM, Chargé d'Affaires du Luxembourg en Suisse, formule la réserve suivante :

« Le soussigné délégué du Grand-Duché de Luxembourg, dûment autorisé par son Gouvernement, a signé aujourd'hui, le 8 décembre 1949, la Convention élaborée par la Conférence diplomatique de Genève relative au traitement des prisonniers de guerre sous la réserve :

« que le droit national positif continuera à être appliqué aux procédures en cours. »

## NOUVELLE-ZÉLANDE

M. George Robert LAKING, Conseiller près l'Ambassade de la Nouvelle-Zélande à Washington, fait la déclaration suivante :

« Le Gouvernement de la Nouvelle-Zélande désire que je déclare en signant les quatre Conventions élaborées par la Conférence diplomatique de Genève en 1949 que, n'ayant pas eu le temps nécessaire pour étudier les réserves faites par d'autres Etats, il réserve pour l'instant ses vues à l'égard des dites réserves.

» Le Gouvernement de la Nouvelle-Zélande désire qu'au moment de signer la Convention relative à la protection des personnes civiles en temps de guerre, je fasse les réserves suivantes :

1) » La Nouvelle-Zélande se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation.

(2) "In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a General codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1."

#### NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration :

"My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Government wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows :

"The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

2) » Etant donné que l'Assemblée générale des Nations Unies, ayant approuvé les principes établis par la charte et le jugement du Tribunal de Nuremberg, a chargé la Commission du droit international d'inclure ces principes dans une codification générale des infractions contre la paix et la sécurité de l'humanité, la Nouvelle-Zélande se réserve le droit de prendre les mesures nécessaires pour obtenir que de telles infractions soient punies, nonobstant les dispositions de l'article 70, premier alinéa. »

#### PAYS-BAS

M. BOSCH, Chevalier DE ROSENTHAL, Ministre des Pays-Bas en Suisse, déclare ce qui suit :

« Mon Gouvernement m'a donné pour instructions de signer les quatre Conventions élaborées par la Conférence diplomatique qui s'est tenue à Genève du 21 avril au 12 août 1949. Mon Gouvernement désire cependant formuler la réserve suivante en ce qui concerne la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume des Pays-Bas se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### POLOGNE

M. PRZYBOS, Ministre de Pologne en Suisse, formule les réserves suivantes en ce qui concerne les quatre Conventions de Genève :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent."

"In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them."

"In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned."

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent."

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

» En ce qui concerne l'article 85, le Gouvernement de la République polonaise ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes énoncés lors des jugements de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis aux prescriptions sur l'exécution des peines en vigueur dans l'Etat intéressé.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### PORUGAL

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made the following declaration :

(a) *Article 3, common to the four Conventions:*

"As there is no actual definition of what is meant by a conflict not of an international character, and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

(b) *Article 10 of Conventions I, II and III and Article II of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by Protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

(c) *Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

(d) *Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

» En ce qui concerne l'article 45, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

### PORUGAL

M. Gonçalo CALDEIRA COELHO, Chargé d'Affaires du Portugal en Suisse, formule les réserves suivantes :

a) Article 3, commun aux quatre Conventions :

« N'étant pas concrètement défini ce qui doit être appelé un conflit de caractère non international et, en cas que, par cette désignation on entend se référer uniquement à la guerre civile, n'étant pas clairement établi le moment à partir duquel une rébellion armée de caractère interne doit être considérée comme telle, le Portugal se réserve le droit de ne pas appliquer, dans tous les territoires soumis à sa souveraineté dans n'importe quelle partie du monde, la matière de l'article 3 dans tout ce qu'elle puisse avoir de contraire aux dispositions de la loi portugaise. »

b) Article 10, des Conventions I, II, III et article 11 de la Convention IV :

« Le Gouvernement portugais n'accepte la doctrine des articles cités que sous réserve que les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire pour qu'ils assument les fonctions dévolues normalement aux Puissances protectrices aient l'assentiment ou l'accord du gouvernement du pays duquel sont originaires les personnes à protéger (Puissances d'origine). »

c) Article 13 de la Convention I et article 4 de la Convention III :

« Le Gouvernement portugais fait une réserve dans l'application de ces articles dans tous les cas dans lesquels le gouvernement légitime a déjà sollicité et accepté l'armistice ou la suspension des opérations militaires de n'importe quelle nature, même si les forces armées en campagne n'ont pas encore capitulé. »

d) Article 60 de la Convention III :

« Le Gouvernement portugais accepte la doctrine de cet article sous la réserve que, en aucun cas, il ne s'oblige à payer aux prisonniers comme solde mensuelle une somme supérieure à 50 % des appointements dus aux militaires portugais de poste ou catégorie équivalents, qui se trouvent en service actif dans la zone de combat. »

## RUMANIAN PEOPLE'S REPUBLIC

Mr. Ioan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservations :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

*Article 85:* "The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for

**RÉPUBLIQUE POPULAIRE ROUMAINE**

M. Ioan DRAGOMIR, Chargé d'Affaires de Roumanie en Suisse, fait la déclaration suivante :

1) » En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays, dont les personnes protégées sont ressortissantes, n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Roumaine formule les réserves suivantes :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices au cas où le consentement respectif du gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre, pendant le temps où ceux-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Populaire Roumaine ne se considère pas tenue par l'obligation qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice, conformément aux principes du procès de Nuremberg, pour avoir commis

war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War:

"The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

"Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations:

*Article 11:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration:

"In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation:

"The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi, dans le pays en question, pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, je suis autorisé à déclarer ce qui suit :

» Le Gouvernement de la République Populaire Roumaine considère que cette Convention, du fait qu'elle ne s'applique pas à la population civile qui se trouve en dehors du territoire occupé par l'ennemi, ne correspond pas entièrement aux exigences humanitaires.

» Malgré cela, prenant en considération le fait que la Convention se propose de défendre les intérêts de la population civile qui se trouve en territoire occupé, je suis autorisé par le Gouvernement de la République Populaire Roumaine à signer ladite Convention avec les réserves suivantes :

*Ad article 11:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps où celles-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir. »

#### ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le très Honorable Sir Robert L. CRAIGIE, du Ministère des Affaires étrangères, fait la déclaration suivante :

« Le Gouvernement de Sa Majesté m'a chargé de formuler la réserve suivante en signant la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

## CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

## TCHÉCOSLOVAQUIE

M. TAUBER, Ministre de Tchécoslovaquie en Suisse, formule les réserves suivantes :

1) « En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En procédant à la signature de la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

" In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) " On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

" In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

" In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic :

(1) " On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) " On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

» En ce qui concerne l'article 85, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes appliqués au procès de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis au régime sur l'exécution des peines en vigueur dans l'Etat où ils ont été condamnés.

4) » En procédant à la signature de la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE

M. BOGOMOLETZ, Chef de la délégation de la République Socialiste Soviétique d'Ukraine :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Ad article 10.* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations :

*Article 11:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule les réserves suivantes :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Socialiste Soviétique d'Ukraine ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de la République Socialiste Soviétique d'Ukraine, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique d'Ukraine de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protec-

the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

trices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Socialiste Soviétique d'Ukrainé ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

Le Général SLAVINE, Chef de la délégation de l'Union des Républiques Socialistes Soviétiques :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule les réserves suivantes :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Article 12:* "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations :

*Article 11:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

*Article 45:* "The Union of Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Mr. Milan Ristić, Yugoslav Minister in Switzerland, made the following declaration :

(i) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the

*Ad article 12:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* « L'Union des Républiques Socialistes Soviétiques ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de l'Union des Républiques Socialistes Soviétiques, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de l'Union des Républiques Socialistes Soviétiques de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE YOUGOSLAVIE

M. Milan RISTIĆ, Ministre de Yougoslavie en Suisse, fait la déclaration suivante :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement

Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral

de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 10 et 12.

» En ce qui concerne l'article 10, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas que la Puissance qui a effectué le transfert de prisonniers de guerre est libérée de sa responsabilité de l'application de cette Convention pour tout le temps pendant lequel ces prisonniers de guerre se trouveront chez la Puissance qui a accepté de les accueillir.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la

State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Federal People's Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them."

Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées à une autre Puissance soit libérée de sa responsabilité d'appliquer la Convention pour tout le temps pendant lequel ces personnes protégées se trouveront chez la Puissance qui a accepté de les accueillir. »

WHEREAS the Senate of the United States of America by their resolution of July 6, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention with the following statement:

"Rejecting the reservations which States have made with respect to the Geneva convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."

WHEREAS the said Convention was duly ratified by the President of the United States of America on July 14, 1955, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid statement;

WHEREAS it is provided in Article 57 of the said Convention that the Convention shall come into force six months after not less than two instruments of ratification have been deposited, and that the Convention thereafter shall come into force for each High Contracting Party six months after the deposit of its instrument of ratification;

WHEREAS instruments of ratification of the said Convention were deposited with the Government of Switzerland by the Governments of the following States, namely: Switzerland, March 31, 1950; Yugoslavia, April 21, 1950; the Principality of Monaco, July 5, 1950; Liechtenstein, September 21, 1950; Chile, October 12, 1950; India, November 9, 1950; Czechoslovakia, December 19, 1950; the Holy See, February 22, 1951; Lebanon, April 10, 1951; Pakistan, June 12, 1951; Denmark, June 27, 1951; France, June 28, 1951; Israel, July 6, 1951; Norway, August 3, 1951; Italy, December 17, 1951; Guatemala, May 14, 1952; Spain, August 4, 1952; Belgium, September 3, 1952; the Republic of the Philippines, October 6, 1952; Mexico, October 29, 1952; Egypt, November 10, 1952; El Salvador, June 17, 1953; Luxembourg, July 1, 1953; Austria, August 27, 1953; Syria, November 2, 1953; Nicaragua, December 17, 1953; Sweden, December 28, 1953; Turkey, February 10, 1954; Cuba, April 15, 1954; the Union of Soviet Socialist Republics, May 10, 1954; Rumania, June 1, 1954; Bulgaria, July 22, 1954; the Byelorussian Soviet Socialist Republic, August 3, 1954; Hungary, August 3, 1954; the Netherlands, August 3, 1954; the Ukrainian Soviet Socialist Republic, August 3, 1954; Ecuador, August 11, 1954; Poland, November 26, 1954; Finland, February 22, 1955; and the United States of America, August 2, 1955;

WHEREAS notifications of accession to the said Convention, in accordance with Article 60 thereof, were given to the Government of Switzerland by the Governments of the following States, namely: the Hashemite Kingdom of Jordan, May 29, 1951; the Union of South Africa, March 31, 1952; Japan, April 21, 1953; San Marino, August 29, 1953; Vietnam, November 14, 1953; Liberia, March 29, 1954; the Federal Republic of Germany, September 3, 1954; and Thailand, December 29, 1954;

AND WHEREAS, pursuant to the aforesaid provisions of Article 57 of the said Convention, the Convention will come into force with respect to the United States of America on February 2, 1956, six months after August 2, 1955, the date of deposit by the United States of America of its instrument of ratification of the said Convention;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea to the end that the same and every article and clause thereof, subject to the statement hereinbefore recited, shall be observed and fulfilled with good faith, on and after February 2, 1956, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this thirtieth day of August  
in the year of our Lord one thousand nine hundred  
[SEAL] fifty-five and of the Independence of the United States  
of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

HERBERT HOOVER Jr  
*Acting Secretary of State*

# MULTILATERAL PROTECTION OF WAR VICTIMS

## Prisoners of War

TIAS 3364  
Aug. 12, 1949

*Convention, with annexes, dated at Geneva August 12, 1949.  
Ratification advised by the Senate of the United States of America,  
subject to a statement, July 6, 1955;  
Ratified by the President of the United States of America, subject to said  
statement, July 14, 1955;  
Ratification of the United States of America deposited with the Swiss  
Federal Council August 2, 1955;  
Proclaimed by the President of the United States of America August 30,  
1955;  
Date of entry into force with respect to the United States of America:  
February 2, 1956.*

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## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION

WHEREAS the Geneva Convention relative to the Treatment of Prisoners of War was open for signature from August 12, 1949 until February 12, 1950, and during that period was signed on behalf of the United States of America and sixty other States;

WHEREAS the text of the said Convention, in the English and French languages, as certified by the Swiss Federal Council, is word for word as follows:

CONVENTION DE GENÈVE  
RELATIVE AU TRAITEMENT DES  
PRISONNIERS DE GUERRE  
DU 12 AOUT 1949

GENEVA CONVENTION  
RELATIVE TO THE TREATMENT  
OF PRISONERS OF WAR  
OF AUGUST 12, 1949

TS 846.  
47 Stat. 2021.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

## PART I GENERAL PROVISIONS

### ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

### ARTICLE 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

Les soussignés, Plénipotentiaires des Gouvernements représentés à la Conférence diplomatique qui s'est réunie à Genève du 21 avril au 12 août 1949 en vue de reviser la Convention conclue à Genève le 27 juillet 1929 et relative au traitement des prisonniers de guerre, sont convenus de ce qui suit :

## TITRE I

### DISPOSITIONS GÉNÉRALES

#### ARTICLE 1

Les Hautes Parties contractantes s'engagent à respecter et à faire respecter la présente Convention en toutes circonstances.

#### ARTICLE 2

En dehors des dispositions qui doivent entrer en vigueur dès le temps de paix, la présente Convention s'appliquera en cas de guerre déclarée ou de tout autre conflit armé surgissant entre deux ou plusieurs des Hautes Parties contractantes, même si l'état de guerre n'est pas reconnu par l'une d'elles.

La Convention s'appliquera également dans tous les cas d'occupation de tout ou partie du territoire d'une Haute Partie contractante, même si cette occupation ne rencontre aucune résistance militaire.

Si l'une des Puissances en conflit n'est pas partie à la présente Convention, les Puissances parties à celle-ci resteront néanmoins liées par elle dans leurs rapports réciproques. Elles seront liées en outre par la Convention envers ladite Puissance, si celle-ci en accepte et en applique les dispositions.

#### ARTICLE 3

En cas de conflit armé ne présentant pas un caractère international et surgissant sur le territoire de l'une des Hautes Parties contractantes, chacune des Parties au conflit sera tenue d'appliquer au moins les dispositions suivantes :

- 1) Les personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention, ou pour toute autre cause, seront, en toutes circonstances, traitées avec humanité, sans aucune distinction de caractère défavorable basée sur la race, la couleur, la religion ou la croyance, le sexe, la naissance ou la fortune, ou tout autre critère analogue.

A cet effet, sont et demeurent prohibés, en tout temps et en tout lieu, à l'égard des personnes mentionnées ci-dessus :

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) taking of hostages;
  - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

- a) les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices ;
- b) les prises d'otages ;
- c) les atteintes à la dignité des personnes, notamment les traitements humiliants et dégradants ;
- d) les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés.

2) Les blessés et malades seront recueillis et soignés.

Un organisme humanitaire impartial, tel que le Comité international de la Croix-Rouge, pourra offrir ses services aux Parties au conflit.

Les Parties au conflit s'efforceront, d'autre part, de mettre en vigueur par voie d'accords spéciaux tout ou partie des autres dispositions de la présente Convention.

L'application des dispositions qui précèdent n'aura pas d'effet sur le statut juridique des Parties au conflit.

#### ARTICLE 4

A. Sont prisonniers de guerre, au sens de la présente Convention, les personnes qui, appartenant à l'une des catégories suivantes, sont tombées au pouvoir de l'ennemi :

- 1) les membres des forces armées d'une Partie au conflit, de même que les membres des milices et des corps de volontaires faisant partie de ces forces armées ;
- 2) les membres des autres milices et les membres des autres corps de volontaires, y compris ceux des mouvements de résistance organisés, appartenant à une Partie au conflit et agissant en dehors ou à l'intérieur de leur propre territoire, même si ce territoire est occupé, pourvu que ces milices ou corps de volontaires, y compris ces mouvements de résistance organisés, remplissent les conditions suivantes :
  - a) d'avoir à leur tête une personne responsable pour ses subordonnés ;
  - b) d'avoir un signe distinctif fixe et reconnaissable à distance ;
  - c) de porter ouvertement les armes ;
  - d) de se conformer, dans leurs opérations, aux lois et coutumes de la guerre ;
- 3) les membres des forces armées régulières qui se réclament d'un gouvernement ou d'une autorité non reconnus par la Puissance détentrice ;
- 4) les personnes qui suivent les forces armées sans en faire directement partie, telles que les membres civils d'équipages d'avions militaires, correspondants de guerre, fournisseurs, membres d'unités de travail ou de services chargés du bien-être des forces armées, à condition qu'elles en aient reçu l'autorisation des forces armées qu'elles accompagnent, celles-ci étant tenues de leur délivrer à cet effet une carte d'identité semblable au modèle annexé ;

- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

#### ARTICLE 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

- 5) les membres des équipages, y compris les commandants, pilotes et apprentis, de la marine marchande et les équipages de l'aviation civile des Parties au conflit qui ne bénéficient pas d'un traitement plus favorable en vertu d'autres dispositions du droit international ;
- 6) la population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de se constituer en forces armées régulières, si elle porte ouvertement les armes et si elle respecte les lois et coutumes de la guerre.

B. Bénéficieront également du traitement réservé par la présente Convention aux prisonniers de guerre :

- 1) les personnes appartenant ou ayant appartenu aux forces armées du pays occupé si, en raison de cette appartenance, la Puissance occupante, même si elle les a initialement libérées pendant que les hostilités se poursuivent en dehors du territoire qu'elle occupe, estime nécessaire de procéder à leur internement, notamment après une tentative de ces personnes non couronnée de succès pour rejoindre les forces armées auxquelles elles appartiennent et qui sont engagées dans le combat, ou lorsqu'elles n'obtempèrent pas à une sommation qui leur est faite aux fins d'internement ;
- 2) les personnes appartenant à l'une des catégories énumérées au présent article que des Puissances neutres ou non belligérantes ont reçues sur leur territoire et qu'elles sont tenues d'interner en vertu du droit international, sous réserve de tout traitement plus favorable que ces Puissances jugeraient bon de leur accorder et exception faite des dispositions des articles 8, 10, 15, 30 cinquième alinéa, 58 à 67 inclus, 92, 126 et, lorsque des relations diplomatiques existent entre les Parties au conflit et la Puissance neutre ou non belligérante intéressée, des dispositions qui concernent la Puissance protectrice. Lorsque de telles relations diplomatiques existent, les Parties au conflit dont dépendent ces personnes seront autorisées à exercer à l'égard de celles-ci les fonctions dévolues aux Puissances protectrices par la présente Convention sans préjudice de celles que ces Parties exercent normalement en vertu des usages et des traités diplomatiques et consulaires.

C. Le présent article réserve le statut du personnel médical et religieux tel qu'il est prévu à l'article 33 de la présente Convention.

#### ARTICLE 5

La présente Convention s'appliquera aux personnes visées à l'article 4 dès qu'elles seront tombées au pouvoir de l'ennemi et jusqu'à leur libération et leur rapatriement définitifs.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

#### ARTICLE 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

#### ARTICLE 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial

S'il y a doute sur l'appartenance à l'une des catégories énumérées à l'article 4 des personnes qui ont commis un acte de belligérance et qui sont tombées aux mains de l'ennemi, lesdites personnes bénéficieront de la protection de la présente Convention en attendant que leur statut ait été déterminé par un tribunal compétent.

#### ARTICLE 6

En dehors des accords expressément prévus par les articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 et 132, les Hautes Parties contractantes pourront conclure d'autres accords spéciaux sur toute question qu'il leur paraîtrait opportun de régler particulièrement. Aucun accord spécial ne pourra porter préjudice à la situation des prisonniers, telle qu'elle est réglée par la présente Convention, ni restreindre les droits que celle-ci leur accorde.

Les prisonniers de guerre resteront au bénéfice de ces accords aussi longtemps que la Convention leur est applicable, sauf stipulations contraires contenues expressément dans les susdits accords ou dans des accords ultérieurs, ou également sauf mesures plus favorables prises à leur égard par l'une ou l'autre des Parties au conflit.

#### ARTICLE 7

Les prisonniers de guerre ne pourront en aucun cas renoncer partiellement ou totalement aux droits que leur assurent la présente Convention et, le cas échéant, les accords spéciaux visés à l'article précédent.

#### ARTICLE 8

La présente Convention sera appliquée avec le concours et sous le contrôle des Puissances protectrices chargées de sauvegarder les intérêts des Parties au conflit. A cet effet, les Puissances protectrices pourront, en dehors de leur personnel diplomatique ou consulaire, désigner des délégués parmi leurs propres ressortissants ou parmi les ressortissants d'autres Puissances neutres. Ces délégués devront être soumis à l'agrément de la Puissance auprès de laquelle ils exercent leur mission.

Les Parties au conflit faciliteront, dans la plus large mesure possible, la tâche des représentants ou délégués des Puissances protectrices.

Les représentants ou délégués des Puissances protectrices ne devront en aucun cas dépasser les limites de leur mission, telle qu'elle ressort de la présente Convention ; ils devront notamment tenir compte des nécessités impérieuses de sécurité de l'Etat auprès duquel ils exercent leurs fonctions.

#### ARTICLE 9

Les dispositions de la présente Convention ne font pas obstacle aux activités humanitaires que le Comité international de la Croix-Rouge, ainsi que tout autre organisme

humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

#### ARTICLE IO

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

#### ARTICLE II

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers

humanitaire impartial, entreprendra pour la protection des prisonniers de guerre et pour les secours à leur apporter, moyennant l'agrément des Parties au conflit intéressées.

#### ARTICLE 10

Les Hautes Parties contractantes pourront, en tout temps, s'entendre pour confier à un organisme présentant toutes garanties d'impartialité et d'efficacité les tâches dévolues par la présente Convention aux Puissances protectrices.

Si des prisonniers de guerre ne bénéficient pas ou ne bénéficient plus, quelle qu'en soit la raison, de l'activité d'une Puissance protectrice ou d'un organisme désigné conformément à l'alinéa premier, la Puissance détentrice devra demander soit à un Etat neutre, soit à un tel organisme, d'assumer les fonctions dévolues par la présente Convention aux Puissances protectrices désignées par les Parties au conflit.

Si une protection ne peut être ainsi assurée, la Puissance détentrice devra demander à un organisme humanitaire, tel que le Comité international de la Croix-Rouge, d'assumer les tâches humanitaires dévolues par la présente Convention aux Puissances protectrices ou devra accepter, sous réserve des dispositions du présent article, les offres de services émanant d'un tel organisme.

Toute Puissance neutre ou tout organisme invité par la Puissance intéressée ou s'offrant aux fins susmentionnées devra, dans son activité, rester conscient de sa responsabilité envers la Partie au conflit dont relèvent les personnes protégées par la présente Convention, et devra fournir des garanties suffisantes de capacité pour assumer les fonctions en question et les remplir avec impartialité.

Il ne pourra être dérogé aux dispositions qui précèdent par accord particulier entre des Puissances dont l'une se trouverait, même temporairement, vis-à-vis de l'autre Puissance ou de ses alliés, limitée dans sa liberté de négociation par suite des événements militaires, notamment en cas d'une occupation de la totalité ou d'une partie importante de son territoire.

Toutes les fois qu'il est fait mention dans la présente Convention de la Puissance protectrice, cette mention désigne également les organismes qui la remplacent au sens du présent article.

#### ARTICLE 11

Dans tous les cas où elles le jugeront utile dans l'intérêt des personnes protégées, notamment en cas de désaccord entre les Parties au conflit sur l'application ou l'interprétation des dispositions de la présente Convention, les Puissances protectrices prêteront leurs bons offices aux fins de règlement du différend.

A cet effet, chacune des Puissances protectrices pourra, sur l'invitation d'une Partie ou spontanément, proposer aux Parties au conflit une réunion de leurs représentants et, en particulier, des autorités chargées du sort des prisonniers de guerre, éventuellement sur un territoire neutre convenablement choisi. Les Parties au conflit seront tenues de donner suite aux propositions qui leur seront faites dans ce sens. Les Puissances protec-

may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

#### ARTICLE 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

#### ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

trices pourront, le cas échéant, proposer à l'agrément des Parties au conflit une personnalité appartenant à une Puissance neutre, ou une personnalité déléguée par le Comité international de la Croix-Rouge, qui sera appelée à participer à cette réunion.

## TITRE II

### PROTECTION GÉNÉRALE DES PRISONNIERS DE GUERRE

#### ARTICLE 12

Les prisonniers de guerre sont au pouvoir de la Puissance ennemie, mais non des individus ou des corps de troupe qui les ont fait prisonniers. Indépendamment des responsabilités individuelles qui peuvent exister, la Puissance détentrice est responsable du traitement qui leur est appliqué.

Les prisonniers de guerre ne peuvent être transférés par la Puissance détentrice qu'à une Puissance partie à la Convention et lorsque la Puissance détentrice s'est assurée que la Puissance en question est désireuse et à même d'appliquer la Convention. Quand des prisonniers sont ainsi transférés, la responsabilité de l'application de la Convention incombera à la Puissance qui a accepté de les accueillir pendant le temps qu'ils lui seront confiés.

Néanmoins, au cas où cette Puissance manquerait à ses obligations d'exécuter les dispositions de la Convention, sur tout point important, la Puissance par laquelle les prisonniers de guerre ont été transférés doit, à la suite d'une notification de la Puissance protectrice, prendre des mesures efficaces pour remédier à la situation, ou demander que lui soient renvoyés les prisonniers de guerre. Il devra être satisfait à cette demande.

#### ARTICLE 13

Les prisonniers de guerre doivent être traités en tout temps avec humanité. Tout acte ou omission illicite de la part de la Puissance détentrice entraînant la mort ou mettant gravement en danger la santé d'un prisonnier de guerre en son pouvoir est interdit et sera considéré comme une grave infraction à la présente Convention. En particulier, aucun prisonnier de guerre ne pourra être soumis à une mutilation physique ou à une expérience médicale ou scientifique de quelque nature qu'elle soit qui ne serait pas justifiée par le traitement médical du prisonnier intéressé et qui ne serait pas dans son intérêt.

Les prisonniers de guerre doivent de même être protégés en tout temps, notamment contre tout acte de violence ou d'intimidation, contre les insultes et la curiosité publique.

Les mesures de représailles à leur égard sont interdites.

**ARTICLE 14**

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

**ARTICLE 15**

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

**ARTICLE 16**

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

**PART III****CAPTIVITY****SECTION I****BEGINNING OF CAPTIVITY****ARTICLE 17**

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname,

**ARTICLE 14**

Les prisonniers de guerre ont droit en toutes circonstances au respect de leur personne et de leur honneur.

Les femmes doivent être traitées avec tous les égards dus à leur sexe et bénéficier en tous cas d'un traitement aussi favorable que celui qui est accordé aux hommes.

Les prisonniers de guerre conservent leur pleine capacité civile telle qu'elle existait au moment où ils ont été faits prisonniers. La Puissance détentrice ne pourra en limiter l'exercice soit sur son territoire, soit en dehors, que dans la mesure où la captivité l'exige.

**ARTICLE 15**

La Puissance détentrice des prisonniers de guerre sera tenue de pourvoir gratuitement à leur entretien et de leur accorder gratuitement les soins médicaux que nécessite leur état de santé.

**ARTICLE 16**

Compte tenu des dispositions de la présente Convention relatives au grade ainsi qu'au sexe, et sous réserve de tout traitement privilégié qui serait accordé aux prisonniers de guerre en raison de leur état de santé, de leur âge ou de leurs aptitudes professionnelles, les prisonniers doivent tous être traités de la même manière par la Puissance détentrice, sans aucune distinction de caractère défavorable, de race, de nationalité, de religion, d'opinions politiques ou autre, fondée sur des critères analogues.

**TITRE III****CAPTIVITÉ****SECTION I****DÉBUT DE LA CAPTIVITÉ****ARTICLE 17**

Chaque prisonnier de guerre ne sera tenu de déclarer, quand il est interrogé à ce sujet, que ses nom, prénoms et grade, sa date de naissance et son numéro matricule ou, à défaut, une indication équivalente.

Dans le cas où il enfreindrait volontairement cette règle, il risquerait de s'exposer à une restriction des avantages accordés aux prisonniers de son grade ou statut.

Chaque Partie au conflit sera tenue de fournir à toute personne placée sous sa juridiction, qui est susceptible de devenir prisonnier de guerre, une carte d'identité

first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the finger-prints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure  $6.5 \times 10$  cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

#### ARTICLE 18

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners,

indiquant ses nom, prénoms et grade, numéro matricule ou indication équivalente, et sa date de naissance. Cette carte d'identité pourra en outre comporter la signature ou les empreintes digitales ou les deux, ainsi que toutes autres indications que les Parties au conflit peuvent être désireuses d'ajouter concernant les personnes appartenant à leurs forces armées. Autant que possible, elle mesurera  $6,5 \times 10$  cm et sera établie en double exemplaire. Le prisonnier de guerre devra présenter cette carte d'identité à toute réquisition, mais elle ne pourra en aucun cas lui être enlevée.

Aucune torture physique ou morale ni aucune contrainte ne pourra être exercée sur les prisonniers de guerre pour obtenir d'eux des renseignements de quelque sorte que ce soit. Les prisonniers qui refuseront de répondre ne pourront être ni menacés, ni insultés, ni exposés à des désagréments ou désavantages de quelque nature que ce soit.

Les prisonniers de guerre qui se trouvent dans l'incapacité, en raison de leur état physique ou mental, de donner leur identité, seront confiés au Service de santé. L'identité de ces prisonniers sera établie par tous les moyens possibles, sous réserve des dispositions de l'alinéa précédent.

L'interrogatoire des prisonniers de guerre aura lieu dans une langue qu'ils comprennent.

#### ARTICLE 18

Tous les effets et objets d'usage personnel — sauf les armes, les chevaux, l'équipement militaire et les documents militaires — resteront en la possession des prisonniers de guerre, ainsi que les casques métalliques, les masques contre les gaz et tous les autres articles qui leur ont été remis pour leur protection personnelle. Resteront également en leur possession les effets et objets servant à leur habillement et à leur alimentation, même si ces effets et objets appartiennent à leur équipement militaire officiel.

A aucun moment les prisonniers de guerre ne devront se trouver sans document d'identité. La Puissance détentrice en fournira un à ceux qui n'en possèdent pas.

Les insignes de grade et de nationalité, les décorations et les objets ayant surtout une valeur personnelle ou sentimentale ne pourront pas être enlevés aux prisonniers de guerre.

Les sommes dont sont porteurs les prisonniers de guerre ne pourront leur être enlevées que sur l'ordre d'un officier et après qu'auront été consignés dans un registre spécial le montant de ces sommes et le signalement de leur possesseur, et après que ce dernier se sera vu délivrer un reçu détaillé portant la mention lisible du nom, du grade et de l'unité de la personne qui aura délivré le reçu en question. Les sommes qui sont dans la monnaie de la Puissance détentrice ou qui, à la demande du prisonnier, sont converties en cette monnaie, seront portées au crédit du compte du prisonnier, conformément à l'article 64.

Une Puissance détentrice ne pourra retirer à des prisonniers de guerre des objets

shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

#### ARTICLE 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

#### ARTICLE 20

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

### SECTION II

#### INTERNMENT OF PRISONERS OF WAR

##### CHAPTER I

###### GENERAL OBSERVATIONS

#### ARTICLE 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to

de valeur que pour des raisons de sécurité. Dans ce cas, la procédure appliquée sera la même que pour le retrait des sommes d'argent.

Ces objets, ainsi que les sommes retirées qui seraient dans une autre monnaie que celle de la Puissance détentrice et dont le possesseur n'aurait pas demandé la conversion, devront être gardés par la Puissance détentrice et rendus au prisonnier, sous leur forme initiale, à la fin de sa captivité.

#### ARTICLE 19

Les prisonniers de guerre seront évacués, dans le plus bref délai possible après avoir été faits prisonniers, vers des camps situés assez loin de la zone de combat pour être hors de danger.

Ne pourront être maintenus, temporairement, dans une zone dangereuse que les prisonniers de guerre qui, en raison de leurs blessures ou de leurs maladies, courraient de plus grands risques à être évacués qu'à rester sur place.

Les prisonniers de guerre ne seront pas inutilement exposés au danger, en attendant leur évacuation d'une zone de combat.

#### ARTICLE 20

L'évacuation du prisonnier de guerre s'effectuera toujours avec humanité et dans des conditions semblables à celles qui sont faites aux troupes de la Puissance détentrice dans leurs déplacements.

La Puissance détentrice fournira aux prisonniers de guerre évacués de l'eau potable et de la nourriture en suffisance ainsi que les vêtements et les soins médicaux nécessaires ; elle prendra toutes les précautions utiles pour assurer leur sécurité pendant l'évacuation et elle établira aussitôt que possible la liste des prisonniers évacués.

Si les prisonniers de guerre doivent passer, durant l'évacuation, par des camps de transit, leur séjour dans ces camps sera aussi bref que possible.

### SECTION II

#### INTERNEMENT DES PRISONNIERS DE GUERRE

##### CHAPITRE I

###### GÉNÉRALITÉS

#### ARTICLE 21

La Puissance détentrice pourra soumettre les prisonniers de guerre à l'internement. Elle pourra leur imposer l'obligation de ne pas s'éloigner au-delà d'une certaine limite du camp où ils sont internés ou, si ce camp est clôturé, de ne pas en franchir

the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

#### ARTICLE 22

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

#### ARTICLE 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may

l'enceinte. Sous réserve des dispositions de la présente Convention relatives aux sanctions pénales et disciplinaires, ces prisonniers ne pourront être enfermés ou consignés que si cette mesure s'avère nécessaire à la protection de leur santé ; cette situation ne pourra en tout cas se prolonger au-delà des circonstances qui l'auront rendue nécessaire.

Les prisonniers de guerre pourront être mis partiellement ou totalement en liberté sur parole ou sur engagement, pour autant que les lois de la Puissance dont ils dépendent le leur permettent. Cette mesure sera prise notamment dans les cas où elle peut contribuer à l'amélioration de l'état de santé des prisonniers. Aucun prisonnier ne sera contraint d'accepter sa liberté sur parole ou sur engagement.

Dès l'ouverture des hostilités, chaque Partie au conflit notifiera à la partie adverse les lois et règlements qui permettent ou interdisent à ses ressortissants d'accepter la liberté sur parole ou sur engagement. Les prisonniers mis en liberté sur parole ou sur engagement conformément aux lois et règlements ainsi notifiés seront obligés, sur leur honneur personnel, de remplir scrupuleusement, tant envers la Puissance dont ils dépendent qu'envers celle qui les a faits prisonniers, les engagements qu'ils auraient contractés. Dans de tels cas, la Puissance dont ils dépendent sera tenue de n'exiger ni d'accepter d'eux aucun service contraire à la parole ou à l'engagement donnés.

#### ARTICLE 22

Les prisonniers de guerre ne pourront être internés que dans des établissements situés sur terre ferme et présentant toutes garanties d'hygiène et de salubrité ; sauf dans des cas spéciaux justifiés par l'intérêt des prisonniers eux-mêmes, ceux-ci ne seront pas internés dans des pénitenciers.

Les prisonniers de guerre internés dans des régions malsaines ou dont le climat leur est pernicieux seront transportés aussitôt que possible sous un climat plus favorable.

La Puissance détentrice groupera les prisonniers de guerre dans les camps ou sections de camps en tenant compte de leur nationalité, de leur langue et de leurs coutumes, sous réserve que ces prisonniers ne soient pas séparés des prisonniers de guerre appartenant aux forces armées dans lesquelles ils servaient au moment où ils ont été fait prisonniers, à moins qu'ils n'y consentent.

#### ARTICLE 23

Aucun prisonnier de guerre ne pourra, à quelque moment que ce soit, être envoyé ou retenu dans une région où il serait exposé au feu de la zone de combat, ni être utilisé pour mettre par sa présence certains points ou certaines régions à l'abri des opérations militaires.

Les prisonniers de guerre disposeront, au même degré que la population civile locale, d'abris contre les bombardements aériens et autres dangers de guerre ; à

enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

#### ARTICLE 24

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

### CHAPTER II

#### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

#### ARTICLE 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

l'exception de ceux d'entre eux qui participeraient à la protection de leurs cantonnements contre ces dangers, ils pourront se rendre dans les abris aussi rapidement que possible, dès que l'alerte aura été donnée. Toute autre mesure de protection qui serait prise en faveur de la population leur sera également appliquée.

Les Puissances détentrices se communiqueront réciproquement, par l'entremise des Puissances protectrices, toutes indications utiles sur la situation géographique des camps de prisonniers de guerre.

Chaque fois que les considérations d'ordre militaire le permettront, les camps de prisonniers de guerre seront signalisés de jour au moyen des lettres PG ou PW placées de façon à être vues distinctement du haut des airs ; toutefois, les Puissances intéressées pourront convenir d'un autre moyen de signalisation. Seuls les camps de prisonniers de guerre pourront être signalisés de cette manière.

#### ARTICLE 24

Les camps de transit ou de triage à caractère permanent seront aménagés dans des conditions semblables à celles qui sont prévues à la présente Section, et les prisonniers de guerre y bénéficieront du même régime que dans les autres camps.

### CHAPITRE II

#### LOGEMENT, ALIMENTATION ET HABILLEMENT DES PRISONNIERS DE GUERRE

#### ARTICLE 25

Les conditions de logement des prisonniers de guerre seront aussi favorables que celles qui sont réservées aux troupes de la Puissance détentrice cantonnées dans la même région. Ces conditions devront tenir compte des mœurs et coutumes des prisonniers et ne devront, en aucun cas, être préjudiciables à leur santé.

Les stipulations qui précèdent s'appliqueront notamment aux dortoirs des prisonniers de guerre, tant pour la surface totale et le cube d'air minimum que pour l'aménagement et le matériel de couchage, y compris les couvertures.

Les locaux affectés à l'usage tant individuel que collectif des prisonniers de guerre devront être entièrement à l'abri de l'humidité, suffisamment chauffés et éclairés, notamment entre la tombée de la nuit et l'extinction des feux. Toutes précautions devront être prises contre les dangers d'incendie.

Dans tous les camps où des prisonnières de guerre se trouvent cantonnées en même temps que des prisonniers, des dortoirs séparés leur seront réservés.

**ARTICLE 26**

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

**ARTICLE 27**

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

**ARTICLE 28**

Canteens shall be installed in all camps, where prisoners of war may procure food-stuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

**ARTICLE 26**

La ration quotidienne de base sera suffisante en quantité, qualité et variété pour maintenir les prisonniers en bonne santé, et empêcher une perte de poids ou des troubles de carence. On tiendra compte également du régime auquel sont habitués les prisonniers.

La Puissance détentrice fournira aux prisonniers de guerre qui travaillent les suppléments de nourriture nécessaires pour l'accomplissement du travail auquel ils sont employés.

De l'eau potable en suffisance sera fournie aux prisonniers de guerre. L'usage du tabac sera autorisé.

Les prisonniers de guerre seront associés dans toute la mesure du possible à la préparation de leur ordinaire ; à cet effet, ils pourront être employés aux cuisines. Ils recevront en outre les moyens d'accommoder eux-mêmes les suppléments de nourriture dont ils disposeront.

Des locaux convenables seront prévus comme réfectoires et mess.

Toutes mesures disciplinaires collectives portant sur la nourriture sont interdites.

**ARTICLE 27**

L'habillement, le linge et les chaussures seront fournis en quantité suffisante aux prisonniers de guerre par la Puissance détentrice, qui tiendra compte du climat de la région où se trouvent les prisonniers. Les uniformes des armées ennemis saisis par la Puissance détentrice seront utilisés pour l'habillement des prisonniers de guerre s'ils conviennent au climat du pays.

Le remplacement et les réparations de ces effets seront assurés régulièrement par la Puissance détentrice. En outre, les prisonniers de guerre qui travaillent recevront une tenue appropriée partout où la nature du travail l'exigera.

**ARTICLE 28**

Dans tous les camps seront installées des cantines où les prisonniers de guerre pourront se procurer des denrées alimentaires, des objets usuels, du savon et du tabac, dont le prix de vente ne devra en aucun cas dépasser le prix du commerce local.

Les bénéfices des cantines seront utilisés au profit des prisonniers de guerre ; un fonds spécial sera créé à cet effet. L'homme de confiance aura le droit de collaborer à l'administration de la cantine et à la gestion de ce fonds.

Lors de la dissolution d'un camp, le solde créditeur du fonds spécial sera remis à une organisation humanitaire internationale pour être employé au profit des prisonniers de guerre de la même nationalité que ceux qui ont contribué à constituer ce fonds. En cas de rapatriement général, ces bénéfices seront conservés par la Puissance détentrice, sauf accord contraire conclu entre les Puissances intéressées.

## CHAPTER III

## HYGIENE AND MEDICAL ATTENTION

## ARTICLE 29

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

## ARTICLE 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

## ARTICLE 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war.

## CHAPITRE III

## HYGIÈNE ET SOINS MÉDICAUX

## ARTICLE 29

La Puissance détentrice sera tenue de prendre toutes les mesures d'hygiène nécessaires pour assurer la propreté et la salubrité des camps et pour prévenir les épidémies.

Les prisonniers de guerre disposeront, jour et nuit, d'installations conformes aux règles de l'hygiène et maintenues en état constant de propreté. Dans les camps où séjournent des prisonnières de guerre, des installations séparées devront leur être réservées.

En outre, et sans préjudice des bains et des douches dont les camps seront pourvus, il sera fourni aux prisonniers de guerre de l'eau et du savon en quantité suffisante pour leurs soins quotidiens de propreté corporelle et pour le blanchissage de leur linge ; les installations, les facilités et le temps nécessaires leur seront accordés à cet effet.

## ARTICLE 30

Chaque camp possédera une infirmerie adéquate où les prisonniers de guerre recevront les soins dont ils pourront avoir besoin, ainsi qu'un régime alimentaire approprié. Le cas échéant, des locaux d'isolement seront réservés aux malades atteints d'affections contagieuses ou mentales.

Les prisonniers de guerre atteints d'une maladie grave ou dont l'état nécessite un traitement spécial, une intervention chirurgicale ou l'hospitalisation, devront être admis dans toute formation militaire ou civile qualifiée pour les traiter, même si leur rapatriement est envisagé dans un proche avenir. Des facilités spéciales seront accordées pour les soins à donner aux invalides, en particulier aux aveugles, et pour leur rééducation, en attendant leur rapatriement.

Les prisonniers de guerre seront traités de préférence par un personnel médical de la Puissance dont ils dépendent et, si possible, de leur nationalité.

Les prisonniers de guerre ne pourront pas être empêchés de se présenter aux autorités médicales pour être examinés. Les autorités détentrices remettront, sur demande, à tout prisonnier traité une déclaration officielle indiquant la nature de ses blessures ou de sa maladie, la durée du traitement et les soins reçus. Un duplicata de cette déclaration sera envoyé à l'Agence centrale des prisonniers de guerre.

Les frais de traitement, y compris ceux de tout appareil nécessaire au maintien des prisonniers de guerre en bon état de santé, notamment des prothèses, dentaires ou autres, et des lunettes, seront à la charge de la Puissance détentrice.

## ARTICLE 31

Des inspections médicales des prisonniers de guerre seront faites au moins une fois par mois. Elles comprendront le contrôle et l'enregistrement du poids de chaque pri-

Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

#### ARTICLE 32

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

### CHAPTER IV

#### MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

#### ARTICLE 33

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

- (a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.

sonnier. Elles auront pour objet, en particulier, le contrôle de l'état général de santé et de nutrition, de l'état de propreté, ainsi que le dépistage des maladies contagieuses, notamment de la tuberculose, du paludisme et des affections vénériennes. A cet effet, les méthodes les plus efficaces disponibles seront employées, par exemple la radiographie périodique en série sur microfilm pour la détection de la tuberculose dès ses débuts.

#### ARTICLE 32

Les prisonniers de guerre qui, sans avoir été attachés au Service de santé de leurs forces armées, sont médecins, dentistes, infirmiers ou infirmières, pourront être requis par la Puissance détentrice d'exercer leurs fonctions médicales dans l'intérêt des prisonniers de guerre dépendant de la même Puissance qu'eux-mêmes. Dans ce cas, ils continueront à être prisonniers de guerre, mais ils devront cependant être traités de la même manière que les membres correspondants du personnel médical retenus par la Puissance détentrice. Ils seront exemptés de tout autre travail qui pourrait leur être imposé aux termes de l'article 49.

### CHAPITRE IV

#### PERSONNEL MÉDICAL ET RELIGIEUX RETENU POUR ASSISTER LES PRISONNIERS DE GUERRE

#### ARTICLE 33

Les membres du personnel sanitaire et religieux retenus au pouvoir de la Puissance détentrice en vue d'assister les prisonniers de guerre, ne seront pas considérés comme prisonniers de guerre. Toutefois, ils bénéficieront au moins de tous les avantages et de la protection de la présente Convention, ainsi que de toutes les facilités nécessaires pour leur permettre d'apporter leurs soins médicaux et leurs secours religieux aux prisonniers de guerre.

Ils continueront à exercer, dans le cadre des lois et règlements militaires de la Puissance détentrice, sous l'autorité de ses services compétents et en accord avec leur conscience professionnelle, leurs fonctions médicales ou spirituelles au profit des prisonniers de guerre appartenant de préférence aux forces armées dont ils relèvent. Ils jouiront, en outre, pour l'exercice de leur mission médicale ou spirituelle, des facilités suivantes :

- a) Ils seront autorisés à visiter périodiquement les prisonniers de guerre se trouvant dans des détachements de travail ou dans des hôpitaux situés à l'extérieur du camp. L'autorité détentrice mettra à leur disposition, à cet effet, les moyens de transport nécessaires.

TIAS 3362.  
*Ante*, p. 3132.

- (b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.
- (c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

## CHAPTER V

### RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

#### ARTICLE 34

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

#### ARTICLE 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censor-

- b) Dans chaque camp, le médecin militaire le plus ancien dans le grade le plus élevé sera responsable auprès des autorités militaires du camp pour tout ce qui concerne les activités du personnel sanitaire retenu. A cet effet, les Parties au conflit s'entendront dès le début des hostilités au sujet de la correspondance des grades de leur personnel sanitaire, y compris celui des sociétés visées à l'article 26 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949. Pour toutes les questions relevant de leur mission, ce médecin, ainsi d'ailleurs que les aumôniers, auront accès direct auprès des autorités compétentes du camp. Celles-ci leur donneront toutes les facilités nécessaires pour la correspondance ayant trait à ces questions.
- c) Bien qu'il soit soumis à la discipline intérieure du camp dans lequel il se trouve, le personnel retenu ne pourra être astreint à aucun travail étranger à sa mission médicale ou religieuse.

Au cours des hostilités, les Parties au conflit s'entendront au sujet d'une relève éventuelle du personnel retenu et en fixeront les modalités.

Aucune des dispositions qui précédent ne dispense la Puissance détentrice des obligations qui lui incombent à l'égard des prisonniers de guerre dans les domaines sanitaire et spirituel.

## CHAPITRE V

### RELIGION, ACTIVITÉS INTELLECTUELLES ET PHYSIQUES

#### ARTICLE 34

Toute latitude sera laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à condition qu'ils se conforment aux mesures de discipline courantes prescrites par l'autorité militaire.

Des locaux convenables seront réservés aux offices religieux.

#### ARTICLE 35

Les aumôniers qui tombent aux mains de la Puissance ennemie et qui seront restés ou retenus en vue d'assister les prisonniers de guerre, seront autorisés à leur apporter les secours de leur ministère et à l'exercer librement parmi leurs coreligionnaires en accord avec leur conscience religieuse. Ils seront répartis entre les différents camps et détachements de travail où se trouvent des prisonniers de guerre appartenant aux mêmes forces armées, parlant la même langue ou appartenant à la même religion. Ils bénéficieront des facilités nécessaires, et, en particulier, des moyens de transport prévus à l'article 33, pour visiter les prisonniers de guerre à l'extérieur de leur camp. Ils

ship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

#### ARTICLE 36

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

#### ARTICLE 37

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

#### ARTICLE 38

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

### CHAPTER VI

#### DISCIPLINE

#### ARTICLE 39

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining

jouiront de la liberté de correspondance, sous réserve de la censure, pour les actes religieux de leur ministère, avec les autorités ecclésiastiques du pays de détention et les organisations religieuses internationales. Les lettres et cartes qu'ils enverront dans ce but viendront s'ajouter au contingent prévu à l'article 71.

#### **ARTICLE 36**

Les prisonniers de guerre qui sont ministres d'un culte sans avoir été aumôniers dans leur propre armée recevront l'autorisation, quelle que soit la dénomination de leur culte, d'exercer pleinement leur ministère parmi leurs coreligionnaires. Ils seront traités à cet effet comme des aumôniers retenus par la Puissance détentrice. Ils ne seront astreints à aucun autre travail.

#### **ARTICLE 37**

Lorsque des prisonniers de guerre ne disposent pas du secours d'un aumônier retenu ou d'un prisonnier ministre de leur culte, un ministre appartenant soit à leur confession, soit à une confession similaire ou, à défaut, un laïque qualifié, lorsque cela est possible au point de vue confessionnel, sera désigné à la demande des prisonniers intéressés pour remplir cet office. Cette désignation, soumise à l'approbation de la Puissance détentrice, aura lieu en accord avec la communauté des prisonniers intéressés et, là où cela sera nécessaire, avec l'approbation de l'autorité religieuse locale de la même confession. La personne ainsi désignée devra se conformer à tous les règlements établis par la Puissance détentrice dans l'intérêt de la discipline et de la sécurité militaire.

#### **ARTICLE 38**

Tout en respectant les préférences individuelles de chaque prisonnier, la Puissance détentrice encouragera les activités intellectuelles, éducatives, récréatives et sportives des prisonniers de guerre ; elle prendra les mesures nécessaires pour en assurer l'exercice, en mettant à leur disposition des locaux adéquats et l'équipement nécessaire.

Les prisonniers de guerre devront avoir la possibilité de se livrer à des exercices physiques, y compris sports et jeux, et de bénéficier du plein air. Des espaces libres suffisants seront réservés à cet usage dans tous les camps.

### **CHAPITRE VI**

#### **DISCIPLINE**

#### **ARTICLE 39**

Chaque camp de prisonniers de guerre sera placé sous l'autorité directe d'un officier responsable appartenant aux forces armées régulières de la Puissance détentrice. Cet

Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

#### ARTICLE 40

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

#### ARTICLE 41

*Post*, p. 3432.

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

#### ARTICLE 42

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

### CHAPTER VII

#### RANK OF PRISONERS OF WAR

#### ARTICLE 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent

officier possédera le texte de la présente Convention, veillera à ce que ses dispositions soient connues du personnel qui est sous ses ordres et sera responsable de son application, sous le contrôle de son gouvernement.

Les prisonniers de guerre, à l'exception des officiers, devront le salut et les marques extérieures de respect prévus par les règlements en vigueur dans leur propre armée à tous les officiers de la Puissance détentrice.

Les officiers prisonniers de guerre ne seront tenus de saluer que les officiers de grade supérieur de cette Puissance ; toutefois, ils devront le salut au commandant du camp quel que soit son grade.

#### **ARTICLE 40**

Le port des insignes de grade et de nationalité, ainsi que des décorations, sera autorisé.

#### **ARTICLE 41**

Dans chaque camp, le texte de la présente Convention, de ses annexes et le contenu de tous accords spéciaux prévus à l'article 6, seront affichés, dans la langue des prisonniers de guerre, à des emplacements où ils pourront être consultés par tous les prisonniers. Ils seront communiqués, sur demande, aux prisonniers qui se trouveraient dans l'impossibilité de prendre connaissance du texte affiché.

Les règlements, ordres, avertissements et publications de toute nature relatifs à la conduite des prisonniers de guerre leur seront communiqués dans une langue qu'ils comprennent ; ils seront affichés dans les conditions prévues ci-dessus, et des exemplaires en seront transmis à l'homme de confiance. Tous les ordres et commandements adressés individuellement à des prisonniers devront également être donnés dans une langue qu'ils comprennent.

#### **ARTICLE 42**

L'usage des armes contre les prisonniers de guerre, en particulier contre ceux qui s'évadent ou tentent de s'évader, ne constituera qu'un moyen extrême qui sera toujours précédé de sommations appropriées aux circonstances.

### **CHAPITRE VII**

#### **GRADES DES PRISONNIERS DE GUERRE**

#### **ARTICLE 43**

Dès l'ouverture des hostilités, les Parties au conflit se communiqueront réciproquement les titres et grades de toutes les personnes mentionnées à l'article 4 de la présente Convention, en vue d'assurer l'égalité de traitement entre les prisonniers de grade

rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

#### ARTICLE 44

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

#### ARTICLE 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

### CHAPTER VIII

#### TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

#### ARTICLE 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

équivalent ; si des titres et grades sont créés postérieurement, ils feront l'objet d'une communication analogue.

La Puissance détentrice reconnaîtra les promotions de grade dont les prisonniers de guerre feraient l'objet et qui lui seront régulièrement notifiées par la Puissance dont ils dépendent.

#### ARTICLE 44

Les officiers et assimilés prisonniers de guerre seront traités avec les égards dus à leur grade et à leur âge.

En vue d'assurer le service des camps d'officiers, des soldats prisonniers de guerre des mêmes forces armées, et autant que possible parlant la même langue, y seront détachés, en nombre suffisant, en tenant compte du grade des officiers et assimilés ; ils ne pourront être astreints à aucun autre travail.

La gestion de l'ordinaire par les officiers eux-mêmes sera favorisée de toute manière

#### ARTICLE 45

Les prisonniers de guerre autres que les officiers et assimilés seront traités avec les égards dus à leur grade et à leur âge.

La gestion de l'ordinaire par les prisonniers eux-mêmes sera favorisée de toute manière.

### CHAPITRE VIII

#### TRANSFERT DES PRISONNIERS DE GUERRE APRÈS LEUR ARRIVÉE DANS UN CAMP

#### ARTICLE 46

La Puissance détentrice, en décidant le transfert des prisonniers de guerre, devra tenir compte des intérêts des prisonniers eux-mêmes, en vue, notamment, de ne pas accroître les difficultés de leur rapatriement.

Le transfert des prisonniers de guerre s'effectuera toujours avec humanité et dans des conditions qui ne devront pas être moins favorables que celles dont bénéficient les troupes de la Puissance détentrice dans leurs déplacements. Il sera toujours tenu compte des conditions climatiques auxquelles les prisonniers de guerre sont accoutumés et les conditions du transfert ne seront en aucun cas préjudiciables à leur santé.

La Puissance détentrice fournira aux prisonniers de guerre, pendant le transfert, de l'eau potable et de la nourriture en suffisance pour les maintenir en bonne santé, ainsi que les vêtements, le logement et les soins médicaux nécessaires. Elle prendra toutes les précautions utiles, notamment en cas de voyage par mer ou par la voie des airs, pour assurer leur sécurité pendant le transfert et elle établira, avant leur départ, la liste complète des prisonniers transférés.

**ARTICLE 47**

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

**ARTICLE 48**

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

**SECTION III****LABOUR OF PRISONERS OF WAR****ARTICLE 49**

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

**ARTICLE 47**

Les prisonniers de guerre malades ou blessés ne seront pas transférés tant que leur guérison pourrait être compromise par le voyage, à moins que leur sécurité ne l'exige impérieusement.

Si le front se rapproche d'un camp, les prisonniers de guerre de ce camp ne seront transférés que si leur transfert peut s'effectuer dans des conditions suffisantes de sécurité, ou s'ils courrent de plus grands risques à rester sur place qu'à être transférés.

**ARTICLE 48**

En cas de transfert, les prisonniers de guerre seront avisés officiellement de leur départ et de leur nouvelle adresse postale ; cet avis leur sera donné assez tôt pour qu'ils puissent préparer leurs bagages et avertir leur famille.

Ils seront autorisés à emporter leurs effets personnels, leur correspondance et les colis arrivés à leur adresse ; le poids de ces effets pourra être limité, si les circonstances du transfert l'exigent, à ce que le prisonnier peut raisonnablement porter, mais en aucun cas le poids autorisé ne dépassera vingt-cinq kilos.

La correspondance et les colis adressés à leur ancien camp leur seront transmis sans délai. Le commandant du camp prendra, d'entente avec l'homme de confiance, les mesures nécessaires pour assurer le transfert des biens collectifs des prisonniers de guerre et des bagages que les prisonniers ne pourraient emporter avec eux en raison d'une limitation prise en vertu du deuxième alinéa du présent article.

Les frais causés par les transferts seront à la charge de la Puissance détentrice.

**SECTION III****TRAVAIL DES PRISONNIERS DE GUERRE****ARTICLE 49**

La Puissance détentrice pourra employer les prisonniers de guerre valides comme travailleurs, en tenant compte de leur âge, de leur sexe, de leur grade ainsi que de leurs aptitudes physiques, et en vue notamment de les maintenir dans un bon état de santé physique et morale.

Les sous-officiers prisonniers de guerre ne pourront être astreints qu'à des travaux de surveillance. Ceux qui n'y seraient pas astreints pourront demander un autre travail qui leur convienne et qui leur sera procuré dans la mesure du possible.

Si les officiers ou assimilés demandent un travail qui leur convienne, celui-ci leur sera procuré dans la mesure du possible. Ils ne pourront en aucun cas être astreints au travail.

**ARTICLE 50**

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

**ARTICLE 51**

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment ; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

**ARTICLE 52**

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

**ARTICLE 50**

En dehors des travaux en rapport avec l'administration, l'aménagement ou l'entretien de leur camp, les prisonniers de guerre ne pourront être astreints qu'à des travaux appartenant aux catégories énumérées ci-après :

- a) agriculture ;
- b) industries productives, extractives, ou manufacturières, à l'exception des industries métallurgiques, mécaniques et chimiques, des travaux publics et des travaux du bâtiment de caractère militaire ou à destination militaire ;
- c) transports et manutention, sans caractère ou destination militaire ;
- d) activités commerciales ou artistiques ;
- e) services domestiques ;
- f) services publics sans caractère ou destination militaire.

En cas de violation des prescriptions ci-dessus, les prisonniers de guerre seront autorisés à exercer leur droit de plainte, conformément à l'article 78.

**ARTICLE 51**

Les prisonniers de guerre devront bénéficier de conditions de travail convenables, particulièrement en ce qui concerne le logement, la nourriture, l'habillement et le matériel ; ces conditions ne devront pas être inférieures à celles qui sont réservées aux nationaux de la Puissance détentrice employés à des travaux similaires ; il sera également tenu compte des conditions climatiques.

La Puissance détentrice qui utilise le travail des prisonniers de guerre assurera, dans les régions où ces prisonniers travaillent, l'application des lois nationales sur la protection du travail et, plus particulièrement, des règlements sur la sécurité des ouvriers.

Les prisonniers de guerre devront recevoir une formation et être pourvus de moyens de protection appropriés au travail qu'ils doivent accomplir et semblables à ceux prévus pour les ressortissants de la Puissance détentrice. Sous réserve des dispositions de l'article 52, les prisonniers pourront être soumis aux risques normaux encourus par la main-d'œuvre civile.

En aucun cas, les conditions de travail ne pourront être rendues plus pénibles par des mesures disciplinaires.

**ARTICLE 52**

A moins qu'il ne soit volontaire, aucun prisonnier de guerre ne pourra être employé à des travaux de caractère malsain ou dangereux.

Aucun prisonnier de guerre ne sera affecté à un travail pouvant être considéré comme humiliant pour un membre des forces armées de la Puissance détentrice.

The removal of mines or similar devices shall be considered as dangerous labour.

#### ARTICLE 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

#### ARTICLE 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

#### ARTICLE 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

#### ARTICLE 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

L'enlèvement des mines ou d'autres engins analogues sera considéré comme un travail dangereux.

#### ARTICLE 53

La durée du travail journalier des prisonniers de guerre, y compris celle du trajet d'aller et de retour, ne sera pas excessive et ne devra, en aucun cas, dépasser celle qui est admise pour des ouvriers civils de la région, ressortissants de la Puissance détentrice, employés au même travail.

Il sera obligatoirement accordé aux prisonniers de guerre, au milieu du travail quotidien, un repos d'une heure au moins ; ce repos sera le même que celui qui est prévu pour les ouvriers de la Puissance détentrice si ce dernier est de plus longue durée. Il leur sera également accordé un repos de vingt-quatre heures consécutives chaque semaine, de préférence le dimanche ou le jour de repos observé dans leur pays d'origine. De plus, tout prisonnier ayant travaillé une année bénéficiera d'un repos de huit jours consécutifs pendant lequel son indemnité de travail lui sera payée.

Si des méthodes de travail telles que le travail aux pièces sont employées, elles ne devront pas rendre excessive la durée du travail.

#### ARTICLE 54

L'indemnité de travail due aux prisonniers de guerre sera fixée selon les stipulations de l'article 62 de la présente Convention.

Les prisonniers de guerre qui sont victimes d'accidents de travail ou qui contractent une maladie au cours ou à cause de leur travail recevront tous les soins que nécessite leur état. En outre, la Puissance détentrice leur remettra un certificat médical leur permettant de faire valoir leurs droits auprès de la Puissance dont ils dépendent, et elle en fera tenir un double à l'Agence centrale des prisonniers de guerre prévue à l'article 123.

#### ARTICLE 55

L'aptitude au travail des prisonniers de guerre sera contrôlée périodiquement par des examens médicaux, au moins une fois par mois. Dans ces examens, il devra être tenu particulièrement compte de la nature des travaux auxquels les prisonniers de guerre sont astreints.

Si un prisonnier de guerre s'estime incapable de travailler, il sera autorisé à se présenter devant les autorités médicales de son camp ; les médecins pourront recommander que les prisonniers qui, à leur avis, sont inaptes au travail, en soient exemptés.

#### ARTICLE 56

Le régime des détachements de travail sera semblable à celui des camps de prisonniers de guerre.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

#### ARTICLE 57

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

### SECTION IV

#### FINANCIAL RESOURCES OF PRISONERS OF WAR

#### ARTICLE 58

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

Tout détachement de travail continuera à être placé sous le contrôle d'un camp de prisonniers de guerre et à en dépendre administrativement. Les autorités militaires et le commandant de ce camp seront responsables, sous le contrôle de leur gouvernement, de l'observation, dans le détachement de travail, des dispositions de la présente Convention.

Le commandant du camp tiendra à jour une liste des détachements de travail dépendant de son camp et la communiquera aux délégués de la Puissance protectrice, du Comité international de la Croix-Rouge ou d'autres organismes venant en aide aux prisonniers de guerre, qui visiteraient le camp.

#### ARTICLE 57

Le traitement des prisonniers de guerre travaillant pour le compte de particuliers, même si ceux-ci en assurent la garde et la protection sous leur propre responsabilité, sera au moins égal à celui qui est prévu par la présente Convention ; la Puissance détentrice, les autorités militaires et le commandant du camp auquel appartiennent ces prisonniers assumeront l'entièvre responsabilité de l'entretien, des soins, du traitement et du paiement de l'indemnité de travail de ces prisonniers de guerre.

Ces prisonniers de guerre auront le droit de rester en contact avec les hommes de confiance des camps dont ils dépendent.

### SECTION IV

#### RESSOURCES PÉCUNIAIRES DES PRISONNIERS DE GUERRE

#### ARTICLE 58

Dès le début des hostilités et en attendant de s'être mise d'accord à ce sujet avec la Puissance protectrice, la Puissance détentrice pourra fixer la somme maximum en espèces ou sous une forme analogue que les prisonniers de guerre pourront avoir sur eux. Tout excédent légitimement en leur possession, retiré ou retenu, sera, de même que tout dépôt d'argent effectué par eux, porté à leur compte et ne pourra être converti en une autre monnaie sans leur assentiment.

Quand les prisonniers de guerre seront autorisés à faire des achats ou à recevoir des services, contre paiements en espèces, à l'extérieur du camp, ces paiements seront effectués par les prisonniers eux-mêmes ou par l'administration du camp, qui portera ces paiements au débit du compte des prisonniers intéressés. La Puissance détentrice édictera les dispositions nécessaires à ce sujet.

**ARTICLE 59**

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

**ARTICLE 60**

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I : Prisoners ranking below sergeants: eight Swiss francs.

Category II : Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III : Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV : Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V : General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power :

(a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

**ARTICLE 59**

Les sommes en monnaie de la Puissance détentrice retirées aux prisonniers de guerre, conformément à l'article 18, au moment où ils sont faits prisonniers, seront portées au crédit du compte de chacun d'eux, conformément aux dispositions de l'article 64 de la présente Section.

Seront également portées au crédit de ce compte les sommes en monnaie de la Puissance détentrice qui proviennent de la conversion des sommes en d'autres monnaies, retirées aux prisonniers de guerre à ce même moment.

**ARTICLE 60**

La Puissance détentrice versera à tous les prisonniers de guerre une avance de solde mensuelle, dont le montant sera fixé par la conversion dans la monnaie de ladite Puissance des sommes suivantes :

- Catégorie I : prisonniers de grade inférieur à sergent : huit francs suisses ;
- Catégorie II : sergents et autres sous-officiers ou prisonniers de grade équivalent : douze francs suisses ;
- Catégorie III : officiers jusqu'au grade de capitaine ou prisonniers de grade équivalent : cinquante francs suisses ;
- Catégorie IV : commandants ou majors, lieutenants-colonels, colonels ou prisonniers de grade équivalent : soixante francs suisses ;
- Catégorie V : officiers généraux ou prisonniers de grade équivalent : soixantequinze francs suisses.

Toutefois, les Parties au conflit intéressées pourront modifier par accords spéciaux le montant des avances de solde dû aux prisonniers de guerre des différentes catégories énumérées ci-dessus.

En outre, si les montants prévus au premier alinéa ci-dessus étaient trop élevés comparés à la solde payée aux membres des forces armées de la Puissance détentrice ou si, pour toute autre raison, ils devaient causer un embarras sérieux à cette Puissance, celle-ci, en attendant la conclusion d'un accord spécial avec la Puissance dont dépendent les prisonniers de guerre en vue de modifier ces montants :

- a) continuera de créditer les comptes des prisonniers de guerre des montants indiqués au premier alinéa,
- b) pourra temporairement limiter à des sommes qui sont raisonnables les montants, prélevés sur les avances de solde, qu'elle mettra à la disposition des prisonniers de guerre pour leur usage ; toutefois, pour les prisonniers de la catégorie I, ces sommes ne seront jamais inférieures à celles que verse la Puissance détentrice aux membres de ses propres forces armées.

Les raisons d'une telle limitation seront communiquées sans délai à la Puissance protectrice.

**ARTICLE 61**

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

**ARTICLE 62**

Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

**ARTICLE 63**

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving

**ARTICLE 61**

La Puissance détentrice acceptera les envois d'argent que la Puissance dont dépendent les prisonniers de guerre leur fera parvenir à titre de supplément de solde, à condition que les montants soient les mêmes pour chaque prisonnier de la même catégorie, qu'ils soient versés à tous les prisonniers de cette catégorie dépendant de cette Puissance, et qu'ils soient portés, dès que possible, au crédit des comptes individuels des prisonniers, conformément aux dispositions de l'article 64. Ces suppléments de solde ne dispenseront la Puissance détentrice d'aucune des obligations qui lui incombent aux termes de la présente Convention.

**ARTICLE 62**

Les prisonniers de guerre recevront, directement des autorités détentrices, une indemnité de travail équitable, dont le taux sera fixé par ces autorités, mais qui ne pourra jamais être inférieure à un quart de franc suisse par journée entière de travail. La Puissance détentrice fera connaître aux prisonniers ainsi qu'à la Puissance dont ils dépendent, par l'entremise de la Puissance protectrice, le taux des indemnités de travail journalières qu'elle aura fixé.

Une indemnité de travail sera également versée par les autorités détentrices aux prisonniers de guerre affectés d'une manière permanente à des fonctions ou à un travail artisanal en rapport avec l'administration, l'aménagement intérieur ou l'entretien des camps, ainsi qu'aux prisonniers requis d'exercer des fonctions spirituelles ou médicales au profit de leurs camarades.

L'indemnité de travail de l'homme de confiance, de ses auxiliaires et, éventuellement, de ses conseillers sera prélevée sur le fonds alimenté par les bénéfices de cantine ; le taux en sera fixé par l'homme de confiance et approuvé par le commandant du camp. Si ce fonds n'existe pas, les autorités détentrices verseront à ces prisonniers une indemnité de travail équitable.

**ARTICLE 63**

Les prisonniers de guerre seront autorisés à recevoir les envois d'argent qui leur seront adressés individuellement ou collectivement.

Chaque prisonnier de guerre disposera du solde créditeur de son compte, tel qu'il est prévu à l'article suivant, dans les limites fixées par la Puissance détentrice, qui effectuera les paiements demandés. Sous réserve des restrictions financières ou monétaires qu'elle estime essentielles, les prisonniers de guerre seront autorisés à effectuer des paiements à l'étranger. Dans ce cas, la Puissance détentrice favorisera spécialement les paiements que les prisonniers adressent aux personnes qui sont à leur charge.

En tout état de cause, les prisonniers de guerre pourront, si la Puissance dont ils dépendent y consent, faire exécuter des paiements dans leur propre pays selon la procédure suivante : la Puissance détentrice fera parvenir à ladite Puissance, par l'entre-

all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

#### ARTICLE 64

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

- (1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.
- (2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

#### ARTICLE 65

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

#### ARTICLE 66

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power

mise de la Puissance protectrice, un avis qui comprendra toutes indications utiles sur l'auteur et le bénéficiaire du paiement ainsi que le montant de la somme à payer, exprimé en monnaie de la Puissance détentrice ; cet avis sera signé par le prisonnier intéressé et contresigné par le commandant du camp. La Puissance détentrice débitera le compte du prisonnier de ce montant ; les sommes ainsi débitées seront portées par elle au crédit de la Puissance dont dépendent les prisonniers.

Pour appliquer les prescriptions qui précédent, la Puissance détentrice pourra ultillement consulter le règlement-type figurant dans l'annexe V de la présente Convention.

#### ARTICLE 64

La Puissance détentrice tiendra pour chaque prisonnier de guerre un compte qui contiendra au moins les indications suivantes :

- 1) les montants dus au prisonnier ou reçus par lui à titre d'avance de solde, d'indemnité de travail ou à tout autre titre ; les sommes, en monnaie de la Puissance détentrice, retirées au prisonnier ; les sommes retirées au prisonnier et converties, sur sa demande, en monnaie de ladite Puissance ;
- 2) les sommes remises au prisonnier en espèces ou sous une forme analogue ; les paiements faits pour son compte et à sa demande ; les sommes transférées selon le troisième alinéa de l'article précédent.

#### ARTICLE 65

Toute écriture passée au compte d'un prisonnier de guerre sera contresignée ou paraphée par lui ou par l'homme de confiance agissant en son nom.

Les prisonniers de guerre recevront en tout temps des facilités raisonnables pour consulter leur compte et en recevoir une copie ; le compte pourra être vérifié également par les représentants de la Puissance protectrice lors des visites de camp.

Lors du transfert des prisonniers de guerre d'un camp dans un autre, leur compte personnel les suivra. En cas de transfert d'une Puissance détentrice à une autre, les sommes leur appartenant qui ne sont pas dans la monnaie de la Puissance détentrice les suivront ; une attestation leur sera délivrée pour toutes les autres sommes qui resteraient au crédit de leur compte.

Les Parties au conflit intéressées pourront s'entendre pour se communiquer, par l'entremise de la Puissance protectrice et à des intervalles déterminés, les relevés des comptes des prisonniers de guerre.

#### ARTICLE 66

Lorsque la captivité du prisonnier de guerre prendra fin, par libération ou rapatriement, la Puissance détentrice lui délivrera une déclaration signée par un officier compétent et attestant le solde créditeur qui lui est dû à la fin de sa captivité. D'autre part,

shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

#### ARTICLE 67

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

#### ARTICLE 68

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

la Puissance détentrice fera parvenir à la Puissance dont dépendent les prisonniers de guerre, par l'entremise de la Puissance protectrice, des listes donnant toute les indications sur les prisonniers dont la captivité a pris fin par rapatriement, libération, évasion, décès ou toute autre manière, et attestant notamment les soldes créditeurs de leurs comptes. Chaque feuille de ces listes sera authentifiée par un représentant autorisé de la Puissance détentrice.

Les Puissances intéressées pourront, par accord spécial, modifier tout ou partie des dispositions prévues ci-dessus.

La Puissance dont le prisonnier de guerre dépend sera responsable du soin de régler avec lui le solde créditeur lui restant dû par la Puissance détentrice à la fin de sa captivité.

#### ARTICLE 67

Les avances de solde versées aux prisonniers de guerre conformément à l'article 60 seront considérées comme faites au nom de la Puissance dont ils dépendent ; ces avances de solde, ainsi que tous les paiements exécutés par ladite Puissance en vertu de l'article 63, troisième alinéa, et de l'article 68, feront l'objet d'arrangements entre les Puissances intéressées, à la fin des hostilités.

#### ARTICLE 68

Toute demande d'indemnité faite par un prisonnier de guerre en raison d'un accident ou d'une autre invalidité résultant du travail sera communiquée à la Puissance dont il dépend par l'entremise de la Puissance protectrice. Conformément aux dispositions de l'article 54, la Puissance détentrice remettra dans tous les cas au prisonnier de guerre une déclaration attestant la nature de la blessure ou de l'invalidité, les circonstances dans lesquelles elle s'est produite et les renseignements relatifs aux soins médicaux ou hospitaliers qui lui ont été donnés. Cette déclaration sera signée par un officier responsable de la Puissance détentrice et les renseignements d'ordre médical seront certifiés conformes par un médecin du Service de santé.

La Puissance détentrice communiquera également à la Puissance dont dépendent les prisonniers de guerre toute demande d'indemnité présentée par un prisonnier au sujet des effets personnels, sommes ou objets de valeur, qui lui ont été retirés aux termes de l'article 18 et qui ne lui ont pas été restitués lors de son rapatriement, de même que toute demande d'indemnité relative à une perte que le prisonnier attribue à la faute de la Puissance détentrice ou d'un de ses agents. En revanche, la Puissance détentrice remplacera à ses frais les effets personnels dont le prisonnier aurait besoin durant sa captivité. Dans tous les cas, la Puissance détentrice remettra au prisonnier une déclaration signée par un officier responsable et donnant toutes les informations utiles sur les raisons pour lesquelles ces effets, sommes ou objets de valeur ne lui ont pas été restitués. Un duplicata de cette déclaration sera adressé à la Puissance dont dépend le prisonnier par l'entremise de l'Agence centrale des prisonniers de guerre prévue à l'article 123.

## SECTION V

## RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

## ARTICLE 69

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

## ARTICLE 70

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

## ARTICLE 71

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the

## SECTION V

## RELATIONS DES PRISONNIERS DE GUERRE AVEC L'EXTÉRIEUR

## ARTICLE 69

Dès qu'elle aura en son pouvoir des prisonniers de guerre, la Puissance détentrice portera à leur connaissance ainsi qu'à celle de la Puissance dont ils dépendent, par l'entremise de la Puissance protectrice, les mesures prévues pour l'exécution des dispositions de la présente Section ; elle notifiera de même toute modification apportée à ces mesures.

## ARTICLE 70

Chaque prisonnier de guerre sera mis en mesure, dès qu'il aura été fait prisonnier ou, au plus tard, une semaine après son arrivée dans un camp, même s'il s'agit d'un camp de transit, et de même en cas de maladie ou de transfert dans un lazaret ou dans un autre camp, d'adresser directement à sa famille, d'une part, et à l'Agence centrale des prisonniers de guerre prévue à l'article 123, d'autre part, une carte établie si possible selon le modèle annexé à la présente Convention, les informant de sa captivité, de son adresse et de son état de santé. Lesdites cartes seront transmises avec toute la rapidité possible et ne pourront être retardées d'aucune manière.

## ARTICLE 71

Les prisonniers de guerre seront autorisés à expédier ainsi qu'à recevoir des lettres et des cartes. Si la Puissance détentrice estime nécessaire de limiter cette correspondance, elle devra au moins autoriser l'envoi de deux lettres et quatre cartes par mois, établies autant que possible selon les modèles annexés à la présente Convention (et ceci sans compter les cartes prévues à l'article 70). D'autres limitations ne pourront être imposées que si la Puissance protectrice a tout lieu de les estimer dans l'intérêt des prisonniers eux-mêmes, vu les difficultés que la Puissance détentrice rencontre dans le recrutement d'un nombre suffisant de traducteurs qualifiés pour effectuer la censure nécessaire. Si la correspondance adressée aux prisonniers doit être restreinte, cette décision ne pourra être prise que par la Puissance dont ils dépendent, éventuellement à la demande de la Puissance détentrice. Ces lettres et cartes devront être acheminées par les moyens les plus rapides dont dispose la Puissance détentrice ; elles ne pourront être retardées ni retenues pour des raisons de discipline.

Les prisonniers de guerre qui sont depuis longtemps sans nouvelles de leur famille ou qui se trouvent dans l'impossibilité d'en recevoir ou de lui en donner par la voie ordinaire, de même que ceux qui sont séparés des leurs par des distances considérables, seront autorisés à expédier des télégrammes dont les taxes seront passées au débit de

Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

#### ARTICLE 72

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

#### ARTICLE 73

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

leur compte auprès de la Puissance détentrice ou payées avec l'argent dont ils disposent. Les prisonniers bénéficieront également d'une telle mesure en cas d'urgence.

En règle générale, la correspondance des prisonniers sera rédigée dans leur langue maternelle. Les Parties au conflit pourront autoriser la correspondance en d'autres langues.

Les sacs contenant le courrier des prisonniers seront soigneusement scellés, étiquetés de façon à indiquer clairement leur contenu et adressés aux bureaux de poste de destination.

#### ARTICLE 72

Les prisonniers de guerre seront autorisés à recevoir par voie postale ou par tout autre moyen des envois individuels ou collectifs contenant notamment des denrées alimentaires, des vêtements, des médicaments et des articles destinés à satisfaire à leurs besoins en matière de religion, d'études ou de loisirs, y compris des livres, des objets de culte, du matériel scientifique, des formules d'examen, des instruments de musique, des accessoires de sport et du matériel permettant aux prisonniers de poursuivre leurs études ou d'exercer une activité artistique.

Ces envois ne pourront en aucune façon libérer la Puissance détentrice des obligations qui lui incombent en vertu de la présente Convention.

Les seules restrictions qui pourront être apportées à ces envois seront celles qui seront proposées par la Puissance protectrice, dans l'intérêt des prisonniers de guerre eux-mêmes, ou, en ce qui concerne leurs envois respectifs seulement, en raison de l'encombrement exceptionnel des moyens de transport et de communication, par le Comité international de la Croix-Rouge ou tout autre organisme venant en aide aux prisonniers de guerre.

Les modalités relatives à l'expédition des envois individuels ou collectifs feront l'objet, s'il y a lieu, d'accords spéciaux entre les Puissances intéressées, qui ne pourront en aucun cas retarder la distribution des envois de secours aux prisonniers de guerre. Les envois de vivres ou de vêtements ne contiendront pas de livres ; les secours médicaux seront, en général, envoyés dans des colis collectifs.

#### ARTICLE 73

A défaut d'accords spéciaux entre les Puissances intéressées sur les modalités relatives à la réception ainsi qu'à la distribution des envois de secours collectifs, le règlement concernant les secours collectifs annexé à la présente Convention sera appliqué.

Les accords spéciaux prévus ci-dessus ne pourront en aucun cas restreindre le droit des hommes de confiance de prendre possession des envois de secours collectifs destinés aux prisonniers de guerre, de procéder à leur distribution et d'en disposer dans l'intérêt des prisonniers.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

#### ARTICLE 74

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

#### ARTICLE 75

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

Ces accords ne pourront pas non plus restreindre le droit qu'auront les représentants de la Puissance protectrice, du Comité international de la Croix-Rouge ou de tout autre organisme venant en aide aux prisonniers qui serait chargé de transmettre ces envois collectifs, d'en contrôler la distribution à leurs destinataires.

#### ARTICLE 74

Tous les envois de secours destinés aux prisonniers de guerre seront exempts de tous droits d'entrée, de douane et autres.

La correspondance, les envois de secours et les envois autorisés d'argent adressés aux prisonniers de guerre ou expédiés par eux, par voie postale, soit directement, soit par l'entremise des Bureaux de renseignements prévus à l'article 122 et de l'Agence centrale des prisonniers de guerre prévue à l'article 123, seront exonérés de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les frais de transport des envois de secours destinés aux prisonniers de guerre, qui, en raison de leur poids ou pour tout autre motif, ne peuvent pas leur être transmis par voie postale, seront à la charge de la Puissance détentrice dans tous les territoires placés sous son contrôle. Les autres Puissances parties à la Convention supporteront les frais de transport dans leurs territoires respectifs.

En l'absence d'accords spéciaux entre les Puissances intéressées, les frais résultant du transport de ces envois, qui ne seraient pas couverts par les franchises prévues ci-dessus, seront à la charge de l'expéditeur.

Les Hautes Parties contractantes s'efforceront de réduire autant que possible les taxes télégraphiques pour les télégrammes expédiés par les prisonniers de guerre ou qui leur sont adressés.

#### ARTICLE 75

Au cas où les opérations militaires empêcheraient les Puissances intéressées de remplir l'obligation qui leur incombe d'assurer le transport des envois prévus aux articles 70, 71, 72 et 77, les Puissances protectrices intéressées, le Comité international de la Croix-Rouge ou tout autre organisme agréé par les Parties au conflit, pourront entreprendre d'assurer le transport de ces envois avec les moyens adéquats (wagons, camions, bateaux ou avions, etc.). A cet effet, les Hautes Parties contractantes s'efforceront de leur procurer ces moyens de transport et d'en autoriser la circulation, notamment en accordant les sauf-conduits nécessaires.

Ces moyens de transport pourront être également utilisés pour acheminer :

- a) la correspondance, les listes et les rapports échangés entre l'Agence centrale de renseignements prévue à l'article 123 et les Bureaux nationaux prévus à l'article 122 ;

(b) correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

#### ARTICLE 76

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

#### ARTICLE 77

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

b) la correspondance et les rapports concernant les prisonniers de guerre que les Puissances protectrices, le Comité international de la Croix-Rouge ou tout autre organisme venant en aide aux prisonniers échangent soit avec leurs propres délégués, soit avec les Parties au conflit.

Les présentes dispositions ne restreignent en rien le droit de toute Partie au conflit d'organiser, si elle le préfère, d'autres transports et de délivrer des sauf-conduits aux conditions qui pourront être convenues.

En l'absence d'accords spéciaux, les frais occasionnés par l'emploi de ces moyens de transport seront supportés proportionnellement par les Parties au conflit dont les ressortissants bénéficient de ces services.

#### ARTICLE 76

La censure de la correspondance adressée aux prisonniers de guerre ou expédiée par eux devra être faite dans le plus bref délai possible. Elle ne pourra être effectuée que par les Etats expéditeur et destinataire, et une seule fois par chacun d'eux.

Le contrôle des envois destinés aux prisonniers de guerre ne devra pas s'effectuer dans des conditions telles qu'il compromette la conservation des denrées qu'ils contiennent et il se fera, à moins qu'il ne s'agisse d'un écrit ou d'un imprimé, en présence du destinataire ou d'un camarade dûment mandaté par lui. La remise des envois individuels ou collectifs aux prisonniers ne pourra être retardée sous prétexte de difficultés de censure.

Toute interdiction de correspondance édictée par les Parties au conflit, pour des raisons militaires ou politiques, ne pourra être que temporaire et d'une durée aussi brève que possible.

#### ARTICLE 77

Les Puissances détentrices assureront toutes facilités pour la transmission, par l'entremise de la Puissance protectrice ou de l'Agence centrale des prisonniers de guerre prévue à l'article 123, des actes, pièces et documents, destinés aux prisonniers de guerre ou qui émanent d'eux, en particulier des procurations ou des testaments.

Dans tous les cas, les Puissances détentrices faciliteront aux prisonniers de guerre l'établissement de ces documents ; elles les autoriseront en particulier à consulter un juriste et prendront les mesures nécessaires pour faire attester l'authenticité de leur signature.

## SECTION VI

## RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

## CHAPTER I

COMPLAINTS OF PRISONERS OF WAR  
RESPECTING THE CONDITIONS OF CAPTIVITY

## ARTICLE 78

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

## CHAPTER II

## PRISONER OF WAR REPRESENTATIVES

## ARTICLE 79

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

## SECTION VI

## RAPPORTS DES PRISONNIERS DE GUERRE AVEC LES AUTORITÉS

## CHAPITRE I

PLAINTES DES PRISONNIERS DE GUERRE  
EN RAISON DU RÉGIME DE LA CAPTIVITÉ

## ARTICLE 78

Les prisonniers de guerre auront le droit de présenter aux autorités militaires au pouvoir desquelles ils se trouvent des requêtes concernant le régime de captivité auquel ils sont soumis.

Ils auront également, sans restriction, le droit de s'adresser soit par l'entremise de l'homme de confiance, soit directement s'ils l'estiment nécessaire, aux représentants des Puissances protectrices, pour leur indiquer les points sur lesquels ils auraient des plaintes à formuler à l'égard du régime de la captivité.

Ces requêtes et plaintes ne seront pas limitées ni considérées comme faisant partie du contingent de correspondance mentionné à l'article 71. Elles devront être transmises d'urgence. Elles ne pourront donner lieu à aucune punition, même si elles sont reconnues non fondées.

Les hommes de confiance pourront envoyer aux représentants des Puissances protectrices des rapports périodiques sur la situation dans les camps et les besoins des prisonniers de guerre.

## CHAPITRE II

## REPRÉSENTANTS DES PRISONNIERS DE GUERRE

## ARTICLE 79

Dans tous les lieux où se trouvent des prisonniers de guerre, à l'exception de ceux où se trouvent des officiers, les prisonniers éliront librement et au scrutin secret, tous les six mois, et de même en cas de vacance, des hommes de confiance chargés de les représenter auprès des autorités militaires, des Puissances protectrices, du Comité international de la Croix-Rouge et de tout autre organisme qui leur viendrait en aide. Ces hommes de confiance seront rééligibles.

Dans les camps d'officiers et assimilés ou dans les camps mixtes, l'officier prisonnier de guerre le plus ancien dans le grade le plus élevé sera reconnu comme l'homme de confiance. Dans les camps d'officiers, il sera assisté d'un ou de plusieurs conseillers choisis par les officiers ; dans les camps mixtes, ses assistants seront choisis parmi les prisonniers de guerre autres que les officiers et élus par eux.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

#### ARTICLE 80

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

#### ARTICLE 81

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and the bodies which give assistance to prisoners of war.

Dans les camps de travail pour prisonniers de guerre, des officiers prisonniers de guerre de même nationalité seront placés afin de remplir les fonctions administratives du camp incombant aux prisonniers de guerre. En outre, ces officiers pourront être élus aux postes d'hommes de confiance conformément aux dispositions du premier alinéa du présent article. Dans ce cas, les assistants de l'homme de confiance seront choisis parmi les prisonniers de guerre autres que des officiers.

Tout homme de confiance élu devra être agréé par la Puissance détentrice avant de pouvoir entrer en fonction. Si la Puissance détentrice refuse d'agrérer un prisonnier de guerre élu par ses compagnons de captivité, elle devra donner à la Puissance protectrice les raisons de son refus.

Dans tous les cas, l'homme de confiance sera de même nationalité, langue et coutumes que les prisonniers de guerre qu'il représente. Ainsi, les prisonniers de guerre répartis dans des sections différentes d'un camp selon leur nationalité, langue ou coutumes, auront, pour chaque section, leur propre homme de confiance, conformément aux dispositions des alinéas précédents.

#### **ARTICLE 80**

Les hommes de confiance devront contribuer au bien-être physique, moral et intellectuel des prisonniers de guerre.

En particulier, si les prisonniers décidaient d'organiser entre eux un système d'assistance mutuelle, cette organisation serait de la compétence des hommes de confiance, indépendamment des tâches spéciales qui leur sont confiées par d'autres dispositions de la présente Convention.

Les hommes de confiance ne seront pas responsables, du seul fait de leurs fonctions, des infractions commises par les prisonniers de guerre.

#### **ARTICLE 81**

Les hommes de confiance ne seront astreints à aucun autre travail, si l'accomplissement de leur fonction devait en être rendue plus difficile.

Les hommes de confiance pourront désigner parmi les prisonniers les assistants qui leur sont nécessaires. Toutes facilités matérielles leur seront accordées et notamment certaines libertés de mouvement nécessaires à l'accomplissement de leurs tâches (visites de détachements de travail, réception des envois de secours, etc.).

Les hommes de confiance seront autorisés à visiter les locaux où sont internés les prisonniers de guerre et ceux-ci auront le droit de consulter librement leur homme de confiance.

Toutes facilités seront également accordées aux hommes de confiance pour leur correspondance postale et télégraphique avec les autorités détentrices, avec les Puissances protectrices, le Comité international de la Croix-Rouge et leurs délégués, avec les Commissions médicales mixtes, ainsi qu'avec les organismes qui viendraient en

Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

### CHAPTER III

#### PENAL AND DISCIPLINARY SANCTIONS

##### *I. General Provisions*

###### ARTICLE 82

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

###### ARTICLE 83

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

###### ARTICLE 84

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

aide aux prisonniers de guerre. Les hommes de confiance des détachements de travail jouiront des mêmes facilités pour leur correspondance avec l'homme de confiance du camp principal. Ces correspondances ne seront pas limitées ni considérées comme faisant partie du contingent mentionné à l'article 71.

Aucun homme de confiance ne pourra être transféré sans que le temps raisonnablement nécessaire lui ait été laissé pour mettre son successeur au courant des affaires en cours.

En cas de destitution, les motifs de cette décision seront communiqués à la Puissance protectrice.

### CHAPITRE III

#### SANCTIONS PÉNALES ET DISCIPLINAIRES

##### *I. Dispositions générales*

###### ARTICLE 82

Les prisonniers de guerre seront soumis aux lois, règlements et ordres généraux en vigueur dans les forces armées de la Puissance détentrice. Celle-ci sera autorisée à prendre des mesures judiciaires ou disciplinaires à l'égard de tout prisonnier de guerre ayant commis une infraction à ces lois, règlements ou ordres généraux. Cependant, aucune poursuite ou sanction contraires aux dispositions du présent chapitre ne seront autorisées.

Si des lois, règlements ou ordres généraux de la Puissance détentrice déclarent punissables des actes commis par un prisonnier de guerre alors que ces actes ne le sont pas quand ils sont commis par un membre des forces armées de la Puissance détentrice, ils ne pourront comporter que des sanctions disciplinaires.

###### ARTICLE 83

Lorsqu'il s'agira de savoir si une infraction commise par un prisonnier de guerre doit être punie disciplinairement ou judiciairement, la Puissance détentrice veillera à ce que les autorités compétentes usent de la plus grande indulgence dans l'appréciation de la question et recourent à des mesures disciplinaires plutôt qu'à des poursuites judiciaires, chaque fois que cela sera possible.

###### ARTICLE 84

Seuls les tribunaux militaires pourront juger un prisonnier de guerre, à moins que la législation de la Puissance détentrice n'autorise expressément des tribunaux civils à juger un membre des forces armées de cette Puissance pour la même infraction que celle pour laquelle le prisonnier de guerre est poursuivi.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

#### ARTICLE 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

#### ARTICLE 86

No prisoner of war may be punished more than once for the same act or on the same charge.

#### ARTICLE 87

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

#### ARTICLE 88

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

En aucun cas, un prisonnier de guerre ne sera traduit devant quelque tribunal que ce soit qui n'offrirait pas les garanties essentielles d'indépendance et d'impartialité généralement reconnues et, en particulier, dont la procédure ne lui assurerait pas les droits et moyens de la défense prévus à l'article 105.

#### **ARTICLE 85**

Les prisonniers de guerre poursuivis en vertu de la législation de la Puissance détentrice pour des actes qu'ils ont commis avant d'avoir été faits prisonniers resteront, même s'ils sont condamnés, au bénéfice de la présente Convention.

#### **ARTICLE 86**

Un prisonnier de guerre ne pourra être puni qu'une seule fois en raison du même fait ou du même chef d'accusation.

#### **ARTICLE 87**

Les prisonniers de guerre ne pourront être frappés par les autorités militaires et les tribunaux de la Puissance détentrice d'autres peines que celles qui sont prévues pour les mêmes faits à l'égard des membres des forces armées de cette Puissance.

Pour fixer la peine, les tribunaux ou autorités de la Puissance détentrice prendront en considération, dans la plus large mesure possible, le fait que le prévenu n'étant pas un ressortissant de la Puissance détentrice n'est lié à elle par aucun devoir de fidélité et qu'il se trouve en son pouvoir à la suite de circonstances indépendantes de sa propre volonté. Ils auront la faculté d'atténuer librement la peine prévue pour l'infraction reprochée au prisonnier et ne seront pas tenus, à cet effet, d'appliquer le minimum de cette peine.

Sont interdites toute peine collective pour des actes individuels, toute peine corporelle, toute incarcération dans des locaux non éclairés par la lumière du jour et, d'une manière générale, toute forme quelconque de torture ou de cruauté.

De plus, aucun prisonnier de guerre ne pourra être privé de son grade par la Puissance détentrice, ni empêché d'en porter les insignes.

#### **ARTICLE 88**

A grade équivalent, les officiers, sous-officiers ou soldats prisonniers de guerre, subissant une peine disciplinaire ou judiciaire, ne seront pas soumis à un traitement plus sévère que celui prévu, en ce qui concerne la même peine, pour les membres des forces armées de la Puissance détentrice.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

### *II. Disciplinary Sanctions*

#### ARTICLE 89

The disciplinary punishments applicable to prisoners of war are the following:

- (1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties not exceeding two hours daily.
- (4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

#### ARTICLE 90

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Les prisonnières de guerre ne seront pas condamnées à une peine plus sévère, ou, pendant qu'elles subissent leur peine, traitées plus sévèrement que les femmes appartenant aux forces armées de la Puissance détentrice punies pour une infraction analogue.

En aucun cas, les prisonnières de guerre ne pourront être condamnées à une peine plus sévère, ou, pendant qu'elles subissent leur peine, traitées plus sévèrement qu'un homme membre des forces armées de la Puissance détentrice, puni pour une infraction analogue.

Les prisonniers de guerre ne pourront, après avoir subi des peines disciplinaires ou judiciaires qui leur auront été infligées, être traités différemment des autres prisonniers.

## *II. Sanctions disciplinaires*

### ARTICLE 89

Les peines disciplinaires applicables aux prisonniers de guerre seront :

- 1) l'amende jusqu'à concurrence de 50 pour cent de l'avance de solde et de l'indemnité de travail prévues aux articles 60 et 62, et cela, pendant une période qui n'excédera pas trente jours ;
- 2) la suppression d'avantages accordés en sus du traitement prévu par la présente Convention ;
- 3) les corvées n'excédant pas deux heures par jour ;
- 4) les arrêts.

Toutefois, la peine visée sous chiffre 3 ne pourra pas être appliquée aux officiers.

En aucun cas, les peines disciplinaires ne seront inhumaines, brutales ou dangereuses pour la santé des prisonniers de guerre.

### ARTICLE 90

La durée d'une même punition ne dépassera jamais trente jours. En cas de faute disciplinaire les périodes de détention préventive subies avant l'audience ou le prononcé de la peine seront déduites de la peine prononcée.

Le maximum de trente jours prévu ci-dessus ne pourra pas être dépassé, même si un prisonnier de guerre avait à répondre disciplinairement de plusieurs faits au moment où il est statué à son égard, que ces faits soient connexes ou non.

Il ne s'écoulera pas plus d'un mois entre la décision disciplinaire et son exécution.

Au cas où un prisonnier de guerre serait frappé d'une nouvelle peine disciplinaire, un délai de trois jours au moins séparera l'exécution de chacune des peines, dès que la durée de l'une d'elles sera de dix jours ou plus.

**ARTICLE 91**

The escape of a prisoner of war shall be deemed to have succeeded when :

- (1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;
- (2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;
- (3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

**ARTICLE 92**

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

**ARTICLE 93**

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

**ARTICLE 91**

L'évasion d'un prisonnier de guerre sera considérée comme réussie lorsque :

- 1) il aura rejoint les forces armées de la Puissance dont il dépend ou celles d'une Puissance alliée ;
- 2) il aura quitté le territoire placé sous le pouvoir de la Puissance détentrice ou d'une Puissance alliée à celle-ci ;
- 3) il aura rejoint un navire battant pavillon de la Puissance dont il dépend ou d'une Puissance alliée et qui se trouverait dans les eaux territoriales de la Puissance détentrice, à condition que ce navire ne soit pas placé sous l'autorité de cette dernière.

Les prisonniers de guerre qui, après avoir réussi leur évasion au sens du présent article, seraient de nouveau faits prisonniers, ne seront passibles d'aucune peine pour leur évasion antérieure.

**ARTICLE 92**

Un prisonnier de guerre qui tente de s'évader et qui est repris avant d'avoir réussi son évasion, au sens de l'article 91, ne sera pas passible pour cet acte, même en cas de récidive, que d'une peine disciplinaire.

Le prisonnier repris sera remis aussitôt que possible aux autorités militaires compétentes.

En dérogation à l'article 88, quatrième alinéa, les prisonniers de guerre punis à la suite d'une évasion non réussie pourront être soumis à un régime de surveillance spécial, à condition toutefois que ce régime n'affecte pas leur état de santé, qu'il soit subi dans un camp de prisonniers de guerre et qu'il ne comporte la suppression d'aucune des garanties qui leur sont accordées par la présente Convention.

**ARTICLE 93**

L'évasion, ou la tentative d'évasion, même s'il y a récidive, ne sera pas considérée comme une circonstance aggravante dans le cas où le prisonnier de guerre serait déféré aux tribunaux pour une infraction commise au cours de l'évasion ou de la tentative d'évasion.

Conformément aux stipulations de l'article 83, les infractions commises par les prisonniers de guerre dans le seul dessein de faciliter leur évasion et qui n'auront comporté aucune violence contre les personnes, qu'il s'agisse d'infractions contre la propriété publique, de vol sans dessein d'enrichissement, de l'établissement et de l'usage de faux papiers, de port d'habits civils, ne donneront lieu qu'à des peines disciplinaires.

Les prisonniers de guerre qui auront coopéré à une évasion ou à une tentative d'évasion ne seront pas passibles de ce chef que d'une peine disciplinaire.

**ARTICLE 94**

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

**ARTICLE 95**

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

**ARTICLE 96**

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

**ARTICLE 97**

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

**ARTICLE 94**

Si un prisonnier de guerre évadé est repris, notification en sera faite, selon les modalités prévues à l'article 122, à la Puissance dont il dépend, pour autant que son évasion aura été notifiée.

**ARTICLE 95**

Les prisonniers de guerre prévenus de fautes disciplinaires ne seront pas maintenus en détention préventive dans l'attente de la décision, à moins que la même mesure ne soit applicable aux membres des forces armées de la Puissance détentrice pour des infractions analogues ou que les intérêts supérieurs du maintien de l'ordre et de la discipline dans le camp ne l'exigent.

Pour tous les prisonniers de guerre, la détention préventive en cas de fautes disciplinaires sera réduite au strict minimum et n'excédera pas quatorze jours.

Les dispositions des articles 97 et 98 du présent chapitre s'appliqueront aux prisonniers de guerre en détention préventive pour fautes disciplinaires.

**ARTICLE 96**

Les faits constituant une faute contre la discipline feront l'objet d'une enquête immédiate.

Sans préjudice de la compétence des tribunaux et des autorités militaires supérieures, les peines disciplinaires ne pourront être prononcées que par un officier muni de pouvoirs disciplinaires en sa qualité de commandant de camp, ou par un officier responsable qui le remplace ou à qui il a délégué ses pouvoirs disciplinaires.

En aucun cas, ces pouvoirs ne pourront être délégués à un prisonnier de guerre ni exercés par un prisonnier de guerre.

Avant tout prononcé d'une peine disciplinaire, le prisonnier de guerre inculpé sera informé avec précision des faits qui lui sont reprochés. Il sera mis à même d'expliquer sa conduite et de se défendre. Il sera autorisé à faire entendre des témoins et à recourir, si nécessaire, aux offices d'un interprète qualifié. La décision sera annoncée au prisonnier de guerre et à l'homme de confiance.

Le commandant du camp devra tenir un registre des peines disciplinaires prononcées ; ce registre sera tenu à la disposition des représentants de la Puissance protectrice.

**ARTICLE 97**

Les prisonniers de guerre ne seront en aucun cas transférés dans des établissements pénitentiaires (prisons, pénitenciers, bagnes, etc.) pour y subir des peines disciplinaires.

Tous les locaux dans lesquels seront subies les peines disciplinaires seront conformes aux exigences de l'hygiène prévues à l'article 25. Les prisonniers de guerre punis seront mis à même de se tenir en état de propreté, selon les dispositions de l'article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

#### ARTICLE 98

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

### *III. Judicial Proceedings*

#### ARTICLE 99

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

#### ARTICLE 100

Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power on which the prisoners of war depend.

Les officiers et assimilés ne seront pas détenus dans les mêmes locaux que les sous-officiers ou hommes de troupe.

Les prisonnières de guerre subissant une peine disciplinaire seront détenues dans des locaux distincts de ceux des hommes et seront placées sous la surveillance immédiate de femmes.

#### ARTICLE 98

Les prisonniers de guerre détenus à la suite d'une peine disciplinaire continueront à bénéficier des dispositions de la présente Convention, sauf dans la mesure où leur détention même les rend inapplicables. Toutefois, le bénéfice des articles 78 et 126 ne pourra en aucun cas leur être retiré.

Les prisonniers de guerre punis disciplinairement ne pourront être privés des prérogatives attachées à leur grade.

Les prisonniers de guerre punis disciplinairement auront la faculté de prendre chaque jour de l'exercice et d'être en plein air pendant au moins deux heures.

Ils seront autorisés, sur leur demande, à se présenter à la visite médicale quotidienne ; ils recevront les soins que nécessite leur état de santé et, le cas échéant, seront évacués sur l'infirmérie du camp ou sur un hôpital.

Ils seront autorisés à lire et à écrire, ainsi qu'à expédier et à recevoir des lettres. En revanche, les colis et les envois d'argent pourront ne leur être délivrés qu'à l'expiration de la peine ; ils seront confiés, en attendant, à l'homme de confiance, qui remettra à l'infirmérie les denrées périssables se trouvant dans ces colis.

### *III. Poursuites judiciaires*

#### ARTICLE 99

Aucun prisonnier de guerre ne pourra être poursuivi ou condamné pour un acte qui n'est pas expressément réprimé par la législation de la Puissance détentrice ou par le droit international qui sont en vigueur au jour où cet acte a été commis.

Aucune pression morale ou physique ne pourra être exercée sur un prisonnier de guerre pour l'amener à se reconnaître coupable du fait dont il est accusé.

Aucun prisonnier de guerre ne pourra être condamné sans avoir eu la possibilité de se défendre et sans avoir été assisté par un défenseur qualifié.

#### ARTICLE 100

Les prisonniers de guerre et les Puissances protectrices seront informés aussitôt que possible des infractions passibles de la peine de mort en vertu de la législation de la Puissance détentrice.

Par la suite, aucune infraction ne pourra être rendue passible de la peine de mort sans l'accord de la Puissance dont dépendent les prisonniers.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

#### ARTICLE 101

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

#### ARTICLE 102

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

#### ARTICLE 103

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

#### ARTICLE 104

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

La peine de mort ne pourra être prononcée contre un prisonnier que si l'attention du tribunal, conformément à l'article 87, deuxième alinéa, a été spécialement appelée sur le fait que le prévenu, n'étant pas un ressortissant de la Puissance détentrice, n'est lié à elle par aucun devoir de fidélité et qu'il se trouve en son pouvoir à la suite de circonstances indépendantes de sa propre volonté.

#### ARTICLE 101

Si la peine de mort est prononcée contre un prisonnier de guerre, le jugement ne sera pas exécuté avant l'expiration d'un délai d'au moins six mois à partir du moment où la communication détaillée prévue à l'article 107 sera parvenue à la Puissance protectrice à l'adresse indiquée.

#### ARTICLE 102

Un jugement ne pourra être valablement rendu contre un prisonnier de guerre que s'il a été prononcé par les mêmes tribunaux et suivant la même procédure qu'à l'égard des personnes appartenant aux forces armées de la Puissance détentrice et si, en outre, les dispositions du présent chapitre ont été observées.

#### ARTICLE 103

Toute instruction judiciaire contre un prisonnier de guerre sera conduite aussi rapidement que le permettront les circonstances et de telle façon que le procès ait lieu le plus tôt possible. Aucun prisonnier de guerre ne sera maintenu en détention préventive, à moins que la même mesure ne soit applicable aux membres des forces armées de la Puissance détentrice pour des infractions analogues, ou que l'intérêt de la sécurité nationale ne l'exige. Cette détention préventive ne durera en aucun cas plus de trois mois.

La durée de la détention préventive d'un prisonnier de guerre sera déduite de celle de la peine privative de liberté à laquelle il aura été condamné; il en sera d'ailleurs tenu compte au moment de fixer la peine.

Durant leur détention préventive, les prisonniers de guerre continueront de bénéficier des dispositions des articles 97 et 98 du présent chapitre.

#### ARTICLE 104

Dans tous les cas où la Puissance détentrice aura décidé d'entamer des poursuites judiciaires contre un prisonnier de guerre, elle en avisera la Puissance protectrice aussi-tôt que possible et au moins trois semaines avant l'ouverture des débats. Ce délai de trois semaines ne courra qu'à partir du moment où cet avis sera parvenu à la Puissance protectrice, à l'adresse préalablement indiquée par cette dernière à la Puissance détentrice.

Cet avis contiendra les indications suivantes :

- (1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- (2) Place of internment or confinement;
- (3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
- (4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

#### ARTICLE 105

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

- 1) les nom et prénoms du prisonnier de guerre, son grade, son numéro matricule, sa date de naissance, et, s'il y a lieu, sa profession ;
- 2) le lieu d'internement ou de détention ;
- 3) la spécification du ou des chefs d'accusation, avec la mention des dispositions légales applicables ;
- 4) l'indication du tribunal qui jugera l'affaire ainsi que celle de la date et du lieu prévus pour l'ouverture des débats.

La même communication sera faite par la Puissance détentrice à l'homme de confiance du prisonnier de guerre.

Si, à l'ouverture des débats, la preuve n'est pas apportée que la Puissance protectrice, le prisonnier de guerre et l'homme de confiance intéressé ont reçu l'avis mentionné ci-dessus au moins trois semaines avant l'ouverture des débats, ceux-ci ne pourront avoir lieu et seront ajournés.

#### ARTICLE 105

Le prisonnier de guerre aura le droit d'être assisté par un de ses camarades prisonniers, d'être défendu par un avocat qualifié de son choix, de faire citer des témoins et de recourir, s'il l'estime nécessaire, aux offices d'un interprète compétent. Il sera avisé de ces droits en temps utile, avant les débats, par la Puissance détentrice.

Si le prisonnier de guerre n'a pas choisi de défenseur, la Puissance protectrice lui en procurera un ; elle disposera d'au moins une semaine à cet effet. A la demande de la Puissance protectrice, la Puissance détentrice lui remettra une liste de personnes qualifiées pour assurer la défense. Au cas où ni le prisonnier de guerre ni la Puissance protectrice n'aurait fait choix d'un défenseur, la Puissance détentrice désignera d'office un avocat qualifié pour défendre le prévenu.

Pour préparer la défense du prévenu, le défenseur disposera d'un délai de deux semaines au moins avant l'ouverture des débats, ainsi que des facilités nécessaires ; il pourra notamment rendre librement visite au prévenu et s'entretenir sans témoins avec lui. Il pourra s'entretenir avec tous les témoins à décharge, y compris des prisonniers de guerre. Il bénéficiera de ces facilités jusqu'à l'expiration des délais de recours.

Le prisonnier de guerre prévenu recevra, assez tôt avant l'ouverture des débats, communication, dans une langue qu'il comprenne, de l'acte d'accusation ainsi que des actes qui sont, en général, communiqués au prévenu en vertu des lois en vigueur dans les armées de la Puissance détentrice. La même communication devra être faite dans les mêmes conditions à son défenseur.

Les représentants de la Puissance protectrice auront le droit d'assister aux débats sauf si ceux-ci devaient, exceptionnellement, avoir lieu à huis-clos dans l'intérêt de la sûreté de l'Etat ; dans ce cas la Puissance détentrice en avisera la Puissance protectrice.

**ARTICLE 106**

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

**ARTICLE 107**

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- (1) the precise wording of the finding and sentence;
- (2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
- (3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

**ARTICLE 108**

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the

**ARTICLE 106**

Tout prisonnier de guerre aura le droit, dans les mêmes conditions que les membres des forces armées de la Puissance détentrice, de recourir en appel, en cassation ou en révision, contre tout jugement rendu à son endroit. Il sera pleinement informé de ses droits de recours ainsi que des délais requis pour les exercer.

**ARTICLE 107**

Tout jugement rendu à l'égard d'un prisonnier de guerre sera immédiatement porté à la connaissance de la Puissance protectrice, sous forme d'une communication sommaire, indiquant également si le prisonnier a le droit de recourir en appel, en cassation ou en révision. Cette communication sera faite aussi à l'homme de confiance intéressé. Elle sera faite également au prisonnier de guerre et dans une langue qu'il comprenne, si le jugement n'a pas été prononcé en sa présence. De plus, la Puissance détentrice communiquera immédiatement à la Puissance protectrice la décision du prisonnier de guerre d'user ou non de ses droits de recours.

En outre, en cas de condamnation devenue définitive et, s'il s'agit de la peine de mort, en cas de condamnation prononcée en première instance, la Puissance détentrice adressera, aussitôt que possible, à la Puissance protectrice, une communication détaillée contenant :

- 1) le texte exact du jugement ;
- 2) un rapport résumé de l'instruction et des débats, soulignant en particulier les éléments de l'accusation et de la défense ;
- 3) l'indication, le cas échéant, de l'établissement où sera purgée la peine.

Les communications prévues aux alinéas précédents seront faites à la Puissance protectrice à l'adresse qu'elle aura fait connaître au préalable à la Puissance détentrice.

**ARTICLE 108**

Les peines prononcées contre les prisonniers de guerre en vertu de jugements régulièrement devenus exécutoires seront purgées dans les mêmes établissements et dans les mêmes conditions que pour les membres des forces armées de la Puissance détentrice. Ces conditions seront dans tous les cas conformes aux exigences de l'hygiène et de l'humanité.

Une prisonnière de guerre contre laquelle une telle peine aura été prononcée sera placée dans des locaux séparés et sera soumise à la surveillance de femmes.

En tous cas, les prisonniers de guerre condamnés à une peine privative de liberté resteront au bénéfice des dispositions des articles 78 et 126 de la présente Convention. En outre, ils seront autorisés à recevoir et à expédier de la correspondance, à recevoir

medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

## PART IV

### TERMINATION OF CAPTIVITY

#### SECTION I

##### DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

###### ARTICLE 109

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

###### ARTICLE 110

The following shall be repatriated direct:

- (1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
- (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.
- (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

au moins un colis de secours par mois et à prendre régulièrement de l'exercice en plein air ; ils recevront les soins médicaux nécessités par leur état de santé ainsi que l'aide spirituelle qu'ils pourraient désirer. Les punitions qui devraient leur être infligées seront conformes aux dispositions de l'article 87, troisième alinéa.

## TITRE IV

### FIN DE LA CAPTIVITÉ

#### SECTION I

##### RAPATRIEMENT DIRECT ET HOSPITALISATION EN PAYS NEUTRE

###### ARTICLE 109

Les Parties au conflit seront tenues, sous réserve du troisième alinéa du présent article, de renvoyer dans leur pays, sans égard au nombre ni au grade et après les avoir mis en état d'être transportés, les prisonniers de guerre grands malades et grands blessés, conformément au premier alinéa de l'article suivant.

Pendant la durée des hostilités, les Parties au conflit s'efforceront, avec le concours des Puissances neutres intéressées, d'organiser l'hospitalisation en pays neutre des prisonniers blessés ou malades visés par le deuxième alinéa de l'article suivant ; elles pourront, en outre, conclure des accords en vue du rapatriement direct ou de l'internement en pays neutre des prisonniers valides ayant subi une longue captivité.

Aucun prisonnier de guerre blessé ou malade prévu pour le rapatriement aux termes du premier alinéa du présent article ne pourra être rapatrié contre sa volonté pendant les hostilités.

###### ARTICLE 110

Seront rapatriés directement :

- 1) les blessés et les malades incurables, dont l'aptitude intellectuelle ou physique paraît avoir subi une diminution considérable ;
- 2) les blessés et les malades qui, d'après les prévisions médicales, ne sont pas susceptibles de guérison dans l'espace d'une année, dont l'état exige un traitement et dont l'aptitude intellectuelle ou physique paraît avoir subi une diminution considérable ;
- 3) les blessés et les malades guéris dont l'aptitude intellectuelle ou physique paraît avoir subi une diminution considérable et permanente.

The following may be accommodated in a neutral country:

- (1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- (1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;
- (2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

*Post, p. 3432.*

*Post, p. 3442.*

#### ARTICLE III

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

#### ARTICLE II2

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Pourront être hospitalisés en pays neutre :

- 1) les blessés et les malades dont la guérison peut être envisagée dans l'année qui suit la date de la blessure ou le début de la maladie, si un traitement en pays neutre laisse prévoir une guérison plus certaine et plus rapide ;
- 2) les prisonniers de guerre dont la santé intellectuelle ou physique est, selon les prévisions médicales, menacée sérieusement par le maintien en captivité, mais qu'une hospitalisation en pays neutre pourrait soustraire à cette menace.

Les conditions que devront remplir les prisonniers de guerre hospitalisés en pays neutre pour être rapatriés seront fixées, de même que leur statut, par accord entre les Puissances intéressées. En général, seront rapatriés les prisonniers de guerre hospitalisés en pays neutre qui appartiennent aux catégories suivantes :

- 1) ceux dont l'état de santé s'est aggravé de manière à remplir les conditions du rapatriement direct ;
- 2) ceux dont l'aptitude intellectuelle ou physique demeure, après traitement, considérablement diminuée.

A défaut d'accords spéciaux passés entre les Parties au conflit intéressées en vue de déterminer les cas d'invalidité ou de maladie entraînant le rapatriement direct ou l'hospitalisation en pays neutre, ces cas seront fixés conformément aux principes contenus dans l'accord-type concernant le rapatriement direct et l'hospitalisation en pays neutre des prisonniers de guerre blessés et malades et dans le règlement concernant les Commissions médicales mixtes annexés à la présente Convention.

### ARTICLE III

La Puissance détentrice, la Puissance dont dépendent les prisonniers de guerre et une Puissance neutre agréée par ces deux Puissances s'efforceront de conclure des accords qui permettront l'internement des prisonniers de guerre sur le territoire de ladite Puissance neutre jusqu'à la cessation des hostilités.

### ARTICLE III

Dès le début du conflit, des Commissions médicales mixtes seront désignées en vue d'examiner les prisonniers malades et blessés, et de prendre toutes décisions utiles à leur égard. La désignation, les devoirs et le fonctionnement de ces Commissions seront conformes aux dispositions du règlement annexé à la présente Convention.

Cependant, les prisonniers qui, de l'avis des autorités médicales de la Puissance détentrice, sont manifestement de grands blessés ou de grands malades, pourront être rapatriés sans devoir être examinés par une Commission médicale mixte.

**ARTICLE II3**

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

- (1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
- (2) Wounded and sick proposed by their prisoners' representative.
- (3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

**ARTICLE II4**

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

**ARTICLE II5**

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

**ARTICLE II6**

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

**ARTICLE 113**

Outre ceux qui auront été désignés par les autorités médicales de la Puissance détentrice, les prisonniers blessés ou malades appartenant aux catégories énumérées ci-après auront la faculté de se présenter à l'examen des Commissions médicales mixtes prévues à l'article précédent :

- 1) les blessés et les malades proposés par un médecin compatriote ou ressortissant d'une Puissance partie au conflit alliée à la Puissance dont ils dépendent, exerçant ses fonctions dans le camp ;
- 2) les blessés et les malades proposés par leur homme de confiance ;
- 3) les blessés et les malades qui ont été proposés par la Puissance dont ils dépendent ou par un organisme reconnu par cette Puissance, qui viendrait en aide aux prisonniers.

Les prisonniers de guerre qui n'appartiennent pas à l'une des trois catégories ci-dessus pourront néanmoins se présenter à l'examen des Commissions médicales mixtes, mais ne seront examinés qu'après ceux desdites catégories.

Le médecin compatriote des prisonniers de guerre soumis à l'examen de la Commission médicale mixte et leur homme de confiance seront autorisés à assister à cet examen.

**ARTICLE 114**

Les prisonniers de guerre victimes d'accidents, à l'exception des blessés volontaires, seront mis, en ce qui concerne le rapatriement ou éventuellement l'hospitalisation en pays neutre, au bénéfice des dispositions de la présente Convention.

**ARTICLE 115**

Aucun prisonnier de guerre frappé d'une peine disciplinaire, qui se trouverait dans les conditions prévues pour le rapatriement ou l'hospitalisation dans un pays neutre, ne pourra être retenu pour la raison qu'il n'a pas subi sa peine.

Les prisonniers de guerre poursuivis ou condamnés judiciairement, qui seraient prévus pour le rapatriement ou l'hospitalisation en pays neutre, pourront bénéficier de ces mesures avant la fin de la procédure ou de l'exécution de la peine, si la Puissance détentrice y consent.

Les Parties au conflit se communiqueront les noms de ceux qui seront retenus jusqu'à la fin de la procédure ou de l'exécution de la peine.

**ARTICLE 116**

Les frais de rapatriement des prisonniers de guerre ou de leur transport dans un pays neutre seront à la charge de la Puissance dont dépendent ces prisonniers, à partir de la frontière de la Puissance détentrice.

**ARTICLE 117**

No repatriated person may be employed on active military service.

**SECTION II****RELEASE AND REPATRIATION OF PRISONERS OF WAR  
AT THE CLOSE OF HOSTILITIES****ARTICLE 118**

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

- (a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.
- (b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

**ARTICLE 119**

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under

**ARTICLE 117**

Aucun rapatrié ne pourra être employé à un service militaire actif.

**SECTION II****LIBÉRATION ET RAPATRIEMENT DES PRISONNIERS DE GUERRE  
A LA FIN DES HOSTILITÉS****ARTICLE 118**

Les prisonniers de guerre seront libérés et rapatriés sans délai après la fin des hostilités actives.

En l'absence de dispositions à cet effet dans une convention passée entre les Parties au conflit pour mettre fin aux hostilités, ou à défaut d'une telle convention, chacune des Puissances détentrices établira elle-même et exécutera sans délai un plan de rapatriement conforme au principe énoncé à l'alinéa précédent.

Dans l'un et l'autre cas, les mesures adoptées seront portées à la connaissance des prisonniers de guerre.

Les frais de rapatriement des prisonniers de guerre seront en tout cas répartis d'une manière équitable entre la Puissance détentrice et la Puissance dont dépendent les prisonniers. A cet effet, les principes suivants seront observés dans cette répartition :

- a) lorsque ces deux Puissances sont limitrophes, la Puissance dont dépendent les prisonniers de guerre assumera les frais de leur rapatriement à partir de la frontière de la Puissance détentrice ;
- b) lorsque ces deux Puissances ne sont pas limitrophes, la Puissance détentrice assumera les frais de transport des prisonniers de guerre sur son territoire jusqu'à sa frontière ou à son port d'embarquement le plus proche de la Puissance dont ils dépendent. Quant au reste des frais, entraînés par le rapatriement, les Parties intéressées se mettront d'accord pour les répartir équitablement entre elles. La conclusion d'un tel accord ne pourra en aucun cas justifier le moindre délai dans le rapatriement des prisonniers de guerre.

**ARTICLE 119**

Les rapatriements seront effectués dans des conditions analogues à celles qui sont prévues par les articles 46 à 48 inclus de la présente Convention pour le transfert des prisonniers de guerre et en tenant compte des dispositions de l'article 118 ainsi que de celles qui suivent.

Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

### SECTION III

#### DEATH OF PRISONERS OF WAR

##### ARTICLE 120

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

Lors du rapatriement, les objets de valeur retirés aux prisonniers de guerre, conformément aux dispositions de l'article 18, et les sommes en monnaie étrangère qui n'auraient pas été converties dans la monnaie de la Puissance détentrice leur seront restitués. Les objets de valeur et les sommes en monnaie étrangère qui, pour quelque raison que ce soit, n'auraient pas été restitués aux prisonniers de guerre lors de leur rapatriement, seront remis au Bureau de renseignements prévu par l'article 122.

Les prisonniers de guerre seront autorisés à emporter leurs effets personnels, leur correspondance et les colis arrivés à leur adresse ; le poids de ces effets pourra être limité, si les circonstances du rapatriement l'exigent, à ce que le prisonnier peut raisonnablement porter ; en tout cas, chaque prisonnier sera autorisé à emporter au moins vingt-cinq kilos.

Les autres effets personnels du prisonnier rapatrié seront gardés par la Puissance détentrice ; celle-ci les lui fera parvenir dès qu'elle aura conclu avec la Puissance dont dépend le prisonnier un accord fixant les modalités de leur transport et le paiement des frais qu'il occasionnera.

Les prisonniers de guerre qui seraient sous le coup d'une poursuite pénale pour un crime ou un délit de droit pénal pourront être retenus jusqu'à la fin de la procédure et, le cas échéant, jusqu'à l'expiration de la peine. Il en sera de même de ceux qui sont condamnés pour un crime ou délit de droit pénal.

Les Parties au conflit se communiqueront les noms des prisonniers de guerre qui seront retenus jusqu'à la fin de la procédure ou de l'exécution de la peine.

Les Parties au conflit s'entendront pour instituer des commissions en vue de rechercher les prisonniers dispersés et d'assurer leur rapatriement dans le plus bref délai.

### SECTION III

#### DÉCÈS DES PRISONNIERS DE GUERRE

##### ARTICLE 120

Les testaments des prisonniers de guerre seront établis de manière à satisfaire aux conditions de validité requises par la législation de leur pays d'origine, qui prendra les mesures nécessaires pour porter ces conditions à la connaissance de la Puissance détentrice. A la demande du prisonnier de guerre et en tout cas après sa mort, le testament sera transmis sans délai à la Puissance protectrice et une copie certifiée conforme sera remise à l'Agence centrale de renseignements.

Les certificats de décès, conformes au modèle annexé à la présente Convention, ou des listes, certifiées conformes par un officier responsable, de tous les prisonniers de guerre morts en captivité, seront adressés dans le plus bref délai au Bureau de renseignements des prisonniers de guerre institué conformément à l'article 122. Les renseignements d'identité dont la liste est donnée au troisième alinéa de l'article 17, le lieu et la date du décès, la cause du décès, le lieu et la date de l'inhumation ainsi que tous les

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

#### ARTICLE 121

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

renseignements nécessaires pour identifier les tombes devront figurer dans ces certificats ou dans ces listes.

L'enterrement ou l'incinération devront être précédés d'un examen médical du corps afin de constater le décès, de permettre la rédaction d'un rapport et, s'il y a lieu, d'établir l'identité du décédé.

Les autorités détentrices veilleront à ce que les prisonniers de guerre décédés en captivité soient enterrés honorablement, si possible selon les rites de la religion à laquelle ils appartaient, et que leurs tombes soient respectées, convenablement entretenues et marquées de façon à pouvoir toujours être retrouvées. Chaque fois que cela sera possible, les prisonniers de guerre décédés qui dépendaient de la même Puissance seront enterrés au même endroit.

Les prisonniers de guerre décédés seront enterrés individuellement, sauf cas de force majeure qui imposerait une tombe collective. Les corps ne pourront être incinérés que si d'impérieuses raisons d'hygiène ou la religion du décédé l'exigent ou encore s'il en a exprimé le désir. En cas d'incinération, il en sera fait mention avec indication des motifs sur l'acte de décès.

Afin que les tombes puissent toujours être retrouvées, tous les renseignements relatifs aux inhumations et aux tombes devront être enregistrés par un Service des tombes créé par la Puissance détentrice. Les listes des tombes et les renseignements relatifs aux prisonniers de guerre inhumés dans les cimetières ou ailleurs seront transmis à la Puissance dont dépendaient ces prisonniers de guerre. Il incombera à la Puissance contrôlant le territoire, si elle est partie à la Convention, de prendre soin de ces tombes et d'enregistrer tout transfert ultérieur des corps. Ces dispositions s'appliquent de même aux cendres qui seront conservées par le Service des tombes jusqu'à ce que le pays d'origine fasse connaître les dispositions définitives qu'il désire prendre à ce sujet.

#### ARTICLE 121

Tout décès ou toute blessure grave d'un prisonnier de guerre causés ou suspects d'avoir été causés par une sentinelle, par un autre prisonnier de guerre ou par toute autre personne, ainsi que tout décès dont la cause est inconnue, seront suivis immédiatement d'une enquête officielle de la Puissance détentrice.

Une communication à ce sujet sera faite immédiatement à la Puissance protectrice. Les dépositions des témoins seront recueillies, notamment celles des prisonniers de guerre; un rapport les contenant sera communiqué à ladite Puissance.

Si l'enquête établit la culpabilité d'une ou de plusieurs personnes, la Puissance détentrice prendra toutes mesures pour la poursuite judiciaire du ou des responsables.

## PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES  
FOR PRISONERS OF WAR

## ARTICLE 122

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

## TITRE V

BUREAU DE RENSEIGNEMENTS ET SOCIÉTÉS DE SECOURS  
CONCERNANT LES PRISONNIERS DE GUERRE

## ARTICLE 122

Dès le début d'un conflit et dans tous les cas d'occupation, chacune des Parties au conflit constituera un Bureau officiel de renseignements sur les prisonniers de guerre se trouvant en son pouvoir ; les Puissances neutres ou non belligérantes qui auront reçu sur leur territoire des personnes appartenant à l'une des catégories visées à l'article 4 agiront de même à l'égard de ces personnes. La Puissance intéressée veillera à ce que le Bureau de renseignements dispose des locaux, du matériel et du personnel nécessaires pour qu'il puisse fonctionner de manière efficace. Elle sera libre d'y employer des prisonniers de guerre en respectant les conditions stipulées à la Section de la présente Convention concernant le travail des prisonniers de guerre.

Dans le plus bref délai possible, chacune des Parties au conflit donnera à son Bureau les informations dont il est fait état aux quatrième, cinquième et sixième alinéas du présent article, au sujet de toute personne ennemie appartenant à l'une des catégories visées à l'article 4 et tombée en son pouvoir. Les Puissances neutres ou non belligérantes agiront de même à l'égard des personnes de ces catégories qu'elles auront reçues sur leur territoire.

Le Bureau fera parvenir d'urgence par les moyens les plus rapides ces informations aux Puissances intéressées, par l'entremise, d'une part, des Puissances protectrices et, d'autre part, de l'Agence centrale prévue à l'article 123.

Ces informations devront permettre d'aviser rapidement les familles intéressées. Pour autant qu'elles sont en possession du Bureau de renseignements, ces informations comporteront pour chaque prisonnier de guerre, sous réserve des dispositions de l'article 17, les nom, prénoms, grade, numéro matricule, lieu et date complète de naissance, indication de la Puissance dont il dépend, prénom du père et nom de la mère, nom et adresse de la personne qui doit être informée, ainsi que l'adresse à laquelle la correspondance peut être adressée au prisonnier.

Le Bureau de renseignements recevra des divers services compétents les indications relatives aux mutations, libérations, rapatriements, évasions, hospitalisations, décès, et les transmettra de la manière prévue au troisième alinéa ci-dessus.

De même, des renseignements sur l'état de santé des prisonniers de guerre malades ou blessés gravement atteints seront transmis régulièrement, et si possible chaque semaine.

Le Bureau de renseignements sera également chargé de répondre à toutes les demandes qui lui seraient adressées concernant les prisonniers de guerre, y compris ceux qui sont morts en captivité ; il procédera aux enquêtes nécessaires, afin de se procurer les renseignements demandés qu'il ne posséderait pas.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

#### ARTICLE 123

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief societies provided for in Article 125.

#### ARTICLE 124

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

#### ARTICLE 125

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all

Toutes les communications écrites faites par le Bureau seront authentifiées par une signature ou par un sceau.

Le Bureau de renseignements sera, en outre, chargé de recueillir et de transmettre aux Puissances intéressées tous les objets personnels de valeur y compris les sommes en une autre monnaie que celle de la Puissance détentrice et les documents présentant de l'importance pour les proches parents, laissés par les prisonniers de guerre lors de leur rapatriement, libération, évasion ou décès. Ces objets seront envoyés dans des paquets scellés par le Bureau ; seront joints à ces paquets des déclarations établissant avec précision l'identité des personnes auxquelles les objets appartenaient, ainsi qu'un inventaire complet du paquet. Les autres effets personnels des prisonniers en question seront renvoyés conformément aux arrangements conclus entre les Parties au conflit intéressées.

#### ARTICLE 123

Une Agence centrale de renseignements sur les prisonniers de guerre sera créée en pays neutre. Le Comité international de la Croix-Rouge proposera aux Puissances intéressées, s'il le juge nécessaire, l'organisation d'une telle Agence.

Cette Agence sera chargée de concentrer tous les renseignements intéressant les prisonniers de guerre qu'elle pourra obtenir par les voies officielles ou privées ; elle les transmettra le plus rapidement possible au pays d'origine des prisonniers ou à la Puissance dont ils dépendent. Elle recevra de la part des Parties au conflit toutes facilités pour effectuer ces transmissions.

Les Hautes Parties contractantes, et en particulier celles dont les ressortissants bénéficient des services de l'Agence centrale, sont invitées à fournir à celle-ci l'appui financier dont elle aurait besoin.

Ces dispositions ne devront pas être interprétées comme restreignant l'activité humanitaire du Comité international de la Croix-Rouge et des sociétés de secours mentionnées à l'article 125.

#### ARTICLE 124

Les Bureaux nationaux de renseignements et l'Agence centrale de renseignements jouiront de la franchise de port en matière postale, ainsi que de toutes les exemptions prévues à l'article 74 et, dans toute la mesure du possible, de la franchise télégraphique ou, tout au moins, d'importantes réductions de taxes.

#### ARTICLE 125

Sous réserve des mesures qu'elles estimeraient indispensables pour garantir leur sécurité ou faire face à toute autre nécessité raisonnable, les Puissances détentrices réservent le meilleur accueil aux organisations religieuses, sociétés de secours ou tout autre organisme qui viendrait en aide aux prisonniers de guerre. Elles leur accorderont

necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

## PART VI

### EXECUTION OF THE CONVENTION

#### SECTION I

##### GENERAL PROVISIONS

###### ARTICLE 126

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

toutes facilités nécessaires, ainsi qu'à leurs délégués dûment accrédités, pour visiter les prisonniers, pour leur distribuer des secours, du matériel de toute provenance destiné à des fins religieuses, éducatives, récréatives ou pour les aider à organiser leurs loisirs à l'intérieur des camps. Les sociétés ou organismes précités peuvent soit être constitués sur le territoire de la Puissance détentrice, soit dans un autre pays, soit encore avoir un caractère international.

La Puissance détentrice pourra limiter le nombre des sociétés et organismes dont les délégués seront autorisés à exercer leur activité sur son territoire et sous son contrôle, à condition toutefois qu'une telle limitation n'empêche pas d'apporter une aide efficace et suffisante à tous les prisonniers de guerre.

La situation particulière du Comité international de la Croix-Rouge dans ce domaine sera en tout temps reconnue et respectée.

Au moment où seront remis à des prisonniers de guerre des secours ou du matériel aux fins ci-dessus indiquées, ou du moins dans un bref délai, des reçus signés par l'homme de confiance de ces prisonniers et se rapportant à chaque envoi seront adressés à la société de secours ou à l'organisme expéditeur. Des reçus concernant ces envois seront remis simultanément par les autorités administratives qui ont la garde des prisonniers.

## TITRE VI

### EXÉCUTION DE LA CONVENTION

#### SECTION I

##### DISPOSITIONS GÉNÉRALES

###### ARTICLE 126

Les représentants ou les délégués des Puissances protectrices seront autorisés à se rendre dans tous les lieux où se trouvent des prisonniers de guerre, notamment dans les lieux d'internement, de détention et de travail ; ils auront accès à tous les locaux utilisés par les prisonniers. Ils seront également autorisés à se rendre dans les lieux de départ, de passage ou d'arrivée des prisonniers transférés. Ils pourront s'entretenir sans témoin avec les prisonniers, et en particulier avec leur homme de confiance, par l'entremise d'un interprète si cela est nécessaire.

Toute liberté sera laissée aux représentants et aux délégués des Puissances protectrices quant au choix des endroits qu'ils désirent visiter ; la durée et la fréquence de ces visites ne seront pas limitées. Elles ne sauraient être interdites qu'en raison d'impérieuses nécessités militaires et seulement à titre exceptionnel et temporaire.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

#### ARTICLE 127

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

#### ARTICLE 128

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

#### ARTICLE 129

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

La Puissance détentrice et la Puissance dont dépendent les prisonniers de guerre à visiter pourront s'entendre, le cas échéant, pour que des compatriotes de ces prisonniers soient admis à participer aux visites.

Les délégués du Comité international de la Croix-Rouge bénéficieront des mêmes prérogatives. La désignation de ces délégués sera soumise à l'agrément de la Puissance au pouvoir de laquelle se trouvent les prisonniers de guerre à visiter.

#### ARTICLE 127

Les Hautes Parties contractantes s'engagent à diffuser le plus largement possible, en temps de paix et en temps de guerre, le texte de la présente Convention dans leurs pays respectifs, et notamment à en incorporer l'étude dans les programmes d'instruction militaire et, si possible, civile, de telle manière que les principes en soient connus de l'ensemble de leurs forces armées et de la population.

Les autorités militaires ou autres qui, en temps de guerre, assumeront des responsabilités à l'égard des prisonniers de guerre, devront posséder le texte de la Convention et être instruites spécialement de ses dispositions.

#### ARTICLE 128

Les Hautes Parties contractantes se communiqueront par l'entremise du Conseil fédéral suisse et, pendant les hostilités, par l'entremise des Puissances protectrices les traductions officielles de la présente Convention, ainsi que les lois et règlements qu'elles pourront être amenées à adopter pour en assurer l'application.

#### ARTICLE 129

Les Hautes Parties contractantes s'engagent à prendre toute mesure législative nécessaire pour fixer les sanctions pénales adéquates à appliquer aux personnes ayant commis, ou donné l'ordre de commettre, l'une ou l'autre des infractions graves à la présente Convention définies à l'article suivant.

Chaque Partie contractante aura l'obligation de rechercher les personnes prévenues d'avoir commis, ou d'avoir ordonné de commettre, l'une ou l'autre de ces infractions graves, et elle devra les déférer à ses propres tribunaux, quelle que soit leur nationalité. Elle pourra aussi, si elle le préfère, et selon les conditions prévues par sa propre législation, les remettre pour jugement à une autre Partie contractante intéressée à la poursuite, pour autant que cette Partie contractante ait retenu contre lesdites personnes des charges suffisantes.

Chaque Partie contractante prendra les mesures nécessaires pour faire cesser les actes contraires aux dispositions de la présente Convention, autres que les infractions graves définies à l'article suivant.

En toutes circonstances, les inculpés bénéficieront de garanties de procédure et de libre défense qui ne seront pas inférieures à celles prévues par les articles 105 et suivants de la présente Convention.

**ARTICLE 130**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

**ARTICLE 131**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

**ARTICLE 132**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

**SECTION II****FINAL PROVISIONS****ARTICLE 133**

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

**ARTICLE 134**

TS 846.  
47 Stat. 2021.

The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

**ARTICLE I30**

Les infractions graves visées à l'article précédent sont celles qui comportent l'un ou l'autre des actes suivants, s'ils sont commis contre des personnes ou des biens protégés par la Convention : l'homicide intentionnel, la torture ou les traitements inhumains, y compris les expériences biologiques, le fait de causer intentionnellement de grandes souffrances ou de porter des atteintes graves à l'intégrité physique ou à la santé, le fait de contraindre un prisonnier de guerre à servir dans les forces armées de la Puissance ennemie, ou celui de le priver de son droit d'être jugé régulièrement et impartialement selon les prescriptions de la présente Convention.

**ARTICLE I31**

Aucune Partie contractante ne pourra s'exonérer elle-même, ni exonérer une autre Partie contractante, des responsabilités encourues par elle-même ou par une autre Partie contractante en raison des infractions prévues à l'article précédent.

**ARTICLE I32**

A la demande d'une Partie au conflit, une enquête devra être ouverte, selon le mode à fixer entre les Parties intéressées, au sujet de toute violation alléguée de la Convention.

Si un accord sur la procédure d'enquête n'est pas réalisé, les Parties s'entendront pour choisir un arbitre, qui décidera de la procédure à suivre.

Une fois la violation constatée, les Parties au conflit y mettront fin et la réprimeront le plus rapidement possible.

**SECTION II****DISPOSITIONS FINALES****ARTICLE I33**

La présente Convention est établie en français et en anglais. Les deux textes sont également authentiques.

Le Conseil fédéral suisse fera établir des traductions officielles de la Convention en langue russe et en langue espagnole.

**ARTICLE I34**

La présente Convention remplace la Convention du 27 juillet 1929 dans les rapports entre les Hautes Parties contractantes.

**ARTICLE I35**

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

**TS 403, 539.  
32 Stat. 1803; 36  
Stat. 2277.**

**ARTICLE I36**

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

**ARTICLE I37**

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**ARTICLE I38**

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

**ARTICLE I39**

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

**ARTICLE I40**

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 135

Dans les rapports entre Puissances liées par la Convention de La Haye concernant les lois et coutumes de la guerre sur terre, qu'il s'agisse de celle du 29 juillet 1899 ou de celle du 18 octobre 1907, et qui participent à la présente Convention, celle-ci complétera le chapitre II du Règlement annexé aux susdites Conventions de La Haye.

ARTICLE 136

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au 12 février 1950, être signée au nom des Puissances représentées à la Conférence qui s'est ouverte à Genève le 21 avril 1949, ainsi que des Puissances non représentées à cette Conférence qui participent à la Convention du 27 juillet 1929.

ARTICLE 137

La présente Convention sera ratifiée aussitôt que possible et les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification un procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

ARTICLE 138

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie contractante six mois après le dépôt de son instrument de ratification.

ARTICLE 139

Dès la date de son entrée en vigueur, la présente Convention sera ouverte à l'adhésion de toute Puissance au nom de laquelle cette Convention n'aura pas été signée.

ARTICLE 140

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

**ARTICLE I41**

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

**ARTICLE I42**

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

**ARTICLE I43**

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

**ARTICLE I4I**

Les situations prévues aux articles 2 et 3 donneront effet immédiat aux ratifications déposées et aux adhésions notifiées par les Parties au conflit avant ou après le début des hostilités ou de l'occupation. La communication des ratifications ou adhésions reçues des Parties au conflit sera faite par le Conseil fédéral suisse par la voie la plus rapide.

**ARTICLE I42**

Chacune des Hautes Parties contractantes aura la faculté de dénoncer la présente Convention.

La dénonciation sera notifiée par écrit au Conseil fédéral suisse. Celui-ci communiquera la notification aux Gouvernements de toutes les Hautes Parties contractantes.

La dénonciation produira ses effets un an après sa notification au Conseil fédéral suisse. Toutefois la dénonciation notifiée alors que la Puissance dénonçante est impliquée dans un conflit ne produira aucun effet aussi longtemps que la paix n'aura pas été conclue et, en tout cas, aussi longtemps que les opérations de libération et de rapatriement des personnes protégées par la présente Convention ne seront pas terminées.

La dénonciation vaudra seulement à l'égard de la Puissance dénonçante. Elle n'aura aucun effet sur les obligations que les Parties au conflit demeureront tenues de remplir en vertu des principes du droit des gens tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

**ARTICLE I43**

Le Conseil fédéral suisse fera enregistrer la présente Convention au Secrétariat des Nations Unies. Le Conseil fédéral suisse informera également le Secrétariat des Nations Unies de toutes les ratifications, adhésions et dénonciations qu'il pourra recevoir au sujet de la présente Convention.

**EN FOI DE QUOI** les soussignés, ayant déposé leurs pleins pouvoirs respectifs, ont signé la présente Convention.

**FAIT** à Genève, le 12 août 1949, en langues française et anglaise, l'original devant être déposé dans les Archives de la Confédération suisse. Le Conseil fédéral suisse transmettra une copie certifiée conforme de la Convention à chacun des Etats signataires, ainsi qu'aux Etats qui auront adhéré à la Convention.

For AFGHANISTAN

Pour l'AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF  
ALBANIA

Pour la RÉPUBLIQUE POPULAIRE  
D'ALBANIE

Avec les réserves aux articles 10, 12 et 85 ci-jointes<sup>1</sup>

J. MALO

For ARGENTINA

Pour l'ARGENTINE

Avec la réserve ci-jointe<sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Pour l'AUSTRALIE

Norman R. MICHELL  
Subject to Ratification<sup>3</sup>

For AUSTRIA

Pour l'AUTRICHE

Dr. Rud. BLUEHDORN

For BELGIUM

Pour la BELGIQUE

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET  
SOCIALIST REPUBLIC

Pour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE DE BIÉLORUSSIE

С оговорками по ст. ст. 10, 12, 85.<sup>4</sup>  
Текст оговорок прилагается  
Глава делегации БССР  
И. КУЦЕЙНИКОВ

For BOLIVIA

Pour la BOLIVIE

G. MEDEIROS

For BRAZIL

Pour le BRÉSIL

João PINTO DA SILVA,

General Floriano DE LIMA BRAYNER

<sup>1</sup> Voir le texte des réserves à la page 233. [*Post*, p. 3468.]

<sup>2</sup> Voir le texte de la réserve à la page 234. [*Post*, p. 3470.]

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.

<sup>4</sup> Voir le texte des réserves à la page 234. [*Post*, p. 3470.]

For the BULGARIAN PEOPLE'S  
REPUBLIC

Pour la RÉPUBLIQUE POPULAIRE  
DE BULGARIE

Avec les réserves ci-jointes <sup>1</sup>

K. B. SVETLOV

For CANADA

Pour le CANADA

Max. H. WERSHOF

For CEYLON

Pour CEYLAN

V. COOMARASWAMY

For CHILE

Pour le CHILI

F. CISTERNAS ORTIZ

For CHINA

Pour la CHINE

Wu Nan-Ju

For COLOMBIA

Pour la COLOMBIE

Rafael ROCHA SCHLOSS

For CUBA

Pour CUBA

J. DE LA LUZ LEÓN

For DENMARK

Pour le DANEMARK

Georg COHN

Paul IPSEN

BAGGE

For EGYPT

Pour l'ÉGYPTE

A. K. SAFWAT

For ECUADOR

Pour l'ÉQUATEUR

Alex. GASTELÚ

For SPAIN

Pour l'ESPAGNE

Avec les réserves ci-jointes <sup>2</sup>

Luis CALDERÓN

<sup>1</sup> Voir le texte des réserves à la page 236. [Post, p. 3474.]

<sup>2</sup> Voir le texte des réserves à la page 239. [Post, p. 3480.]

For the UNITED STATES OF AMERICA  
 Leland HARRISON,

Pour les ÉTATS-UNIS D'AMÉRIQUE  
 Raymund J. YINGLING

For ETHIOPIA  
 Gachau ZELLEKE

Pour l'ÉTHIOPIE  
 Gachau ZELLEKE

For FINLAND  
 Reinhold SVENTO

Pour la FINLANDE  
 Reinhold SVENTO

For FRANCE  
 G. CAHEN-SALVADOR

Pour la FRANCE  
 JACQUINOT

For GREECE  
 M. PESMAZOGLOU

Pour la GRÈCE  
 M. PESMAZOGLOU

For GUATEMALA  
 A. DUPONT-WILLEMIN

Pour le GUATEMALA  
 A. DUPONT-WILLEMIN

For the HUNGARIAN PEOPLE'S  
 REPUBLIC

Pour la RÉPUBLIQUE POPULAIRE  
 HONGROISE

Avec les réserves ci-jointes<sup>1</sup>  
 Anna KARA

For INDIA  
 D. B. DESAI

Pour l'INDE  
 D. B. DESAI

For IRAN  
 A. H. MEYKADEH

Pour l'IRAN  
 A. H. MEYKADEH

For the REPUBLIC OF IRELAND  
 Sean MACBRIDE

Pour la RÉPUBLIQUE D'IRLANDE  
 Sean MACBRIDE

For ISRAEL  
 M. KAHANY

Pour ISRAËL  
 M. KAHANY

<sup>1</sup> Voir le texte des réserves à la page 239. [*Post*, p. 3480.]

For ITALY

Giacinto AURITI      Ettore BAISTROCCHI  
Avec la réserve ci-jointe <sup>1</sup>

Pour l'ITALIE

For the LEBANON

MIKAOUTI

Pour le LIBAN

For LIECHTENSTEIN

Comte F. WILCZEK

Pour le LIECHTENSTEIN

For LUXEMBURG

J. STURM  
Avec la réserve ci-annexée <sup>2</sup>

Pour le LUXEMBOURG

For MEXICO

Pedro DE ALBA      W. R. CASTRO

Pour le MEXIQUE

For the PRINCIPALITY OF MONACO

M. Lozé

Pour la PRINCIPAUTE DE MONACO

For NICARAGUA

Ad referendum  
LIFSCHEITZ

Pour le NICARAGUA

For NORWAY

Rolf ANDERSEN

Pour la NORVÈGE

For NEW ZEALAND

G. R. LAKING

Pour la NOUVELLE-ZÉLANDE

For PAKISTAN

S. M. A. FARUKI, M. G.      A. H. SHAIKH

Pour le PAKISTAN

For PARAGUAY

Conrad FEHR

Pour le PARAGUAY

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

Pour les PAYS-BAS

<sup>1</sup> Voir le texte de la réserve à la page 242. [Post, p. 3486.]

<sup>2</sup> Voir le texte de la réserve à la page 243. [Post, p. 3488.]

For PERU

Gonzalo PIZZARO

Pour le Pérou

For the REPUBLIC OF THE  
PHILIPPINESP. SEBASTIAN<sup>1</sup>Pour la République des  
Philippines

For POLAND

Avec les réserves ci-jointes<sup>2</sup>

Julian PRZYBOS

Pour la POLOGNE

For PORTUGAL

Avec les réserves ci-jointes<sup>3</sup>

G. CALDEIRA COELHO

Pour le PORTUGAL

For the RUMANIAN PEOPLE'S  
REPUBLICPour la République populaire  
ROUMAINEAvec les réserves ci-jointes<sup>4</sup>

I. DRAGOMIR

For the UNITED KINGDOM OF  
GREAT BRITAIN AND  
NORTHERN IRELANDPour le ROYAUME-UNI DE  
GRANDE-BRETAGNE ET  
D'IRLANDE DU NORD

Robert CRAIGIE

H. A. STRUTT

W. H. GARDNER

For the HOLY SEE

Pour le SAINT-SIÈGE

Philippe BERNARDINI

For EL SALVADOR

Pour EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Pour la SUÈDE

Sous réserve de ratification par S. M. le Roi de Suède  
avec l'approbation du Riksdag

Staffan SÖDERBLOM

For SWITZERLAND

Pour la SUISSE

|                          |              |
|--------------------------|--------------|
| Max PETITPIERRE          | Plinio BOLLA |
| Colonel div. du PASQUIER | Ph. ZUTTER   |
|                          | H. MEULI     |

<sup>1</sup> "This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution".

<sup>2</sup> Voir le texte des réserves à la page 244. [*Post*, p. 3490.]

<sup>3</sup> Voir le texte des réserves à la page 246. [*Post*, p. 3494.]

<sup>4</sup> Voir le texte des réserves à la page 247. [*Post*, p. 3496.]

For SYRIA

Omar EL DJABRI A. GENNAOUI

Pour la SYRIE

For CZECHOSLOVAKIA

Avec les réserves ci-jointes <sup>1</sup>

TAUBER

Pour la TCHÉCOSLOVAQUIE

For TURKEY

Rana TARHAN

Pour la TURQUIE

For the UKRANIAN SOVIET  
SOCIALIST REPUBLIC

Pour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE D'UKRAINE

С оговорками по статьям 10, 12, 85.<sup>2</sup>

Текст оговорок прилагается

По уполномочию правительства УССР

ПРОФЕССОР О. БОГОМОЛЕЦ

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Pour l'UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUES

С оговорками по статьям 10, 12, 85.<sup>3</sup>

Текст оговорок прилагается

Глава делегации СССР

Н. СЛАВИН

For URUGUAY

Pour l'URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

Pour le VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Pour la RÉPUBLIQUE FÉDÉRATIVE  
POPULAIRE DE YUGOSLAVIE

Avec les réserves ci-jointes <sup>4</sup>

Milan RISTIĆ

<sup>1</sup> Voir le texte des réserves à la page 249. [Post, p. 3500.]

<sup>2</sup> Voir le texte des réserves à la page 250. [Post, p. 3502.]

<sup>3</sup> Voir le texte des réserves à la page 252. [Post, p. 3506.]

<sup>4</sup> Voir le texte des réserves à la page 253. [Post, p. 3508.]

## ANNEX I

**MODEL AGREEMENT CONCERNING DIRECT REPATRIATION  
AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED  
AND SICK PRISONERS OF WAR**

*(see Article 110)*

**I. — PRINCIPLES FOR DIRECT REPATRIATION  
AND ACCOMMODATION IN NEUTRAL COUNTRIES**

**A. DIRECT REPATRIATION**

The following shall be repatriated direct:

- (1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of a limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot. Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:
- (a) Loss of a hand or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.
  - (b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the functioning of one of the large articulations or of all the digital joints of one hand.
  - (c) Pseudarthrosis of the long bones.
  - (d) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.
- (2) All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery—in spite of treatment—within one year from the date of the injury, as, for example, in case of:
- (a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.
  - (b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.
  - (c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.
  - (d) Perforating and suppurating injury to the large joints.
  - (e) Injury to the skull, with loss or shifting of bony tissue.
  - (f) Injury or burning of the face with loss of tissue and functional lesions.

## ANNEXE I

**ACCORD-TYPE CONCERNANT LE RAPATRIEMENT DIRECT  
ET L'HOSPITALISATION EN PAYS NEUTRE  
DES PRISONNIERS DE GUERRE BLESSÉS ET MALADES**

(voir article 110)

**I. — PRINCIPES POUR LE RAPATRIEMENT DIRECT  
OU L'HOSPITALISATION EN PAYS NEUTRE**

**A. RAPATRIEMENT DIRECT**

Seront rapatriés directement :

- 1) Tous les prisonniers de guerre atteints des infirmités suivantes, résultant de traumatismes : perte d'un membre, paralysie, infirmités articulaires ou autres, à condition que l'infirmité soit pour le moins la perte d'une main ou d'un pied ou qu'elle soit équivalente à la perte d'une main ou d'un pied.  
Sans qu'il soit, pour autant, porté préjudice à une interprétation plus large, les cas suivants seront considérés comme équivalant à la perte d'une main ou d'un pied :
  - a) Perte de la main, de tous les doigts ou du pouce et de l'index d'une main ; perte du pied ou de tous les orteils et des métatarsiens d'un pied.
  - b) Ankylose, perte de tissu osseux, rétréissement cicatriciel abolissant la fonction d'une des grandes articulations ou de toutes les articulations digitales d'une main.
  - c) Pseudarthrose des os longs.
  - d) Difficultés résultant de fractures ou autre accident et comportant un sérieux amoindrissement de l'activité et de l'aptitude à porter des poids.
- 2) Tous les prisonniers de guerre blessés dont l'état est devenu chronique au point que le pronostic semble exclure, malgré les traitements, le rétablissement dans l'année qui suit la date de la blessure, comme par exemple en cas de :
  - a) Projectile dans le cœur, même si la Commission médicale mixte, lors de son examen, n'a pu constater de troubles graves.
  - b) Eclat métallique dans le cerveau ou dans les poumons, même si la Commission médicale mixte, lors de son examen, ne peut constater de réaction locale ou générale.
  - c) Ostéomyélite dont la guérison est imprévisible au cours de l'année qui suit la blessure et qui semble devoir aboutir à l'ankylose d'une articulation ou à d'autres altérations équivalant à la perte d'une main ou d'un pied.
  - d) Blessure pénétrante et suppurante des grandes articulations.
  - e) Blessure du crâne avec perte ou déplacement de tissu osseux.
  - f) Blessure ou brûlure de la face avec perte de tissu et lésions fonctionnelles.

- (g) Injury to the spinal cord.
  - (h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (*N. peroneous communis*) and medial popliteal nerve (*N. tibialis*); etc. The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious neurotrophic disturbance.
  - (i) Injury to the urinary system, with incapacitating results.
- (3) All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery—in spite of treatment—within one year from the inception of the disease, as, for example, in case of:
- (a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country.
  - (b) Exudate pleurisy.
  - (c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: serious pulmonary emphysema, with or without bronchitis; chronic asthma \*; chronic bronchitis \* lasting more than one year in captivity; bronchiectasis \*; etc.
  - (d) Serious chronic affections of the circulatory system, for example: valvular lesions and myocarditis \*, which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurisms of the large vessels); etc.
  - (e) Serious chronic affections of the digestive organs, for example: gastric or duodenal ulcer; sequelae of gastric operations performed in captivity; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition; cirrhosis of the liver; chronic cholecystopathy \*; etc.
  - (f) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.

\* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

- g) Blessure de la moelle épinière.
  - h) Lésion des nerfs périphériques dont les séquelles équivalent à la perte d'une main ou d'un pied et dont la guérison demande plus d'une année après la blessure, par exemple : blessure du plexus brachial ou lombo-sacré, des nerfs médian ou sciatique, ainsi que la blessure combinée des nerfs radial et cubital ou des nerfs péronier commun et tibial, etc. La blessure isolée des nerfs radial, cubital, péronier ou tibial ne justifie pas le rapatriement, sauf en cas de contractures ou de troubles neurotrophiques sérieux.
  - i) Blessure de l'appareil urinaire compromettant sérieusement son fonctionnement.
- 3) Tous les prisonniers de guerre malades dont l'état est devenu chronique au point que le pronostic semble exclure, malgré les traitements, le rétablissement dans l'année qui suit le début de la maladie, comme par exemple en cas de :
- a) Tuberculose évolutive, de quelque organe que ce soit, qui ne peut plus, selon les pronostics médicaux, être guérie ou au moins sérieusement améliorée par un traitement en pays neutre.
  - b) La pleurésie exsudative.
  - c) Les maladies graves des organes respiratoires, d'étiologie non tuberculeuse, présumées incurables, par exemple : emphysème pulmonaire grave (avec ou sans bronchite) ; asthme chronique \* ; bronchite chronique \* se prolongeant pendant plus d'une année en captivité ; bronchectasie \* ; etc.
  - d) Les affections chroniques graves de la circulation, par exemple : affections valvulaires et du myocarde \* ayant manifesté des signes de décompensation durant la captivité, même si la Commission médicale mixte, lors de son examen, ne peut constater aucun de ces signes ; affections du péricarde et des vaisseaux (maladie de Buerger, anévrismes des grands vaisseaux) ; etc.
  - e) Les affections chroniques graves des organes digestifs, par exemple : ulcère de l'estomac ou du duodénum ; suite d'intervention chirurgicale sur l'estomac faite en captivité ; gastrite, entérite ou colite chroniques durant plus d'une année et affectant gravement l'état général ; cirrhose hépatique ; cholécystopathie chronique \* ; etc.
  - f) Les affections chroniques graves des organes génito-urinaires, par exemple : maladies chroniques du rein avec troubles consécutifs ; néphrectomie pour un rein tuberculeux ; pyélonéphrite chronique ou cystite chronique ; hydro ou pyonéphrose ; affections gynécologiques chroniques graves ; grossesses et affections obstétricales, lorsque l'hospitalisation en pays neutre est impossible ; etc.

\* La décision de la Commission médicale mixte se fondera en bonne partie sur les observations des médecins de camp et des médecins compatriotes des prisonniers de guerre ou sur l'examen de médecins spécialistes appartenant à la Puissance détentrice.

- (g) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist \*; any epilepsy duly verified by the camp physician \*; cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.
- (h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.
- (i) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of  $\frac{1}{2}$  in at least one eye \*; other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma; etc.
- (k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre \*; etc.
- (l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment ; etc.
- (m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.
- (n) Grave and chronic disorders of the blood-forming organs.
- (o) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocaineism, alcoholism; gas or radiation poisoning; etc.
- (p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.
- (q) Serious chronic skin diseases, not amenable to treatment.
- (r) Any malignant growth.
- (s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment ; leprosy ; etc.
- (t) Serious avitaminosis or serious inanition.

#### B. ACCOMMODATION IN NEUTRAL COUNTRIES

The following shall be eligible for accommodation in a neutral country:

- (i) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.

\* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

- g) Les maladies chroniques graves du système nerveux central et périphérique, par exemple toutes les psychoses et psychonévroses manifestes, telles que hystérie grave, sérieuse psychonévrose de captivité, etc., dûment constatées par un spécialiste \* ; toute épilepsie dûment constatée par le médecin du camp \* ; artériosclérose cérébrale ; névrite chronique durant plus d'une année ; etc.
- h) Les maladies chroniques graves du système neurovégétatif avec diminution considérable de l'aptitude intellectuelle ou corporelle, perte appréciable de poids et asthénie générale.
- i) La cécité des deux yeux ou celle d'un œil lorsque la vue de l'autre œil est moins de 1, malgré l'emploi de verres correcteurs ; la diminution de l'acuité visuelle ne pouvant être corrigée à  $\frac{1}{2}$  pour un œil au moins \* ; les autres affections oculaires graves, par exemple : glaucome ; iritis ; chloroidite ; trachome ; etc.
- k) Les troubles de l'audition tels que surdité complète unilatérale, si l'autre oreille ne perçoit plus la parole ordinaire à un mètre de distance \* ; etc.
- l) Les maladies graves du métabolisme, par exemple : diabète sucré nécessitant un traitement à l'insuline ; etc.
- m) Les troubles graves des glandes à sécrétion interne, par exemple : thyréotoxicose ; hypothyroïde ; maladie d'Addison ; cachexie de Simmonds ; téstanie ; etc.
- n) Les maladies graves et chroniques du système hématopoïétique.
- o) Les intoxications chroniques graves, par exemple : saturnisme, hydrargyrisme ; morphinisme, cocainisme, alcoolisme ; intoxications par les gaz et par les radiations ; etc.
- p) Les affections chroniques des organes locomoteurs avec troubles fonctionnels manifestes, par exemple : arthroses déformantes ; polyarthrite chronique évolutive primaire et secondaire ; rhumatisme avec manifestations cliniques graves ; etc.
- q) Les affections cutanées chroniques et graves, rebelles au traitement.
- r) Tout néoplasme malin.
- s) Les maladies infectieuses chroniques graves persistant une année après le début, par exemple : paludisme avec altérations organiques prononcées ; dysenterie amibienne ou bacillaire avec troubles considérables ; syphilis viscérale tertiaire, résistant au traitement ; lèpre ; etc.
- t) Les avitaminoses graves ou l'inanition grave.

#### B. HOSPITALISATION EN PAYS NEUTRE

Seront présentés en vue de l'hospitalisation en pays neutre :

- 1) Tous les prisonniers de guerre blessés qui ne sont pas susceptibles de guérir en captivité, mais qui pourraient être guéris ou dont l'état pourrait être nettement amélioré s'ils étaient hospitalisés en pays neutre.

\* La décision de la Commission médicale mixte se fondera en bonne partie sur les observations des médecins de camp et des médecins compatriotes des prisonniers de guerre ou sur l'examen de médecins spécialistes appartenant à la Puissance détentrice.

- (2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.
- (3) Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, locomotive organs, etc., if such treatment would clearly have better results in a neutral country than in captivity.
- (4) Prisoners of war who have undergone a nephrectomy in captivity for a non-tubercular renal affection; cases of osteomyelitis, on the way to recovery or latent; diabetes mellitus not requiring insulin treatment; etc.
- (5) Prisoners of war suffering from war or captivity neuroses.  
Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.
- (6) All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.
- (7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

- (1) All duly verified chronic psychoses.
- (2) All organic or functional nervous affections considered to be incurable.
- (3) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

## II. — GENERAL OBSERVATIONS

- (1) The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible.  
Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.
- (2) All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth, etc.) shall be examined and repatriated as soon as possible by the camp physicians or by military medical commissions appointed by the Detaining Power.

- 2) Les prisonniers de guerre atteints de toute forme de tuberculose quel que soit l'organe affecté, dont le traitement en pays neutre amènerait vraisemblablement la guérison ou du moins une amélioration considérable, exception faite de la tuberculose primaire guérie avant la captivité.
- 3) Les prisonniers de guerre atteints de toute affection justifiable d'un traitement des organes respiratoires, circulatoires, digestifs, nerveux, sensoriels, génito-urinaires, cutanés, locomoteurs, etc., et dont celui-ci aurait manifestement de meilleurs résultats en pays neutre qu'en captivité.
- 4) Les prisonniers de guerre ayant subi une néphrectomie en captivité pour une affection rénale non tuberculeuse, ou atteints d'ostéomyélite en voie de guérison ou latente, ou de diabète sucré n'exigeant pas de traitement à l'insuline, etc.
- 5) Les prisonniers de guerre atteints de névroses engendrées par la guerre ou la captivité.  
Les cas de névrose de captivité qui ne sont pas guéris après trois mois d'hospitalisation en pays neutre ou qui, après ce délai, ne sont pas manifestement en voie de guérison définitive, seront rapatriés.
- 6) Tous les prisonniers de guerre atteints d'intoxication chronique (les gaz, les métaux, les alcaloïdes, etc.), pour lesquels les perspectives de guérison en pays neutre sont particulièrement favorables.
- 7) Toutes les prisonnières de guerre enceintes et les prisonnières qui sont mères avec leurs nourrissons et enfants en bas âge.

Seront exclus de l'hospitalisation en pays neutre :

- 1) Tous les cas de psychoses dûment constatées.
- 2) Toutes les affections nerveuses organiques ou fonctionnelles réputées incurables.
- 3) Toutes les maladies contagieuses dans la période où elles sont transmissibles, à l'exception de la tuberculose.

## II. — OBSERVATIONS GÉNÉRALES

- 1) Les conditions fixées ci-dessus doivent, d'une manière générale, être interprétées et appliquées dans un esprit aussi large que possible.  
Les états névropathiques et psychopathiques engendrés par la guerre ou la captivité, ainsi que les cas de tuberculose à tous les degrés, doivent surtout bénéficier de cette largeur d'esprit. Les prisonniers de guerre ayant subi plusieurs blessures, dont aucune, considérée isolément, ne justifie le rapatriement, seront examinés dans le même esprit, compte tenu du traumatisme psychique dû au nombre des blessures.
- 2) Tous les cas incontestables donnant droit au rapatriement direct (amputation, cécité ou surdité totale, tuberculose pulmonaire ouverte, maladie mentale, néoplasme malin, etc.) seront examinés et rapatriés le plus tôt possible par les médecins de camp ou par des commissions de médecins militaires désignées par la Puissance détentrice.

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- (3) Injuries and diseases which existed before the war and which have not become worse, as well as war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.
  - (4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.
  - (5) The examples quoted under (I) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

- 3) Les blessures et maladies antérieures à la guerre, et qui ne se sont pas aggravées, ainsi que les blessures de guerre qui n'ont pas empêché la reprise du service militaire, ne donneront pas droit au rapatriement direct.
- 4) Les présentes dispositions bénéficieront d'une interprétation et d'une application analogues dans tous les Etats parties au conflit. Les Puissances et autorités intéressées donneront aux Commissions médicales mixtes toutes les facilités nécessaires à l'accomplissement de leur tâche.
- 5) Les exemples mentionnés ci-dessus sous chiffre I ne représentent que des cas typiques. Ceux qui ne sont pas exactement conformes à ces dispositions seront jugés dans l'esprit des stipulations de l'article 110 de la présente Convention et des principes contenus dans le présent accord.

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## ANNEX II

## REGULATIONS CONCERNING

## MIXED MEDICAL COMMISSIONS

*(see Article 112)*

## ARTICLE 1

The Mixed Medical Commissions provided for in Article 112 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

## ARTICLE 2

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

## ARTICLE 3

The neutral members shall be approved by the Parties to the conflict concerned, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

## ARTICLE 4

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members or, at least, as soon as possible.

## ARTICLE 5

If for any reason the International Committee of the Red Cross cannot arrange for the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

## ARTICLE 6

So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

## ANNEXE II

**RÈGLEMENT CONCERNANT LES COMMISSIONS  
MÉDICALES MIXTES**  
*(voir article 112)*

**ARTICLE 1**

Les Commissions médicales mixtes prévues à l'article 112 de la Convention seront composées de trois membres, dont deux appartiendront à un pays neutre, le troisième étant désigné par la Puissance détentrice. Un des membres neutres présidera.

**ARTICLE 2**

Les deux membres neutres seront désignés par le Comité international de la Croix-Rouge, d'accord avec la Puissance protectrice, sur la demande de la Puissance détentrice. Ils pourront être indifféremment domiciliés dans leur pays d'origine, ou dans un autre pays neutre ou sur le territoire de la Puissance détentrice.

**ARTICLE 3**

Les membres neutres seront agréés par les Parties au conflit intéressées, qui notifieront leur agrément au Comité international de la Croix-Rouge et à la Puissance protectrice. Dès cette notification, les membres seront considérés comme effectivement désignés.

**ARTICLE 4**

Des membres suppléants seront également désignés en nombre suffisant pour remplacer les membres titulaires en cas de nécessité. Cette désignation sera effectuée en même temps que celle des membres titulaires, ou, du moins, dans le plus bref délai possible.

**ARTICLE 5**

Si, pour une raison quelconque, le Comité international de la Croix-Rouge ne peut procéder à la désignation des membres neutres, il y sera procédé par la Puissance protectrice.

**ARTICLE 6**

Dans la mesure du possible, l'un des deux membres neutres devra être chirurgien, et l'autre médecin.

**ARTICLE 7**

The neutral members shall be entirely independent of the Parties to the conflict, which shall grant them all facilities in the accomplishment of their duties.

**ARTICLE 8**

By agreement with the Detaining Power, the International Committee of the Red Cross, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

**ARTICLE 9**

The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and in any case within a period of three months from the date of such approval.

**ARTICLE 10**

The Mixed Medical Commissions shall examine all the prisoners designated in Article 113 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

**ARTICLE 11**

The decisions made by the Mixed Medical Commissions in each specific case shall be communicated, during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

**ARTICLE 12**

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months of the time when it receives due notification of such decisions.

**ARTICLE 13**

If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be required, and if it is for any reason impossible to appoint

**ARTICLE 7**

Les membres neutres jouiront d'une entière indépendance à l'égard des Parties au conflit, qui devront leur assurer toutes facilités dans l'accomplissement de leur mission.

**ARTICLE 8**

D'accord avec la Puissance détentrice, le Comité international de la Croix-Rouge fixera les conditions de service des intéressés, lorsqu'il fera les désignations indiquées aux articles 2 et 4 du présent règlement.

**ARTICLE 9**

Dès que les membres neutres auront été agréés, les Commissions médicales mixtes commenceront leurs travaux aussi rapidement que possible et, en tout cas, dans un délai de trois mois à compter de la date de l'agrément.

**ARTICLE 10**

Les Commissions médicales mixtes examineront tous les prisonniers visés par l'article 113 de la Convention. Elles proposeront le rapatriement, l'exclusion du rapatriement ou l'ajournement à un examen ultérieur. Leurs décisions seront prises à la majorité.

**ARTICLE 11**

Dans le mois qui suivra la visite, la décision prise par la Commission dans chaque cas d'espèce sera communiquée à la Puissance détentrice, à la Puissance protectrice et au Comité international de la Croix-Rouge. La Commission médicale mixte informera également chaque prisonnier ayant passé la visite de la décision prise, et délivrera une attestation semblable au modèle annexé à la présente Convention à ceux dont elle aura proposé le rapatriement.

**ARTICLE 12**

La Puissance détentrice sera tenue d'exécuter les décisions de la Commission médicale mixte dans un délai de trois mois après qu'elle en aura été dûment informée.

**ARTICLE 13**

S'il n'y a aucun médecin neutre dans un pays où l'activité d'une Commission médicale mixte paraît nécessaire, et s'il est impossible, pour une raison quelconque, de désigner

neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

#### ARTICLE 14

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals of not more than six months.

des médecins neutres résidant dans un autre pays, la Puissance détentrice, agissant d'accord avec la Puissance protectrice, constituera une Commission médicale qui assumera les mêmes fonctions qu'une Commission médicale mixte, réserve faite des dispositions des articles 1, 2, 3, 4, 5 et 8 du présent règlement.

ARTICLE 14

Les Commissions médicales mixtes fonctionneront en permanence et visiteront chaque camp à des intervalles ne dépassant pas six mois.

### ANNEX III

#### REGULATIONS CONCERNING COLLECTIVE RELIEF

(see Article 73)

##### ARTICLE 1

Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administered by their camp, including those who are in hospitals, or in prisons or other penal establishments.

##### ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

##### ARTICLE 3

The said prisoners' representatives or their assistants shall be allowed to go to the points of arrival of relief supplies near their camps, so as to enable the prisoners' representatives or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors.

##### ARTICLE 4

Prisoners' representatives shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their camps has been carried out in accordance with their instructions.

##### ARTICLE 5

Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

## ANNEXE III

**RÈGLEMENT CONCERNANT LES SECOURS COLLECTIFS  
AUX PRISONNIERS DE GUERRE**

*(voir article 73)*

**ARTICLE 1**

Les hommes de confiance seront autorisés à distribuer les envois de secours collectifs dont ils ont la charge à tous les prisonniers rattachés administrativement à leur camp, y compris ceux qui se trouvent dans les hôpitaux, ou dans des prisons ou autres établissements pénitentiaires.

**ARTICLE 2**

La distribution des envois de secours collectifs s'effectuera selon les instructions des donateurs et conformément au plan établi par les hommes de confiance ; toutefois, la distribution des secours médicaux se fera, de préférence, d'entente avec les médecins-chefs et ceux-ci pourront, dans les hôpitaux et lazarets, déroger aux dites instructions dans la mesure où les besoins de leurs malades le commandent. Dans le cadre ainsi défini, cette distribution se fera toujours d'une manière équitable.

**ARTICLE 3**

Afin de pouvoir vérifier la qualité ainsi que la quantité des marchandises reçues, et établir à ce sujet des rapports détaillés à l'intention des donateurs, les hommes de confiance ou leurs adjoints seront autorisés à se rendre aux points d'arrivée des envois de secours proches de leur camp.

**ARTICLE 4**

Les hommes de confiance recevront les facilités nécessaires pour vérifier si la distribution des secours collectifs dans toutes les subdivisions et annexes de leur camp s'est effectuée conformément à leurs instructions.

**ARTICLE 5**

Les hommes de confiance seront autorisés à remplir, ainsi qu'à faire remplir par les hommes de confiance des détachements de travail ou par les médecins-chefs des lazarets et hôpitaux, des formules ou questionnaires destinés aux donateurs et ayant trait aux secours collectifs (distribution, besoins, quantités, etc.). Ces formules et questionnaires, dûment remplis, seront transmis aux donateurs sans délai.

**ARTICLE 6**

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

**ARTICLE 7**

When collective consignments of clothing are available, each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representative shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

**ARTICLE 8**

The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

**ARTICLE 9**

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp or in the course of transfer, nor to the possibility of representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, ensuring the distribution thereof to the addressees by any other means that they may deem useful.

ARTICLE 6

Afin d'assurer une distribution régulière de secours collectifs aux prisonniers de guerre de leur camp et, éventuellement, de faire face aux besoins que provoquerait l'arrivée de nouveaux contingents de prisonniers, les hommes de confiance seront autorisés à constituer et à maintenir des réserves suffisantes de secours collectifs. Ils disposeront, à cet effet, d'entrepôts adéquats ; chaque entrepôt sera muni de deux serrures, l'homme de confiance possédant les clefs de l'une et le commandant du camp celles de l'autre.

ARTICLE 7

Dans le cas d'envois collectifs de vêtements, chaque prisonnier de guerre conservera la propriété d'un jeu complet d'effets au moins. Si un prisonnier possède plus d'un jeu de vêtements, l'homme de confiance sera autorisé à retirer à ceux qui sont le mieux partagés les effets en excédent ou certains articles en nombre supérieur à l'unité s'il est nécessaire de procéder ainsi pour satisfaire aux besoins des prisonniers moins bien pourvus. Il ne pourra pas toutefois retirer un second jeu de sous-vêtements, de chaussettes, ou de chaussures, à moins qu'il n'y ait pas d'autre moyen d'en fournir à un prisonnier de guerre qui n'en possède pas.

ARTICLE 8

Les Hautes Parties contractantes, et les Puissances détentrices en particulier, autoriseront, dans toute la mesure du possible et sous réserve de la réglementation relative à l'approvisionnement de la population, tous achats qui seraient faits sur leur territoire en vue de distribuer des secours collectifs aux prisonniers de guerre ; elles faciliteront d'une manière analogue les transferts de fonds et autres mesures financières, techniques ou administratives effectuées en vue de ces achats.

ARTICLE 9

Les dispositions qui précèdent ne font pas obstacle au droit des prisonniers de guerre de recevoir des secours collectifs avant leur arrivée dans un camp ou en cours de transfert, non plus qu'à la possibilité pour les représentants de la Puissance protectrice, du Comité international de la Croix-Rouge ou de tout autre organisme venant en aide aux prisonniers qui serait chargé de transmettre ces secours, d'en assurer la distribution à leurs destinataires par tous autres moyens qu'ils jugeraient opportuns.

## ANNEX IV

## A. IDENTITY CARD

(see Article 4)

|  |        |                     |      |  |
|--|--------|---------------------|------|--|
| <p style="text-align: center;"><b>NOTICE</b></p> <p>This identity card is issued to persons who accompany the Armed Forces or<br/>but are not part of them.<br/>The card must be carried at all times by<br/>the person to whom it is issued. If the<br/>bearer is taken prisoner, he shall at once<br/>hand the card to the Detaining Authority,<br/>unless, to assist in his identification.</p> |        |                     |      | Fingerprints (optional)<br>(Left forefinger) _____<br>(Right forefinger) _____ |
| Height   | Weight | Eyes                | Hair |  |
|  |        |                     |      | Official seal  |
|  |        |                     |      | Blood type   |
|  |        |                     |      | Religion   |
|  |        |                     |      | Impression   |
|  |        |                     |      | (Name of the country and military authority issuing this card)                 |
|  |        |                     |      | <b>IDENTITY CARD</b>   |
|  |        |                     |      | <b>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</b>                           |
| Name .....<br>First names .....<br>Date and place of birth .....<br>Accompanies the Armed Forces as .....  |        |                     |      |  |
| Date of issue  |        | Signature of bearer |      |  |

Remarks. — This card should be made out for preference in two or three languages, one of which is in international use. Actual size of the card: 13 by 10 centimetres. It should be folded along the dotted line.

## ANNEXE IV

## A. CARTE D'IDENTITÉ

(voir article 4)

|   |       |  |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
|---|-------|--|---------|---|-------|------|---------|---|--|--|--|------------------|--|--|--|---|--|--|--|-----------|--|---------------|--|---------------------------------|--|---|--|--|--|----------------------------|--|--|--|
| <p style="text-align: center;">AVIS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Hauteur</td> <td style="width: 25%;">Poids</td> <td style="width: 25%;">Yeux</td> <td style="width: 25%;">Cheveux</td> </tr> <tr> <td colspan="4" style="text-align: center;">(Indication du pays et de l'autorité militaire qui délivrent la présente carte)</td> </tr> <tr> <td colspan="4" style="text-align: center;">CARTE D'IDENTITE</td> </tr> <tr> <td colspan="4" style="text-align: center;">POUR PERSONNE SUIVANT LES FORCES ARMÉES</td> </tr> <tr> <td colspan="2">Nom .....</td> <td colspan="2">Prénoms .....</td> </tr> <tr> <td colspan="2">Date et lieu de naissance .....</td> <td colspan="2">Suivant les forces armées en qualité de .....</td> </tr> <tr> <td colspan="2">Date d'établissement de la carte .....</td> <td colspan="2">Signature du porteur .....</td> </tr> </table> |       |  |         | Hauteur                                 | Poids | Yeux | Cheveux | (Indication du pays et de l'autorité militaire qui délivrent la présente carte) |  |  |  | CARTE D'IDENTITE |  |  |  | POUR PERSONNE SUIVANT LES FORCES ARMÉES |  |  |  | Nom ..... |  | Prénoms ..... |  | Date et lieu de naissance ..... |  | Suivant les forces armées en qualité de ..... |  | Date d'établissement de la carte ..... |  | Signature du porteur ..... |  | <p style="text-align: right;">La présente carte d'identité est délivrée aux personnes qui suivent les forces armées de la délégation de l'autorité qui délivre cette carte. Il permettre aux autorités qui l'ont délivrée de gérer le porteur et son état physique. Si le porteur a été blessé ou malade, il doit être porté en tout temps par la personne à qui il a été directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté. Elle doit être portée dans les locaux administratifs de l'autorité qui délivre cette carte d'identité sans en faire directement porté.</p> |  |
| Hauteur   | Poids | Yeux   | Cheveux |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| (Indication du pays et de l'autorité militaire qui délivrent la présente carte)   |       |  |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| CARTE D'IDENTITE  |       |  |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| POUR PERSONNE SUIVANT LES FORCES ARMÉES   |       |  |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| Nom .....   |       | Prénoms .....                                    |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| Date et lieu de naissance .....   |       | Suivant les forces armées en qualité de .....    |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| Date d'établissement de la carte .....  |       | Signature du porteur .....                       |         |   |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |
| Empreintes digitales (facultatif) (Index droit)   |       | Empreintes digitales (facultatif) (Index gauche) |         | Autre élément éventuel d'identification |       |      |         |   |  |  |  |                  |  |  |  |   |  |  |  |           |  |               |  |                                 |  |   |  |  |  |                            |  |  |  |

Remarques. — Cette carte devrait être établie, de préférence, en deux ou trois langues, dont une d'un usage international. Dimensions réelles de la carte, qui se plie suivant le trait pointillé : 13 x 10 cm.

## ANNEX IV

## B. CAPTURE CARD

(see Article 70)

|          |  |
|----------|--|
|          | <b>PRISONER OF WAR MAIL</b><br><span style="border: 1px solid black; padding: 2px;">Postage free</span>  |
| 1. Front | <b>CAPTURE CARD FOR PRISONER OF WAR</b><br><br><div style="display: flex; justify-content: space-between;"> <div style="flex: 1; text-align: center;"> <b>IMPORTANT</b><br/> <p>This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp).<br/> This card is distinct from the special card which each prisoner is allowed to send to his relatives.</p> </div> <div style="flex: 1; text-align: center;"> <b>CENTRAL PRISONERS<br/>OF WAR AGENCY</b><br/> <b>INTERNATIONAL COMMITTEE<br/>OF THE RED CROSS</b><br/><br/> <b>GENEVA</b><br/> <b>SWITZERLAND</b> </div> </div> |

|                           |   |                          |  |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |
|---------------------------|---|--------------------------|--|--------------------------|-------------------------|------------------|-------------------|--|--|---------|--|--|--|-------------------|--|--|--|---------------------------|--|--|--|
|                           | <p style="margin-top: 0;">Write legibly and in block letters</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">1. Name</td> <td style="width: 30%;">2. Power on which the prisoner depends</td> <td style="width: 40%;">3. First names (in full)</td> <td style="width: 30%;">4. First name of father</td> </tr> <tr> <td>5. Date of birth</td> <td>6. Place of birth</td> <td colspan="2"></td> </tr> <tr> <td>7. Rank</td> <td colspan="3"></td> </tr> <tr> <td>8. Service number</td> <td colspan="3"></td> </tr> <tr> <td>9. Address of next of kin</td> <td colspan="3"></td> </tr> </table> <p>*10. Taken prisoner on: (or)<br/>Coming from (Camp No., hospital, etc.)</p> <p>*11. (a) Good health—(b) Not wounded—(c) Recovered—(d) Convalescent—<br/>(e) Sick—(f) Slightly wounded—(g) Seriously wounded.</p> <p>12. My present address is: Prisoner No.<br/>Name of camp</p> <p>13. Date</p> <p>14. Signature</p> <p style="margin-top: 0;">* Strike out what is not applicable—Do not add any remarks—See explanations overleaf.</p> | 1. Name                  | 2. Power on which the prisoner depends | 3. First names (in full) | 4. First name of father | 5. Date of birth | 6. Place of birth |  |  | 7. Rank |  |  |  | 8. Service number |  |  |  | 9. Address of next of kin |  |  |  |
| 1. Name                   | 2. Power on which the prisoner depends  | 3. First names (in full) | 4. First name of father                |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |
| 5. Date of birth          | 6. Place of birth   |                          |  |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |
| 7. Rank                   |   |                          |  |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |
| 8. Service number         |   |                          |  |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |
| 9. Address of next of kin |   |                          |  |                          |                         |                  |                   |  |  |         |  |  |  |                   |  |  |  |                           |  |  |  |

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size: 15 by 10.5 centimetres.

## ANNEXE IV

## B. CARTE DE CAPTURE

(voir article 70)

|   |  |               |
|---|--|---------------|
| POSTE POUR PRISONNIERS DE GUERRE  |  | Franc de port |
| CARTE DE CAPTURE DE PRISONNIERS DE GUERRE   |  |               |
| <p><b>IMPORTANT</b></p> <p>Cette carte doit être remplie par chaque prisonnier immédiatement après qu'il aura été fait prisonnier et chaque fois qu'il aura changé d'adresse, par suite de son transfert dans un hôpital ou dans un autre camp.</p> <p>Cette carte est indépendante de la carte spéciale que le prisonnier est autorisé à envoyer à sa famille.</p> |  |               |
| <p>AGENCE CENTRALE DES<br/>PRISONNIERS DE GUERRE</p> <p>COMITÉ INTERNATIONAL<br/>DE LA CROIX-ROUGE</p> <p>GENÈVE<br/>(SUISSE)</p>   |  |               |

1. Recto

|   |  |                         |
|---|--|-------------------------|
| Ecrire lisiblement et en lettres capitales  | 1. Puissance dont le prisonnier dépend ..... |                         |
| 2. Nom .....  | 3. Prénoms (en toutes lettres) .....         | 4. Prénom du père ..... |
| 5. Date de naissance .....  | 6. Lieu de naissance .....                   |                         |
| 7. Grade .....  |  |                         |
| 8. N° matricule .....   |  |                         |
| 9. Adresse de la famille .....  |  |                         |
| *10. Fait prisonnier le : (ou)<br>Venant de (camp n°, hôpital, etc.) .....  |  |                         |
| *11. a) Bonne santé — b) Non blessé — c) Guéri — d) Convalescent — e) Malade — f) Légèrement blessé — g) Grièvement blessé. |  |                         |
| 12. Mon adresse actuelle : Numéro de prisonnier .....   |  |                         |
| Désignation du camp .....   |  |                         |
| 13. Date .....  | 14. Signature .....                          |                         |
| * Biffer ce qui ne convient pas — Ne rien ajouter à ces indications — Voir explications au verso.                           |  |                         |

Remarques. — Cette formule devrait être établie en deux ou trois langues, notamment dans la langue maternelle du prisonnier et dans celle de la Puissance détentrice. Dimensions réelles : 15 x 10,5 cm.

## **ANNEX IV**

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

## I. CARD.

|   |                              |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
|---|------------------------------|---------------------|----------|--|--|----------------------|-------|--|-------------------------|----------------------|--|---------------------|-------|--|--------------|--------------|--|----------------------|---------------|--|--|------------------------------|--|
| <b>PRISONER OF WAR MAIL</b>   |                              | <b>Postage free</b> |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| <b>POST CARD</b>  |                              |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| To .....  |                              |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| <table border="1"> <tr> <td style="width: 15%;">Sender :</td> <td colspan="2"></td> </tr> <tr> <td>Name and first names</td> <td colspan="2">.....</td> </tr> <tr> <td>Place and date of birth</td> <td colspan="2">Place of Destination</td> </tr> <tr> <td>Prisoner of War No.</td> <td colspan="2">.....</td> </tr> <tr> <td>Name of camp</td> <td colspan="2">Street .....</td> </tr> <tr> <td>Country where posted</td> <td colspan="2">Country .....</td> </tr> <tr> <td></td> <td colspan="2">Province or Department .....</td> </tr> </table> |                              |                     | Sender : |  |  | Name and first names | ..... |  | Place and date of birth | Place of Destination |  | Prisoner of War No. | ..... |  | Name of camp | Street ..... |  | Country where posted | Country ..... |  |  | Province or Department ..... |  |
| Sender :  |                              |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| Name and first names  | .....                        |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| Place and date of birth   | Place of Destination         |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| Prisoner of War No.   | .....                        |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| Name of camp  | Street .....                 |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
| Country where posted  | Country .....                |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |
|   | Province or Department ..... |                     |          |  |  |                      |       |  |                         |                      |  |                     |       |  |              |              |  |                      |               |  |  |                              |  |

**Remarks.**—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power.  
Actual size of form: 15 by 10 centimetres.

## **ANNEXE IV**

### C. CARTE ET LETTRE DE CORRESPONDANCE

(voir article 71)

## I. CARTE

|  |            |
|--|------------|
| <b>CORRESPONDANCE DES PRISONNIERS DE GUERRE</b>  |            |
| CARTE POSTALE  |            |
| A .....  |            |
| <p><b>Expéditeur:</b><br/>         Nom et prénoms .....<br/> <br/>         Date et lieu de naissance .....<br/> <br/>         N° de prisonnier .....</p> |            |
| <p>Lieu de destination .....</p>   |            |
| <p>Désignation du camp .....</p>   |            |
| <p>Rue .....</p>   |            |
| Pays d'expédition .....  | Pays ..... |
| Département .....  |            |

### **i. Recto**

Date :

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N'écrire que sur les lignes et très lisiblement.

N'écrire que sur les lignes et très lisiblement.

Remarques. — Cette formule devrait être établie en deux ou trois langues, notamment dans la langue maternelle du prisonnier et dans celle de la Puissance détentrice. Dimensions réelles de la formule : 15 x 10 cm.

TIAS 3364

## ANNEX IV

## C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

## 2. LETTER

PRISONER OF WAR MAIL

Postage free

|                               |  |
|-------------------------------|--|
| To .....                      |  |
| Place .....                   |  |
| Street .....                  |  |
| Country .....                 |  |
| Department or Province .....  |  |
| <br><br><br><br><br>          |  |
| Name and first names .....    |  |
| Date and place of birth ..... |  |
| Prisoner of War No. .....     |  |
| Name of camp .....            |  |
| Country where posted .....    |  |
| Sender: .....                 |  |
| <br>.....                     |  |

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It should be folded along the dotted line, the tab being inserted in the slit (marked by a line of asterisks); it then has the appearance of an envelope. Overleaf, it is lined like the postcard above (*Annex IV C/I*); this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

## ANNEXE IV

## C. CARTE ET LETTRE DE CORRESPONDANCE

(voir article 71)

## 2. LETTRE

The form is designed to fit inside an envelope. It has a large triangular top flap and a rectangular body. The body contains fields for address information.

|   |       |
|---|-------|
| CORRESPONDANCE<br>DES PRISONNIERS DE GUERRE |       |
| Franc de port                               |       |
| A   | ..... |
| Lieu de destination                         | ..... |
| Rue   | ..... |
| Pays  | ..... |
| Département                                 | ..... |
| .....                                       |       |
| .....                                       |       |
| Paye d'expédition                           | ..... |
| Designation du camp                         | ..... |
| N° de prisonnier                            | ..... |
| Date et lieu de naissance                   | ..... |
| Nom et prénoms                              | ..... |
| Expéditeur:                                 | ..... |
| .....                                       |       |
| .....                                       |       |

Remarques.— Cette forme devrait être établie en deux ou trois langues, notamment dans la langue maternelle du Prisonnier et dans celle de la Puissance détentrice. Elle se place suivant les traits pointillés, la partie supérieure se glissant dans la fente (marquée par un trait en \*), et elle apparaît alors comme une enveloppe. Le verso, ligné comme le verso de la carte postale figurant ci-dessous (voir *annexe IV C.I.*), est réservé à la correspondance du prisonnier et peut contenir environ 250 mots. Dimensions réelles de la formule dépliée : 29 x 15 cm.

## ANNEX IV

## D. NOTIFICATION OF DEATH

(see Article 120)

| (Title of responsible authority)  | NOTIFICATION OF DEATH                      |
|---|--|
|   | Power on which the prisoner depended ..... |
| Name and first names .....  |  |
| First name of father .....  |  |
| Place and date of birth .....   |  |
| Place and date of death .....   |  |
| Rank and service number (as given on identity disc) .....   |  |
| Address of next of kin .....  |  |
| Where and when taken prisoner .....   |  |
| Cause and circumstances of death .....  |  |
| Place of burial .....   |  |
| Is the grave marked and can it be found later by the relatives? .....   |  |
| Are the personal effects of the deceased in the keeping of the Detaining Power or are they being forwarded together with this notification? .....   |  |
| If forwarded, through what agency? .....  |  |
| Can the person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) give here or on an attached sheet a short account of the circumstances of the death and burial? ..... |  |
| (Date, seal and signature of responsible authority.)      Signature and address of two witnesses .....  |  |

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 21 by 30 centimetres.

## ANNEXE IV

## D. AVIS DE DÉCÈS

(voir article 120)

| (Désignation de l'autorité compétente)  | AVIS DE DÉCÈS                               |
|---|---|
|   | Puissance dont le prisonnier dépendait..... |
| Nom et prénoms.....   |   |
| Prénom du père  | .....                                       |
| Lieu et date de naissance   | .....                                       |
| Lieu et date du décès   | .....                                       |
| Grade et n° matriculé (inscriptions figurant sur la plaque d'identité)  | .....                                       |
| Adresse de la famille   | .....                                       |
| Où et quand a-t-il été fait prisonnier ?  | .....                                       |
| Cause et circonstances de la mort   | .....                                       |
| Lieu de sépulture   | .....                                       |
| La tombe est-elle marquée et pourra-t-elle être retrouvée plus tard par la famille ?  | .....                                       |
| Des objets de succession sont-ils conservés par la Puissance détentrice ou expédiés en même temps que cet avis de décès ?   | .....                                       |
| S'ils sont expédiés, par quel intermédiaire ?   | .....                                       |
| Une personne ayant assisté le défunt dans la maladie ou à ses derniers moments (médecin, infirmier, ministre d'un culte, camarade prisonnier) pourrait-elle donner, ci-contre ou ci-joint, quelques détails sur les derniers moments et l'ensevelissement ? | .....                                       |
| (Date, timbre et signature de l'autorité compétente)  | Signature et adresse de deux témoins :      |
| .....   | .....                                       |

Remarques. — Cette formule devrait être établie en deux ou trois langues, notamment dans la langue maternelle du prisonnier et dans celle de la Puissance détentrice. Dimensions réelles de la formule : 21 x 30 cm.

## ANNEX IV

## E. REPATRIATION CERTIFICATE

(see Annex II, Article II)

## REPATRIATION CERTIFICATE

Date:

Camp:

Hospital:

Surname:

First names:

Date of birth:

Rank:

Army Number:

P. W. Number:

Injury Disease:

Decision of the Commission:

Chairman of the  
Mixed Medical Commission

A = direct repatriation

B = accommodation in a neutral country

NC = re-examination by next Commission

ANNEXE IV

E. CERTIFICAT DE RAPATRIEMENT

(*voir annexe II, article II*)

CERTIFICAT DE RAPATRIEMENT

Date :

Camp :

Hôpital :

Nom :

Prénoms :

Date de naissance :

Grade :

N° matricule :

N° de prisonnier :

Blessure-maladie :

Décision de la Commission :

Le Président de la  
Commission médicale mixte :

A = rapatriement direct

B = hospitalisation dans un pays neutre

NC = nouvel examen par la prochaine Commission

## ANNEX V

MODEL REGULATIONS CONCERNING PAYMENTS SENT  
BY PRISONERS TO THEIR OWN COUNTRY*(see Article 63)*

- (1) The notification referred to in the third paragraph of Article 63 will show:
  - (a) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;
  - (b) the name and address of the payee in the country of origin;
  - (c) the amount to be so paid in the currency of the country in which he is detained.
- (2) The notification will be signed by the prisoner of war, or his witnessed mark made upon it if he cannot write, and shall be countersigned by the prisoners' representative.
- (3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.
- (4) The notification may be made up in lists, each sheet of such lists being witnessed by the prisoners' representative and certified by the camp commander.

ANNEXE V

RÈGLEMENT-TYPE RELATIF AUX PAIEMENTS ENVOYÉS PAR LES  
PRISONNIERS DE GUERRE DANS LEUR PROPRE PAYS

(voir article 63)

- 1) L'avis mentionné à l'article 63, troisième alinéa, contiendra les indications suivantes :
  - a) le numéro matricule prévu à l'article 17, le grade, les nom et prénoms du prisonnier de guerre auteur du paiement ;
  - b) le nom et l'adresse du destinataire du paiement dans le pays d'origine ;
  - c) la somme qui doit être payée exprimée en monnaie de la Puissance détentrice.
- 2) Cet avis sera signé par le prisonnier de guerre. Si ce dernier ne sait pas écrire, il y apposera un signe authentifié par un témoin. L'homme de confiance contresignera également cet avis.
- 3) Le commandant du camp ajoutera à cet avis un certificat attestant que le soldé créditeur du compte du prisonnier de guerre intéressé n'est pas inférieur à la somme qui doit être payée.
- 4) Ces avis pourront se faire sous forme de listes. Chaque feuille de ces listes sera authentifiée par l'homme de confiance et certifiée conforme par le commandant du camp.



## RÉSERVES

FAITES A L'OCCASION DE LA SIGNATURE  
DES CONVENTIONS DE GENÈVE DU 12 AOUT 1949  
POUR LA PROTECTION DES VICTIMES  
DE LA GUERRE

## RESERVATIONS

MADE AT THE TIME OF SIGNATURE  
OF THE GENEVA CONVENTIONS FOR THE PROTECTION  
OF WAR VICTIMS OF AUGUST 12, 1949

## PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris:

TIAS 3362.  
*Ante*, p. 3114.

- (1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

TIAS 3363.  
*Ante*, p. 3217.

- (2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Ante*, p. 3326.

- (3) Convention relative to the Treatment of Prisoners of War.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

*Article 12:* "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

*Article 85:* "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

RÉPUBLIQUE POPULAIRE D'ALBANIE

M. MALO, Premier Secrétaire près de la Légation d'Albanie à Paris :

- 1) Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 2) Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 3) Convention relative au traitement des prisonniers de guerre.

*Ad article 10:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les prisonniers de guerre sont ressortissants. »

*Ad article 12:* « La République populaire d'Albanie considère que, au cas où les prisonniers de guerre seraient transférés à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces prisonniers de guerre continuera toujours à incomber à la Puissance qui les a capturés. »

*Ad article 85:* « La République populaire d'Albanie considère que les personnes condamnées conformément à la législation de la Puissance détentrice d'après les principes du procès de Nuremberg pour des crimes de guerre et des crimes contre l'humanité doivent subir le même régime que des personnes condamnées dans le pays en question. Par conséquent, l'Albanie ne se voit pas liée par l'article 85 en ce qui concerne la catégorie des personnes mentionnées dans la présente réserve. »

TIAS 3365.  
Post, p. 3516.

- (4) Convention relative to the Protection of Civilian Persons in Time of War.

*Article 44:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

#### ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions :

"The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

„Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68.”

#### BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. KOUTEINIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic :

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

4) Convention relative à la protection des personnes civiles en temps de guerre.

*Ad article 11:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

*Ad article 45:* « La République populaire d'Albanie considère que, au cas où les personnes protégées seraient transférées à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces personnes protégées continuera toujours à incomber à la Puissance détentrice. »

### ARGENTINE

M. SPERONI, Premier Secrétaire près la Légation d'Argentine à Berne, formule la réserve suivante concernant les quatre Conventions de Genève :

« Le Gouvernement argentin a suivi avec intérêt, et la délégation argentine a pris part avec plaisir, aux travaux de la Conférence. La tâche a été difficile, mais, comme l'a bien dit notre Président à l'occasion de la séance de clôture, nous avons réussi.

» L'Argentine, Messieurs, a toujours pris position à l'avant-garde de beaucoup d'autres nations, dans les questions qui ont été l'objet de nos débats. Je signerai donc, au nom de mon Gouvernement et ad referendum, les quatre Conventions, sous réserve de ce que l'article 3 commun, à l'exclusion de tous les autres, sera le seul applicable dans le cas de conflits armés ne présentant pas un caractère international. De même, je signerai la Convention relative à la protection des personnes civiles sous réserve de l'article 68. ».

### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE

M. KOUTEINIKOV, Chef de la délégation de la République Socialiste Soviétique de Biélorussie :

i) En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Article 10.* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

*Article 10.* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations :

*Article 10.* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

*Article 12.* "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85.* "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

2) En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

3) En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule les réserves suivantes :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis. »

*Ad article 12:* « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir. »

*Ad article 85:* « La République Socialiste Soviétique de Biélorussie ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine. »

4) En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie croit devoir déclarer ce qui suit :

« Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement à la protection de cette population, le Gouvernement de la République Socialiste Soviétique de Biélorussie déclare néanmoins qu'il sera appliquée à la population civile dans les zones occupées par l'ennemi, dans la mesure où il sera possible de faire cela sans porter atteinte à l'application de la présente Convention à la population civile dans les zones non occupées. »

humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained.

*Article 45:* "The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

"On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property."

#### BULGARIAN PEOPLE'S REPUBLIC

Mr. Kosta B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

"In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

ment aux exigences humanitaires, la délégation de la République Socialiste Soviétique de Biélorussie, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique de Biélorussie de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

*Ad article 45:* « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### BRÉSIL

M. PINTO DA SILVA, Consul général du Brésil à Genève, formule les réserves suivantes en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

« En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Brésil tient à formuler deux réserves expresses. Quant à l'article 44, parce qu'il est susceptible de nuire à l'action de la Puissance détentrice. Quant à l'article 46, parce que le contenu de son alinéa 2 échappe aux attributions de la Convention, dont l'objectif essentiel, spécifique, est la protection des personnes et non de leurs biens matériels. »

#### RÉPUBLIQUE POPULAIRE DE BULGARIE

M. Kosta B. SVETLOV, Ministre de Bulgarie en Suisse, fait la déclaration suivante :

« En ma qualité de mandataire du Gouvernement de la République Populaire de Bulgarie, j'ai l'agréable devoir d'exprimer ici sa satisfaction d'avoir pu participer à l'élaboration d'un acte humanitaire de la plus haute importance internationale, acte-conventions pour la protection de toutes les victimes de la guerre.

" Nevertheless, my wish is that there shall be no need to apply them ; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

" I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population."

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions :

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 11:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 45:* " The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention :

*With regard to Article 10:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

» Je forme, cependant, le vœu que point ne soit besoin de leur application, c'est-à-dire que nous tous, nous déployons tous nos efforts pour empêcher une nouvelle guerre, pour ne pas avoir de victimes à secourir en suivant les règles d'une convention.

» Je dois exprimer, avant tout, les vifs regrets de mon Gouvernement de ce que la majorité de la Conférence diplomatique n'a pas accepté la proposition de la délégation soviétique concernant l'interdiction inconditionnelle des armes atomiques et des autres armes d'extermination en masse de la population. »

En signant donc les Conventions, le Gouvernement de la République Populaire de Bulgarie formule les réserves qui suivent, réserves qui constituent partie intégrante des Conventions :

1) Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 11:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de personnes civiles en temps de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont elles sont ressortissantes. »

*Concernant l'article 45:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de personnes civiles en temps de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades et de naufragés ou de personnel sanitaire des forces armées sur mer s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

(3) Convention relative to the Treatment of Prisoners of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 12:* "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

*With regard to Article 85:* "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

(4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

#### CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War :

3) Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de prisonniers de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

*Concernant l'article 12:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de prisonniers de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

*Concernant l'article 85:* « La République Populaire de Bulgarie ne s'estime pas tenue de remplir, par extension, les dispositions découlant de l'article 85 à l'égard de prisonniers de guerre condamnés, en vertu de la législation de la Puissance détentrice et conformément aux principes du procès de Nuremberg, pour crimes de guerre ou crimes antihumanitaires que ces personnes ont commis avant d'avoir été faites prisonniers, parce que ces condamnés doivent se soumettre au régime du pays institué pour purger la peine. »

4) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades ou de personnel sanitaire dans les forces armées en campagne s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ces personnes sont ressortissantes. »

#### CANADA

M. WERSHOF, Conseiller d'Ambassade, du Haut Commissariat du Canada à Londres, formule la réserve suivante en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

"Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### SPAIN

Mr. CALDERÓN Y MARTIN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

"In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces.

"Under 'International Law in force' (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by organizations in which she participates."

#### UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949, made the following declaration:

"The Government of the United States fully supports the objectives of this Convention.

"I am instructed by my Government to sign, making the following reservation to Article 68:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations:

"At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their

« Le Canada se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### ESPAGNE

M. CALDERÓN Y MARTIN, Ministre d'Espagne en Suisse, formule la réserve suivante en ce qui concerne la Convention de Genève relative au traitement des prisonniers de guerre; le texte de cette réserve a été déposé en espagnol, français et anglais :

« En matière de garanties de procédure et de sanctions pénales et disciplinaires, l'Espagne accordera aux prisonniers de guerre le même traitement qu'établissent ses lois pour ses propres forces nationales.

» Par « droit international en vigueur » (article 99), l'Espagne entend n'accepter que celui de source conventionnelle ou celui qui aurait été élaboré au préalable par des organismes auxquels elle prend part. »

#### ÉTATS-UNIS D'AMÉRIQUE

M. VINCENT, Ministre des Etats-Unis d'Amérique en Suisse, fait la déclaration suivante en signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949 :

« Le Gouvernement des Etats-Unis d'Amérique approuve entièrement les buts que poursuit la Convention de Genève relative à la protection des personnes civiles en temps de guerre.

» J'ai reçu de mon Gouvernement pour instruction de signer cette Convention en formulant la réserve qui suit au sujet de l'article 68 :

» Les Etats-Unis d'Amérique se réservent le droit d'appliquer la peine de mort selon les dispositions de l'Article 68, paragraphe 2, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### RÉPUBLIQUE POPULAIRE HONGROISE

Mme KARA formule les réserves suivantes :

« La délégation de la République Populaire Hongroise s'est ménagé le droit, à la séance du 11 août 1949 de la Confédération diplomatique, de faire des réserves expresses lors de la signature des Conventions, après les avoir examinées. Elle a

speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims.

"The Government of the Hungarian People's Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population.

"The Delegation of the Hungarian People's Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People's Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People's Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War; they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention; by virtue of that Article the provisions of the Civilians Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People's Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold.

"The Hungarian People's Government has also serious objections to Article 5 of the said Convention; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People's Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory.

"The express reservations made by the Government of the Hungarian People's Republic on signing the Conventions, are as follows:

(1) "In the opinion of the Government of the Hungarian People's Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilians Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists.

fait remarquer dans son discours à la séance mentionnée qu'elle n'était pas d'accord avec toutes les dispositions de ces Conventions. Après l'examen approfondi des textes des Conventions, le Gouvernement de la République Populaire Hongroise s'est décidé de signer les Conventions malgré leurs défauts qui sautent aux yeux, puisqu'il est d'avis que les Conventions constituent un progrès par rapport à la situation actuelle du point de vue de la réalisation des principes humanitaires et de la défense des victimes de la guerre.

» Le Gouvernement de la République Populaire Hongroise est obligé de constater que les résultats réels de la Conférence diplomatique terminée le 12 août ne se conforment pas aux espoirs, vu que la majorité des membres de la Conférence n'a pas adopté les projets de la délégation soviétique concernant l'arme atomique et les autres moyens d'extermination en masse de la population.

» La délégation de la République Populaire Hongroise a pris acte avec regret du point de vue de la majorité de la Conférence qui est contraire aux désirs des peuples engagés dans la lutte pour la paix et pour leur liberté. La délégation de la République Populaire Hongroise est convaincue que l'acceptation des propositions soviétiques aurait signifié la mesure la plus efficace en vue de la protection des victimes de la guerre. La délégation de la République Populaire Hongroise tient spécialement à démontrer les défauts essentiels de la Convention relative à la protection des personnes civiles en temps de guerre, défauts sur lesquels elle a attiré l'attention des Etats participant à la Conférence pendant les séances. Il s'agit particulièrement de l'article 4 de la Convention en vertu duquel les dispositions de la Convention relative à la protection des personnes civiles ne s'étendent pas à certaines personnes, parce que l'Etat, dont elles sont les ressortissants n'a pas adhéré à la Convention. Le Gouvernement de la République Populaire Hongroise estime que ces dispositions sont contraires aux principes humanitaires que la Convention désire assurer.

» Le Gouvernement Populaire Hongrois a également de graves objections contre l'article 5 de ladite Convention, en vertu duquel une suspicion légitime d'une activité préjudiciable à la sécurité de l'Etat suffit déjà à priver les personnes protégées de la protection assurée par la Convention. Le Gouvernement de la République Populaire Hongroise est d'avis que cette disposition rend d'avance illusoire la réalisation des principes fondamentaux de la Convention.

» Les réserves expresses du Gouvernement de la République Populaire Hongroise par rapport à la signature des Conventions sont les suivantes :

1) « Selon l'avis du Gouvernement de la République Populaire Hongroise les dispositions de l'article 10 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », ainsi que de l'article 11 de la Convention relative à la protection des personnes civiles, concernant la substitution de la Puissance protectrice, ne peuvent être appliquées que dans le cas où le Gouvernement de l'Etat, dont les personnes protégées sont les ressortissants, n'existe plus.

(2) "The Government of the Hungarian People's Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilians Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention.

(3) "In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People's Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers.

(4) "The Delegation of the Hungarian People's Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes.

(5) "Lastly, the Government of the Hungarian People's Republic maintains the point of view which it expressed in regard to Article 45 of the Civilians Convention, namely that, in the case of the transfer of protected persons from one Power to another, the responsibility for the application of the Convention must rest with both of those Powers."

#### ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration :

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows :

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

2) » Le Gouvernement de la République Populaire Hongroise ne peut pas approuver les dispositions de l'article 11 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », respectivement de l'article 12 de la Convention relative à la protection des personnes civiles, selon lesquelles la compétence de la Puissance protectrice s'étend à l'interprétation des Conventions.

3) » Par rapport à l'article 12 de la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Hongroise maintient son point de vue, selon lequel, en cas de transfert de prisonniers de guerre d'une Puissance à une autre, la responsabilité pour l'application des dispositions des Conventions doit incomber à ces deux Puissances.

4) » La délégation de la République Populaire Hongroise répète sa protestation élevée au cours des séances relatives à l'article 85 de la Convention des prisonniers de guerre jugés pour des crimes de guerre et pour des crimes contre l'humanité conformément aux principes de Nuremberg, doivent être soumis au même traitement que les criminels condamnés pour d'autres crimes.

5) » Le Gouvernement de la République Populaire Hongroise maintient finalement son point de vue exprimé, concernant l'article 45 de la Convention relative à la protection des personnes civiles, selon lequel en cas de transfert de personnes protégées d'une Puissance à une autre, la responsabilité pour l'application de la Convention doit incomber à ces deux Puissances. »

#### ISRAËL

M. KAHANY, délégué d'Israël auprès de l'Office européen des Nations Unies et du Comité international de la Croix-Rouge, fait la déclaration suivante :

« Conformément aux instructions reçues de mon Gouvernement, je signerai la Convention de Genève relative au traitement des prisonniers de guerre sans réserve aucune. Mais pour chacune des trois autres Conventions, notre signature sera accompagnée des réserves dont voici la teneur :

1) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif du service sanitaire de ses forces armées. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

#### ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva:

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended 'that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other', the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible, during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication.

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

"The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed."

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David sur les drapeaux, les brassards, ainsi que tout le matériel (y compris les navires-hôpitaux) se rattachant au service sanitaire. »

3) Convention de Genève relative à la protection des personnes civiles en temps de guerre.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs prévus dans l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif prévu dans cette Convention. »

## ITALIE

M. AURITI, Ambassadeur d'Italie, fait les déclarations suivantes au sujet de la Convention relative au traitement des prisonniers de guerre et des Résolutions n°s 6, 7 et 9 de la Conférence diplomatique de Genève :

1) Convention de Genève relative au traitement des prisonniers de guerre.

« Le Gouvernement italien déclare faire des réserves au sujet du dernier alinéa de l'article 66 de la Convention relative au traitement des prisonniers de guerre. »

2) Résolution n° 6 de la Conférence diplomatique de Genève.

« Attendu que la Conférence a émis le vœu « que les Hautes Parties contractantes confient dans un avenir rapproché à une Commission d'Experts le soin d'étudier la mise au point technique des moyens modernes de transmission entre les navires-hôpitaux, d'une part, et les navires de guerre et aéronefs militaires, d'autre part » le Gouvernement italien exprime l'espoir que ladite Commission d'Experts soit convoquée si possible dans les mois qui suivent pour l'élaboration d'un code international réglementant, de façon précise, l'usage de ces moyens.

» Les forces armées italiennes sont en train de procéder à une étude approfondie à ce sujet et seraient prêtes à présenter, le cas échéant, des propositions techniques concrètes qui pourraient servir comme base de discussion. »

3) Résolution n° 7 de la Conférence diplomatique.

« Le Gouvernement italien est prêt à prendre toutes les dispositions utiles pour que les navires-hôpitaux diffusent à intervalles fréquents et réguliers tous renseignements relatifs à leur position, à leur direction et à leur vitesse. »

## (4) Resolution 9 of the Diplomatic Conference of Geneva.

"In regard to the second paragraph of Resolution 9, the Italian Government considers that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost."

## LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxemburg in Switzerland, made the following reservation :

"The undersigned Delegate of the Grand Duchy of Luxemburg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation :

"that its existing national law shall continue to be applied to cases now under consideration."

## NEW ZEALAND

Mr. George Robert LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration :

"In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

"In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations :

(1) "New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins ;

## 4) Résolution n° 9 de la Conférence diplomatique.

« En ce qui concerne le deuxième alinéa de la Résolution n° 9, le Gouvernement italien est d'avis que les administrations des télécommunications des Hautes Parties contractantes doivent collaborer pour établir un système de groupement des télogrammes des prisonniers de guerre pour faciliter la transmission des messages chiffrés afin d'éviter des erreurs et les doubles transmissions internationales avec l'augmentation de leur coût. »

## LUXEMBOURG

M. STURM, Chargé d'Affaires du Luxembourg en Suisse, formule la réserve suivante :

« Le soussigné délégué du Grand-Duché de Luxembourg, dûment autorisé par son Gouvernement, a signé aujourd'hui, le 8 décembre 1949, la Convention élaborée par la Conférence diplomatique de Genève relative au traitement des prisonniers de guerre sous la réserve :

« que le droit national positif continuera à être appliqué aux procédures en cours. »

## NOUVELLE-ZÉLANDE

M. George Robert LAKING, Conseiller près l'Ambassade de la Nouvelle-Zélande à Washington, fait la déclaration suivante :

« Le Gouvernement de la Nouvelle-Zélande désire que je déclare en signant les quatre Conventions élaborées par la Conférence diplomatique de Genève en 1949 que, n'ayant pas eu le temps nécessaire pour étudier les réserves faites par d'autres Etats, il réserve pour l'instant ses vues à l'égard des dites réserves.

» Le Gouvernement de la Nouvelle-Zélande désire qu'au moment de signer la Convention relative à la protection des personnes civiles en temps de guerre, je fasse les réserves suivantes :

1) » La Nouvelle-Zélande se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation.

(2) "In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a General codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1."

#### NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration :

"My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Government wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows :

"The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

2) » Etant donné que l'Assemblée générale des Nations Unies, ayant approuvé les principes établis par la charte et le jugement du Tribunal de Nuremberg, a chargé la Commission du droit international d'inclure ces principes dans une codification générale des infractions contre la paix et la sécurité de l'humanité, la Nouvelle-Zélande se réserve le droit de prendre les mesures nécessaires pour obtenir que de telles infractions soient punies, nonobstant les dispositions de l'article 70, premier alinéa. »

#### PAYS-BAS

M. BOSCH, Chevalier DE ROSENTHAL, Ministre des Pays-Bas en Suisse, déclare ce qui suit :

« Mon Gouvernement m'a donné pour instructions de signer les quatre Conventions élaborées par la Conférence diplomatique qui s'est tenue à Genève du 21 avril au 12 août 1949. Mon Gouvernement désire cependant formuler la réserve suivante en ce qui concerne la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume des Pays-Bas se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### POLOGNE

M. PRZYBOS, Ministre de Pologne en Suisse, formule les réserves suivantes en ce qui concerne les quatre Conventions de Genève :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent."

"In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them."

"In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned."

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent."

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

» En ce qui concerne l'article 85, le Gouvernement de la République polonaise ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes énoncés lors des jugements de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis aux prescriptions sur l'exécution des peines en vigueur dans l'Etat intéressé.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### PORUGAL

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made the following declaration :

(a) *Article 3, common to the four Conventions:*

"As there is no actual definition of what is meant by a conflict not of an international character, and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

(b) *Article 10 of Conventions I, II and III and Article IX of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by Protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

(c) *Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

(d) *Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

» En ce qui concerne l'article 45, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

### PORUGAL

M. Gonçalo CALDEIRA COELHO, Chargé d'Affaires du Portugal en Suisse, formule les réserves suivantes :

*a) Article 3, commun aux quatre Conventions :*

« N'étant pas concrètement défini ce qui doit être appelé un conflit de caractère non international et, en cas que, par cette désignation on entend se référer uniquement à la guerre civile, n'étant pas clairement établi le moment à partir duquel une rébellion armée de caractère interne doit être considérée comme telle, le Portugal se réserve le droit de ne pas appliquer, dans tous les territoires soumis à sa souveraineté dans n'importe quelle partie du monde, la matière de l'article 3 dans tout ce qu'elle puisse avoir de contraire aux dispositions de la loi portugaise. »

*b) Article 10, des Conventions I, II, III et article 11 de la Convention IV :*

« Le Gouvernement portugais n'accepte la doctrine des articles cités que sous réserve que les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire pour qu'ils assument les fonctions dévolues normalement aux Puissances protectrices aient l'assentiment ou l'accord du gouvernement du pays duquel sont originaires les personnes à protéger (Puissances d'origine). »

*c) Article 13 de la Convention I et article 4 de la Convention III :*

« Le Gouvernement portugais fait une réserve dans l'application de ces articles dans tous les cas dans lesquels le gouvernement légitime a déjà sollicité et accepté l'armistice ou la suspension des opérations militaires de n'importe quelle nature, même si les forces armées en campagne n'ont pas encore capitulé. »

*d) Article 60 de la Convention III :*

« Le Gouvernement portugais accepte la doctrine de cet article sous la réserve que, en aucun cas, il ne s'oblige à payer aux prisonniers comme solde mensuelle une somme supérieure à 50 % des appointements dus aux militaires portugais de poste ou catégorie équivalents, qui se trouvent en service actif dans la zone de combat. »

## RUMANIAN PEOPLE'S REPUBLIC

Mr. Ioan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10.* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10.* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservations :

*Article 10.* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12.* "The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

*Article 85.* "The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for

## RÉPUBLIQUE POPULAIRE ROUMAINE

M. Ioan DRAGOMIR, Chargé d'Affaires de Roumanie en Suisse, fait la déclaration suivante :

1) » En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays, dont les personnes protégées sont ressortissantes, n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Roumaine formule les réserves suivantes :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices au cas où le consentement respectif du gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre, pendant le temps où ceux-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Populaire Roumaine ne se considère pas tenue par l'obligation qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice, conformément aux principes du procès de Nuremberg, pour avoir commis

war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War:

"The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

"Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations:

*Article 11:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration:

"In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation:

"The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi, dans le pays en question, pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, je suis autorisé à déclarer ce qui suit :

» Le Gouvernement de la République Populaire Roumaine considère que cette Convention, du fait qu'elle ne s'applique pas à la population civile qui se trouve en dehors du territoire occupé par l'ennemi, ne correspond pas entièrement aux exigences humanitaires.

» Malgré cela, prenant en considération le fait que la Convention se propose de défendre les intérêts de la population civile qui se trouve en territoire occupé, je suis autorisé par le Gouvernement de la République Populaire Roumaine à signer ladite Convention avec les réserves suivantes :

*Ad article II:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps où celles-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir. »

#### ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le très Honorable Sir Robert L. CRAIGIE, du Ministère des Affaires étrangères, fait la déclaration suivante :

« Le Gouvernement de Sa Majesté m'a chargé de formuler la réserve suivante en signant la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

## CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

## TCHÉCOSLOVAQUIE

M. TAUBER, Ministre de Tchécoslovaquie en Suisse, formule les réserves suivantes :

1) « En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un État neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un État neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En procédant à la signature de la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un État neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

"In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) "On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

» En ce qui concerne l'article 85, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes appliqués au procès de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis au régime sur l'exécution des peines en vigueur dans l'Etat où ils ont été condamnés.

4) » En procédant à la signature de la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE

M. BOGOMOLETZ, Chef de la délégation de la République Socialiste Soviétique d'Ukraine :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations :

*Article 11:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule les réserves suivantes :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Socialiste Soviétique d'Ukraine ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de la République Socialiste Soviétique d'Ukraine, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique d'Ukraine de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protec-

the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

trices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

### UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

Le Général SLAVINE, Chef de la délégation de l'Union des Républiques Socialistes Soviétiques :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule les réserves suivantes :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Article 12:* "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations :

*Article 11:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Union of Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Mr. Milan Ristić, Yugoslav Minister in Switzerland, made the following declaration :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the

*Ad article 12:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* « L'Union des Républiques Socialistes Soviétiques ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de l'Union des Républiques Socialistes Soviétiques, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de l'Union des Républiques Socialistes Soviétiques de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE YUGOSLAVIE

M. Milan RISTIĆ, Ministre de Yougoslavie en Suisse, fait la déclaration suivante :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement

Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral

de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 10 et 12.

» En ce qui concerne l'article 10, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas que la Puissance qui a effectué le transfert de prisonniers de guerre est libérée de sa responsabilité de l'application de cette Convention pour tout le temps pendant lequel ces prisonniers de guerre se trouveront chez la Puissance qui a accepté de les accueillir.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la

State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Federal People's Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them."

Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées à une autre Puissance soit libérée de sa responsabilité d'appliquer la Convention pour tout le temps pendant lequel ces personnes protégées se trouveront chez la Puissance qui a accepté de les accueillir. »

WHEREAS the Senate of the United States of America by their resolution of July 6, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention with the following statement:

"Rejecting the reservations which States have made with respect to the Geneva convention relative to the treatment of prisoners of war, the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."

WHEREAS the said Convention was duly ratified by the President of the United States of America on July 14, 1955, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid statement;

WHEREAS it is provided in Article 138 of the said Convention that the Convention shall come into force six months after not less than two instruments of ratification have been deposited, and that the Convention thereafter shall come into force for each Contracting Party six months after the deposit of its instrument of ratification;

WHEREAS instruments of ratification of the said Convention were deposited with the Government of Switzerland by the Governments of the following States, namely: Switzerland, March 31, 1950; Yugoslavia, April 21, 1950; the Principality of Monaco, July 5, 1950; Liechtenstein, September 21, 1950; Chile, October 12, 1950; India, November 9, 1950; Czechoslovakia, December 19, 1950; the Holy See, February 22, 1951; Lebanon, April 10, 1951; Pakistan, June 12, 1951; Denmark, June 27, 1951; France, June 28, 1951; Israel, July 6, 1951; Norway, August 3, 1951; Italy, December 17, 1951; Guatemala, May 14, 1952; Spain, August 4, 1952; Belgium, September 3, 1952; the Republic of the Philippines, October 6, 1952; Mexico, October 29, 1952; Egypt, November 10, 1952; El Salvador, June 17, 1953; Luxembourg, July 1, 1953; Austria, August 27, 1953; Syria, November 2, 1953; Nicaragua, December 17, 1953; Sweden, December 28, 1953; Turkey, February 10, 1954; Cuba, April 15, 1954; the Union of Soviet Socialist Republics, May 10, 1954; Rumania, June 1, 1954; Bulgaria, July 22, 1954; the Byelorussian Soviet Socialist Republic, August 3, 1954; Hungary, August 3, 1954; the Netherlands, August 3, 1954; the Ukrainian Soviet Socialist Republic, August 3, 1954; Ecuador, August 11, 1954; Poland, November 26, 1954; Finland, February 22, 1955; and the United States of America, August 2, 1955;

WHEREAS notifications of accession to the said Convention, in accordance with Article 140 thereof, were given to the Government of Switzerland by the Governments of the following States, namely: the Hashemite Kingdom of Jordan, May 29, 1951; the Union of South Africa, March 31, 1952; Japan, April 21, 1953; San Marino, August 29, 1953; Vietnam, November 14, 1953; Liberia, March 29, 1954; the Federal Republic of Germany, September 3, 1954; and Thailand, December 29, 1954;

AND WHEREAS, pursuant to the aforesaid provisions of Article 138 of the said Convention, the Convention will come into force with respect to the United States of America on February 2, 1956, six months after August 2, 1955, the date of deposit by the United States of America of its instrument of ratification of the said Convention;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Geneva Convention relative to the Treatment of Prisoners of War to the end that the same and every article and clause thereof, subject to the statement hereinbefore recited, shall be observed and fulfilled with good faith, on and after February 2, 1956, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this thirtieth day of August  
in the year of our Lord one thousand nine hundred  
[SEAL] fifty-five and of the Independence of the United States  
of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

HERBERT HOOVER JR  
*Acting Secretary of State*

**MULTILATERAL**  
**PROTECTION OF WAR VICTIMS**

**Civilian Persons**

TIAS 3365  
Aug. 12, 1949

*Convention, with annexes, dated at Geneva August 12, 1949.  
Ratification advised by the Senate of the United States of America,  
subject to a reservation and statement, July 6, 1955;  
Ratified by the President of the United States of America, subject to said  
reservation and statement, July 14, 1955;  
Ratification of the United States of America deposited with the Swiss  
Federal Council August 2, 1955;  
Proclaimed by the President of the United States of America August 30,  
1955;  
Date of entry into force with respect to the United States of America:  
February 2, 1956.*

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**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**  
**A PROCLAMATION**

WHEREAS the Geneva Convention relative to the Protection of Civilian Persons in Time of War was open for signature from August 12, 1949 until February 12, 1950, and during that period was signed on behalf of the United States of America and sixty other States;

WHEREAS the text of the said Convention, in the English and French languages, as certified by the Swiss Federal Council, is word for word as follows:

CONVENTION DE GENÈVE  
RELATIVE A LA PROTECTION  
DES PERSONNES CIVILES  
EN TEMPS DE GUERRE  
DU 12 AOUT 1949

GENEVA CONVENTION  
RELATIVE TO THE PROTECTION  
OF CIVILIAN PERSONS  
IN TIME OF WAR  
OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

## PART I

### GENERAL PROVISIONS

#### ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

#### ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

#### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (i) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

Les soussignés, Plénipotentiaires des Gouvernements représentés à la Conférence diplomatique qui s'est réunie à Genève du 21 avril au 12 août 1949, en vue d'élaborer une convention pour la protection des personnes civiles en temps de guerre, sont convenus de ce qui suit :

## TITRE I DISPOSITIONS GÉNÉRALES

### ARTICLE 1

Les Hautes Parties contractantes s'engagent à respecter et à faire respecter la présente Convention en toutes circonstances.

### ARTICLE 2

En dehors des dispositions qui doivent entrer en vigueur dès le temps de paix, la présente Convention s'appliquera en cas de guerre déclarée ou de tout autre conflit armé surgissant entre deux ou plusieurs des Hautes Parties contractantes, même si l'état de guerre n'est pas reconnu par l'une d'elles.

La Convention s'appliquera également dans tous les cas d'occupation de tout ou partie du territoire d'une Haute Partie contractante, même si cette occupation ne rencontre aucune résistance militaire.

Si l'une des Puissances en conflit n'est pas partie à la présente Convention, les Puissances parties à celle-ci resteront néanmoins liées par elle dans leurs rapports réciproques. Elles seront liées en outre par la Convention envers ladite Puissance, si celle-ci en accepte et en applique les dispositions.

### ARTICLE 3

En cas de conflit armé ne présentant pas un caractère international et surgissant sur le territoire de l'une des Hautes Parties contractantes, chacune des Parties au conflit sera tenue d'appliquer au moins les dispositions suivantes :

- r) Les personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention, ou pour toute autre cause, seront, en toutes circonstances, traitées avec humanité, sans aucune distinction de caractère défavorable basée sur la race, la couleur, la religion ou la croyance, le sexe, la naissance ou la fortune, ou tout autre critère analogue.

A cet effet, sont et demeurent prohibés, en tout temps et en tout lieu, à l'égard des personnes mentionnées ci-dessus :

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

#### ARTICLE 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such

TIAS 3362.  
*Ante*, p. 3114.

TIAS 3363.  
*Ante*, p. 3217.

TIAS 3364.  
*Ante*, p. 3316.

- a) les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices ;
- b) les prises d'otages ;
- c) les atteintes à la dignité des personnes, notamment les traitements humiliants et dégradants ;
- d) les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés.

2) Les blessés et les malades seront recueillis et soignés.

Un organisme humanitaire impartial, tel que le Comité international de la Croix-Rouge, pourra offrir ses services aux Parties au conflit.

Les Parties au conflit s'efforceront, d'autre part, de mettre en vigueur par voie d'accords spéciaux tout ou partie des autres dispositions de la présente Convention.

L'application des dispositions qui précèdent n'aura pas d'effet sur le statut juridique des Parties au conflit.

#### ARTICLE 4

Sont protégées par la Convention les personnes qui, à un moment quelconque et de quelque manière que ce soit, se trouvent, en cas de conflit ou d'occupation, au pouvoir d'une Partie au conflit ou d'une Puissance occupante dont elles ne sont pas ressortissantes.

Les ressortissants d'un Etat qui n'est pas lié par la Convention ne sont pas protégés par elle. Les ressortissants d'un Etat neutre se trouvant sur le territoire d'un Etat belligérant et les ressortissants d'un Etat co-belligérant ne seront pas considérés comme des personnes protégées aussi longtemps que l'Etat dont ils sont ressortissants aura une représentation diplomatique normale auprès de l'Etat au pouvoir duquel ils se trouvent.

Les dispositions du Titre II ont toutefois un champ d'application plus étendu, défini à l'article 13.

Les personnes protégées par la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, ou par celle de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949, ou par celle de Genève relative au traitement des prisonniers de guerre du 12 août 1949, ne seront pas considérées comme personnes protégées au sens de la présente Convention.

#### ARTICLE 5

Si, sur le territoire d'une Partie au conflit, celle-ci a de sérieuses raisons de considérer qu'une personne protégée par la présente Convention fait individuellement l'objet d'une suspicion légitime de se livrer à une activité préjudiciable à la sécurité de l'Etat

rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

#### ARTICLE 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

#### ARTICLE 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ou s'il est établi qu'elle se livre en fait à cette activité, ladite personne ne pourra se prévaloir des droits et priviléges conférés par la présente Convention qui, s'ils étaient exercés en sa faveur, pourraient porter préjudice à la sécurité de l'Etat.

Si, dans un territoire occupé, une personne protégée par la Convention est appréhendée en tant qu'espion ou saboteur ou parce qu'elle fait individuellement l'objet d'une suspicion légitime de se livrer à une activité préjudiciable à la sécurité de la Puissance occupante, ladite personne pourra, dans les cas où la sécurité militaire l'exige absolument, être privée des droits de communication prévus par la présente Convention.

Dans chacun de ces cas, les personnes visées par les alinéas précédents seront toutefois traitées avec humanité et, en cas de poursuites, ne seront pas privées de leur droit à un procès équitable et régulier tel qu'il est prévu par la présente Convention. Elles recouvreront également le bénéfice de tous les droits et priviléges d'une personne protégée, au sens de la présente Convention, à la date la plus proche possible eu égard à la sécurité de l'Etat ou de la Puissance occupante, suivant le cas.

#### ARTICLE 6

La présente Convention s'appliquera dès le début de tout conflit ou occupation mentionnés à l'article 2.

Sur le territoire des Parties au conflit, l'application de la Convention cessera à la fin générale des opérations militaires.

En territoire occupé, l'application de la présente Convention cessera un an après la fin générale des opérations militaires ; néanmoins, la Puissance occupante sera liée pour la durée de l'occupation — pour autant que cette Puissance exerce les fonctions de gouvernement dans le territoire en question — par les dispositions des articles suivants de la présente Convention : 1 à 12, 27, 29 à 34, 47, 49, 51, 52, 53, 59, 61 à 77 et 143.

Les personnes protégées, dont la libération, le rapatriement ou l'établissement auront lieu après ces délais resteront dans l'intervalle au bénéfice de la présente Convention.

#### ARTICLE 7

En dehors des accords expressément prévus par les articles 11, 14, 15, 17, 36, 108, 109, 132, 133 et 149, les Hautes Parties contractantes pourront conclure d'autres accords spéciaux sur toute question qu'il leur paraîtrait opportun de régler particulièrement. Aucun accord spécial ne pourra porter préjudice à la situation des personnes protégées, telle qu'elle est réglée par la présente Convention, ni restreindre les droits que celle-ci leur accorde.

Les personnes protégées resteront au bénéfice de ces accords aussi longtemps que la Convention leur est applicable, sauf stipulations contraires contenues expressément dans les susdits accords ou dans des accords ultérieurs, ou également sauf mesures plus favorables prises à leur égard par l'une ou l'autre des Parties au conflit.

**ARTICLE 8**

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

**ARTICLE 9**

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

**ARTICLE 10**

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

**ARTICLE 11**

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

**ARTICLE 8**

Les personnes protégées ne pourront en aucun cas renoncer partiellement ou totalement aux droits que leur assurent la présente Convention et, le cas échéant, les accords spéciaux visés à l'article précédent.

**ARTICLE 9**

La présente Convention sera appliquée avec le concours et sous le contrôle des Puissances protectrices chargées de sauvegarder les intérêts des Parties au conflit. A cet effet, les Puissances protectrices pourront, en dehors de leur personnel diplomatique ou consulaire, désigner des délégués parmi leurs propres ressortissants ou parmi les ressortissants d'autres Puissances neutres. Ces délégués devront être soumis à l'agrément de la Puissance auprès de laquelle ils exerceront leur mission.

Les Parties au conflit faciliteront, dans la plus large mesure possible, la tâche des représentants ou délégués des Puissances protectrices.

Les représentants ou délégués des Puissances protectrices ne devront en aucun cas dépasser les limites de leur mission, telle qu'elle ressort de la présente Convention ; ils devront notamment tenir compte des nécessités impérieuses de sécurité de l'Etat auprès duquel ils exercent leurs fonctions.

**ARTICLE 10**

Les dispositions de la présente Convention ne font pas obstacle aux activités humanitaires que le Comité international de la Croix-Rouge, ainsi que tout autre organisme humanitaire impartial, entreprendra pour la protection des personnes civiles et pour les secours à leur apporter, moyennant l'agrément des Parties au conflit intéressées.

**ARTICLE II**

Les Hautes Parties contractantes pourront, en tout temps, s'entendre pour confier à un organisme présentant toutes garanties d'impartialité et d'efficacité les tâches dévolues par la présente Convention aux Puissances protectrices.

Si des personnes protégées ne bénéficient pas ou ne bénéficient plus, quelle qu'en soit la raison, de l'activité d'une Puissance protectrice ou d'un organisme désigné conformément à l'alinéa premier, la Puissance détentrice devra demander soit à un Etat neutre, soit à un tel organisme, d'assumer les fonctions dévolues par la présente Convention aux Puissances protectrices désignées par les Parties au conflit.

Si une protection ne peut être ainsi assurée, la Puissance détentrice devra demander à un organisme humanitaire, tel que le Comité international de la Croix-Rouge, d'assumer les tâches humanitaires dévolues par la présente Convention aux Puissances protectrices ou devra accepter, sous réserve des dispositions du présent article, les offres de services émanant d'un tel organisme.

its Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

#### ARTICLE 12

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

### PART II

#### GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

#### ARTICLE 13

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality,

Toute Puissance neutre ou tout organisme invité par la Puissance intéressée ou s'offrant aux fins susmentionnées devra, dans son activité, rester conscient de sa responsabilité envers la Partie au conflit dont relèvent les personnes protégées par la présente Convention, et devra fournir des garanties suffisantes de capacité pour assumer les fonctions en question et les remplir avec impartialité.

Il ne pourra être dérogé aux dispositions qui précèdent par accord particulier entre des Puissances dont l'une se trouverait, même temporairement, vis-à-vis de l'autre Puissance ou de ses alliés, limitée dans sa liberté de négociation par suite des événements militaires, notamment en cas d'une occupation de la totalité ou d'une partie importante de son territoire.

Toutes les fois qu'il est fait mention dans la présente Convention de la Puissance protectrice, cette mention désigne également les organismes qui la remplacent au sens du présent article.

Les dispositions du présent article s'étendront et seront adaptées au cas des ressortissants d'un Etat neutre se trouvant sur un territoire occupé ou sur le territoire d'un Etat belligérant auprès duquel l'Etat dont ils sont ressortissants ne dispose pas d'une représentation diplomatique normale.

#### **ARTICLE 12**

Dans tous les cas où elles le jugeront utile dans l'intérêt des personnes protégées, notamment en cas de désaccord entre les Parties au conflit sur l'application ou l'interprétation des dispositions de la présente Convention, les Puissances protectrices préteront leurs bons offices aux fins de règlement du différend.

A cet effet, chacune des Puissances protectrices pourra, sur l'invitation d'une Partie ou spontanément, proposer aux Parties au conflit une réunion de leurs représentants et, en particulier, des autorités chargées du sort des personnes protégées, éventuellement sur un territoire neutre convenablement choisi. Les Parties au conflit seront tenues de donner suite aux propositions qui leur seront faites dans ce sens. Les Puissances protectrices pourront, le cas échéant, proposer à l'agrément des Parties au conflit une personnalité appartenant à une Puissance neutre, ou une personnalité déléguée par le Comité international de la Croix-Rouge, qui sera appelée à participer à cette réunion.

#### **TITRE II**

#### **PROTECTION GÉNÉRALE DES POPULATIONS CONTRE CERTAINS EFFETS DE LA GUERRE**

#### **ARTICLE 13**

Les dispositions du présent Titre visent l'ensemble des populations des pays en conflit, sans aucune distinction défavorable, notamment de race, de nationalité, de

religion or political opinion, and are intended to alleviate the sufferings caused by war.

#### ARTICLE 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant-mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

Post, p. 3630.  
The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

#### ARTICLE 15

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

#### ARTICLE 16

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

religion ou d'opinions politiques et tendent à atténuer les souffrances engendrées par la guerre.

#### ARTICLE 14

Dès le temps de paix, les Hautes Parties contractantes et, après l'ouverture des hostilités, les Parties au conflit, pourront créer sur leur propre territoire et, s'il en est besoin, sur les territoires occupés, des zones et localités sanitaires et de sécurité organisées de manière à mettre à l'abri des effets de la guerre les blessés et les malades, les infirmes, les personnes âgées, les enfants de moins de quinze ans, les femmes enceintes et les mères d'enfants de moins de sept ans.

Dès le début d'un conflit et au cours de celui-ci, les Parties intéressées pourront conclure entre elles des accords pour la reconnaissance des zones et localités qu'elles auraient établies. Elles pourront à cet effet mettre en vigueur les dispositions prévues dans le projet d'accord annexé à la présente Convention, en y apportant éventuellement les modifications qu'elles jugeraient nécessaires.

Les Puissances protectrices et le Comité international de la Croix-Rouge sont invités à prêter leurs bons offices pour faciliter l'établissement et la reconnaissance de ces zones et localités sanitaires et de sécurité.

#### ARTICLE 15

Toute Partie au conflit pourra, soit directement; soit par l'entremise d'un Etat neutre ou d'un organisme humanitaire, proposer à la partie adverse la création, dans les régions où ont lieu des combats, de zones neutralisées destinées à mettre à l'abri des dangers des combats, sans aucune distinction, les personnes suivantes :

- a) les blessés et les malades, combattants ou non-combattants;
- b) les personnes civiles qui ne participent pas aux hostilités et qui ne se livrent à aucun travail de caractère militaire pendant leur séjour dans ces zones.

Dès que les Parties au conflit se seront mises d'accord sur la situation géographique, l'administration, l'approvisionnement et le contrôle de la zone neutralisée envisagée, un accord sera établi par écrit et signé par les représentants des Parties au conflit. Cet accord fixera le début et la durée de la neutralisation de la zone.

#### ARTICLE 16

Les blessés et les malades, ainsi que les infirmes et les femmes enceintes seront l'objet d'une protection et d'un respect particuliers.

Pour autant que les exigences militaires le permettront, chaque Partie au conflit favorisera les mesures prises pour rechercher les tués ou blessés, venir en aide aux naufragés et autres personnes exposées à un grave danger et les protéger contre le pillage et les mauvais traitements.

**ARTICLE 17**

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

**ARTICLE 18**

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

**ARTICLE 19**

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

**ARTICLE 20**

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

**ARTICLE 17**

Les Parties au conflit s'efforceront de conclure des arrangements locaux pour l'évacuation d'une zone assiégée ou encerclée, des blessés, des malades, des infirmes, des vieillards, des enfants et des femmes en couches, et pour le passage des ministres de toutes religions, du personnel et du matériel sanitaires à destination de cette zone.

**ARTICLE 18**

Les hôpitaux civils organisés pour donner des soins aux blessés, aux malades, aux infirmes et aux femmes en couches ne pourront, en aucune circonstance, être l'objet d'attaques; ils seront, en tout temps, respectés et protégés par les Parties au conflit.

Les Etats qui sont parties à un conflit devront délivrer à tous les hôpitaux civils un document attestant leur caractère d'hôpital civil et établissant que les bâtiments qu'ils occupent ne sont pas utilisés à des fins qui, au sens de l'article 19, pourraient les priver de protection.

Les hôpitaux civils seront signalés, s'ils y sont autorisés par l'Etat, au moyen de l'emblème prévu à l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

Les Parties au conflit prendront, autant que les exigences militaires le permettront, les mesures nécessaires pour rendre nettement visibles aux forces ennemis, terrestres, aériennes et maritimes, les emblèmes distinctifs signalant les hôpitaux civils, en vue d'écartier la possibilité de toute action agressive.

En raison des dangers que peut présenter pour les hôpitaux la proximité d'objectifs militaires, il conviendra de veiller à ce qu'ils en soient éloignés dans toute la mesure du possible.

**ARTICLE 19**

La protection due aux hôpitaux civils ne pourra cesser que s'il en est fait usage pour commettre, en dehors des devoirs humanitaires, des actes nuisibles à l'ennemi. Toutefois, la protection ne cessera qu'après une sommation fixant, dans tous les cas opportuns, un délai raisonnable et demeurée sans effet.

Ne sera pas considéré comme acte nuisible le fait que des militaires blessés ou malades sont traités dans ces hôpitaux ou qu'il s'y trouve des armes portatives et des munitions retirées à ces militaires et n'ayant pas encore été versées au service compétent.

**ARTICLE 20**

Le personnel régulièrement et uniquement affecté au fonctionnement ou à l'administration des hôpitaux civils, y compris celui qui est chargé de la recherche, de l'enlèvement, du transport et du traitement des blessés et des malades civils, des infirmes et des femmes en couches, sera respecté et protégé.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

#### ARTICLE 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

#### ARTICLE 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

#### ARTICLE 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only

Dans les territoires occupés et les zones d'opérations militaires, ce personnel se fera reconnaître au moyen d'une carte d'identité attestant la qualité du titulaire, munie de sa photographie et portant le timbre sec de l'autorité responsable, et également, pendant qu'il est en service, par un brassard timbré résistant à l'humidité, porté au bras gauche. Ce brassard sera délivré par l'Etat et muni de l'emblème prévu à l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

Tout autre personnel, affecté au fonctionnement ou à l'administration des hôpitaux civils, sera respecté et protégé et aura droit au port du brassard comme ci-dessus prévu et sous les conditions prescrites au présent article, pendant l'exercice de ces fonctions. Sa carte d'identité indiquera les tâches qui lui sont dévolues.

La direction de chaque hôpital civil tiendra en tout temps à la disposition des autorités compétentes, nationales ou occupantes, la liste à jour de son personnel.

#### ARTICLE 21

Les transports de blessés et de malades civils, d'infirmes et de femmes en couches effectués sur terre par convois de véhicules et trains-hôpitaux, ou, sur mer, par des navires affectés à ces transports, seront respectés et protégés au même titre que les hôpitaux prévus à l'article 18 et se signaleront en arborant, avec l'autorisation de l'Etat, l'emblème distinctif prévu à l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

#### ARTICLE 22

Les aéronefs exclusivement employés pour le transport des blessés et des malades civils, des infirmes et des femmes en couches, ou pour le transport du personnel et du matériel sanitaires, ne seront pas attaqués, mais seront respectés lorsqu'ils voleront à des altitudes, des heures et des routes spécialement convenues d'un commun accord, entre toutes les Parties au conflit intéressées.

Ils pourront être signalisés par l'emblème distinctif prévu à l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

Sauf accord contraire, le survol du territoire ennemi ou de territoires occupés par l'ennemi est interdit.

Ces aéronefs obéiront à tout ordre d'atterrissement. En cas d'atterrissement ainsi imposé, l'aéronef et ses occupants pourront continuer leur vol, après examen éventuel.

#### ARTICLE 23

Chaque Haute Partie contractante accordera le libre passage de tout envoi de médicaments et de matériel sanitaire ainsi que des objets nécessaires au culte, des-

for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

#### ARTICLE 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

#### ARTICLE 25

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

tinés uniquement à la population civile d'une autre Partie contractante, même ennemie. Elle autorisera également le libre passage de tout envoi de vivres indispensables, de vêtements et de fortifiants réservés aux enfants de moins de quinze ans, aux femmes enceintes ou en couches.

L'obligation pour une Partie contractante d'accorder le libre passage des envois indiqués à l'alinéa précédent est subordonnée à la condition que cette Partie soit assurée de n'avoir aucune raison sérieuse de craindre que :

- a) les envois puissent être détournés de leur destination, ou
- b) que le contrôle puisse ne pas être efficace, ou
- c) que l'ennemi puisse en tirer un avantage manifeste pour ses efforts militaires ou son économie, en substituant ces envois à des marchandises qu'il aurait autrement dû fournir ou produire, ou en libérant des matières, produits ou services qu'il aurait autrement dû affecter à la production de telles marchandises.

La Puissance qui autorise le passage des envois indiqués dans le premier alinéa du présent article, peut poser comme condition à son autorisation que la distribution aux bénéficiaires soit faite sous le contrôle effectué sur place par les Puissances protectrices.

Ces envois devront être acheminés le plus vite possible et l'Etat qui autorise leur libre passage aura le droit de fixer les conditions techniques auxquelles il sera autorisé.

#### ARTICLE 24

Les Parties au conflit prendront les mesures nécessaires pour que les enfants de moins de quinze ans, devenus orphelins ou séparés de leur famille du fait de la guerre, ne soient pas laissés à eux-mêmes, et pour que soient facilitées, en toutes circonstances, leur entretien, la pratique de leur religion et leur éducation. Celle-ci sera si possible confiée à des personnes de même tradition culturelle.

Les Parties au conflit favoriseront l'accueil de ces enfants en pays neutre pendant la durée du conflit, avec le consentement de la Puissance protectrice, s'il y en a une, et si elles ont la garantie que les principes énoncés au premier alinéa soient respectés.

En outre, elles s'efforceront de prendre les mesures nécessaires pour que tous les enfants de moins de douze ans puissent être identifiés, par le port d'une plaque d'identité ou par tout autre moyen.

#### ARTICLE 25

Toute personne se trouvant sur le territoire d'une Partie au conflit ou dans un territoire occupé par elle, pourra donner aux membres de sa famille, où qu'ils se trouvent, des nouvelles de caractère strictement familial et en recevoir. Cette correspondance sera acheminée rapidement et sans retard injustifié.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

#### ARTICLE 26

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

### PART III

#### STATUS AND TREATMENT OF PROTECTED PERSONS

##### SECTION I

###### PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES

#### ARTICLE 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

Si, du fait des circonstances, l'échange de la correspondance familiale par la voie postale ordinaire est rendu difficile ou impossible, les Parties au conflit intéressées s'adresseront à un intermédiaire neutre, tel que l'Agence centrale prévue à l'article 140, pour déterminer avec lui les moyens d'assurer l'exécution de leurs obligations dans les meilleures conditions, notamment avec le concours des Sociétés nationales de la Croix-Rouge (du Croissant-Rouge, du Lion et Soleil Rouges).

Si les Parties au conflit estiment nécessaire de restreindre la correspondance familiale, elles pourront tout au plus imposer l'emploi de formules-type contenant vingt-cinq mots librement choisis et en limiter l'envoi à une seule par mois.

#### **ARTICLE 26**

Chaque Partie au conflit facilitera les recherches entreprises par les membres des familles dispersées par la guerre pour reprendre contact les uns avec les autres et si possible se réunir. Elle favorisera notamment l'action des organismes qui se consacrent à cette tâche, à condition qu'elle les ait agréés et qu'ils se conforment aux mesures de sécurité qu'elle a prises.

### **TITRE III**

#### **STATUT ET TRAITEMENT DES PERSONNES PROTÉGÉES**

##### **SECTION I**

###### **DISPOSITIONS COMMUNES AUX TERRITOIRES DES PARTIES AU CONFLIT ET AUX TERRITOIRES OCCUPÉS**

#### **ARTICLE 27**

Les personnes protégées ont droit, en toutes circonstances, au respect de leur personne, de leur honneur, de leurs droits familiaux, de leurs convictions et pratiques religieuses, de leurs habitudes et de leurs coutumes. Elles seront traitées, en tout temps, avec humanité et protégées notamment contre tout acte de violence ou d'intimidation, contre les insultes et la curiosité publique.

Les femmes seront spécialement protégées contre toute atteinte à leur honneur, et notamment contre le viol, la contrainte à la prostitution et tout attentat à leur pudeur.

Compte tenu des dispositions relatives à l'état de santé, à l'âge et au sexe, les personnes protégées seront toutes traitées par la Partie au conflit au pouvoir de laquelle elles se trouvent, avec les mêmes égards, sans aucune distinction défavorable, notamment de race, de religion ou d'opinions politiques.

Toutefois, les Parties au conflit pourront prendre, à l'égard des personnes protégées, les mesures de contrôle ou de sécurité qui seront nécessaires du fait de la guerre.

**ARTICLE 28**

The presence of a protected person may not be used to render certain points or areas immune from military operations.

**ARTICLE 29**

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

**ARTICLE 30**

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

**ARTICLE 31**

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

**ARTICLE 32**

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

**ARTICLE 33**

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

**ARTICLE 28**

Aucune personne protégée ne pourra être utilisée pour mettre, par sa présence, certains points ou certaines régions à l'abri des opérations militaires.

**ARTICLE 29**

La Partie au conflit au pouvoir de laquelle se trouvent des personnes protégées est responsable du traitement qui leur est appliqué par ses agents, sans préjudice des responsabilités individuelles qui peuvent être encourues.

**ARTICLE 30**

Les personnes protégées auront toutes facilités pour s'adresser aux Puissances protectrices, au Comité international de la Croix-Rouge, à la Société nationale de la Croix-Rouge (du Croissant-Rouge, du Lion et Soleil Rouges) du pays où elles se trouvent, ainsi qu'à tout organisme qui pourrait leur venir en aide.

Ces différents organismes recevront à cet effet, de la part des autorités, toutes facilités dans les limites tracées par les nécessités militaires ou de sécurité.

En dehors des visites des délégués des Puissances protectrices et du Comité international de la Croix-Rouge prévues par l'article 143, les Puissances détentrices ou occupantes faciliteront autant que possible les visites que désireraient faire aux personnes protégées les représentants d'autres institutions dont le but est d'apporter à ces personnes une aide spirituelle ou matérielle.

**ARTICLE 31**

Aucune contrainte d'ordre physique ou moral ne peut être exercée à l'égard des personnes protégées, notamment pour obtenir d'elles, ou de tiers, des renseignements.

**ARTICLE 32**

Les Hautes Parties contractantes s'interdisent expressément toute mesure de nature à causer soit des souffrances physiques, soit l'extermination des personnes protégées en leur pouvoir. Cette interdiction vise non seulement le meurtre, la torture, les peines corporelles, les mutilations et les expériences médicales ou scientifiques non nécessitées par le traitement médical d'une personne protégée, mais également toutes autres brutalités, qu'elles soient le fait d'agents civils ou d'agents militaires.

**ARTICLE 33**

Aucune personne protégée ne peut être punie pour une infraction qu'elle n'a pas commise personnellement. Les peines collectives, de même que toute mesure d'intimidation ou de terrorisme, sont interdites.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

**ARTICLE 34**

The taking of hostages is prohibited.

**SECTION II**

**ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT**

**ARTICLE 35**

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

**ARTICLE 36**

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

**ARTICLE 37**

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

Le pillage est interdit.

Les mesures de représailles à l'égard des personnes protégées et de leurs biens sont interdites.

#### ARTICLE 34

La prise d'otages est interdite.

### SECTION II

#### ÉTRANGERS SUR LE TERRITOIRE D'UNE PARTIE AU CONFLIT

#### ARTICLE 35

Toute personne protégée qui désirerait quitter le territoire au début ou au cours d'un conflit, aura le droit de le faire, à moins que son départ ne soit contraire aux intérêts nationaux de l'Etat. Il sera statué sur sa demande de quitter le territoire selon une procédure régulière et la décision devra intervenir le plus rapidement possible. Autorisée à quitter le territoire, elle pourra se munir de l'argent nécessaire à son voyage et emporter avec elle un volume raisonnable d'effets et d'objets d'usage personnel.

Les personnes à qui la permission de quitter le territoire est refusée auront le droit d'obtenir qu'un tribunal ou un collège administratif compétent, créé à cet effet par la Puissance détentrice, reconsidère ce refus dans le plus bref délai.

Si demande en est faite, des représentants de la Puissance protectrice pourront, à moins que des motifs de sécurité ne s'y opposent ou que les intéressés ne soulèvent des objections, obtenir communication des raisons pour lesquelles des personnes qui en avaient fait la demande se sont vu refuser l'autorisation de quitter le territoire et, le plus rapidement possible, des noms de toutes celles qui se trouveraient dans ce cas.

#### ARTICLE 36

Les départs autorisés aux termes de l'article précédent seront effectués dans des conditions satisfaisantes de sécurité, d'hygiène, de salubrité et d'alimentation. Tous les frais encourus, à partir de la sortie du territoire de la Puissance détentrice, seront à la charge du pays de destination ou, en cas de séjour en pays neutre, à la charge de la Puissance dont les bénéficiaires sont les ressortissants. Les modalités pratiques de ces déplacements seront, au besoin, fixées par des accords spéciaux entre les Puissances intéressées.

Sont réservés les accords spéciaux qui auraient pu être conclus entre les Parties au conflit à propos de l'échange et du rapatriement de leurs ressortissants tombés au pouvoir de l'ennemi.

#### ARTICLE 37

Les personnes protégées se trouvant en détention préventive ou purgeant une peine privative de liberté seront, pendant leur détention, traitées avec humanité.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

#### ARTICLE 38

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- (1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- (2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- (3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- (4) If they reside in an area particularly exposed to the dangers of war, they shall be authorised to move from that area to the same extent as the nationals of the State concerned.
- (5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

#### ARTICLE 39

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

#### ARTICLE 40

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do

Elles pourront, dès leur libération, demander à quitter le territoire, conformément aux articles précédents.

#### ARTICLE 38

Exception faite des mesures spéciales qui peuvent être prises en vertu de la présente Convention, notamment des articles 27 et 41, la situation des personnes protégées restera, en principe, régie par les dispositions relatives au traitement des étrangers en temps de paix. En tout cas, les droits suivants leur seront accordés :

- 1) elles pourront recevoir les secours individuels ou collectifs qui leur seraient adressés ;
- 2) elles recevront, si leur état de santé le demande, un traitement médical et des soins hospitaliers, dans la même mesure que les ressortissants de l'Etat intéressé ;
- 3) elles pourront pratiquer leur religion et recevoir l'assistance spirituelle des ministres de leur culte ;
- 4) si elles résident dans une région particulièrement exposée aux dangers de la guerre, elles seront autorisées à se déplacer dans la même mesure que les ressortissants de l'Etat intéressé ;
- 5) les enfants de moins de quinze ans, les femmes enceintes et les mères d'enfants de moins de sept ans bénéficieront, dans la même mesure que les ressortissants de l'Etat intéressé, de tout traitement préférentiel.

#### ARTICLE 39

Les personnes protégées qui auraient perdu, du fait du conflit, leur activité lucrative, seront mises en mesure de trouver un travail rémunéré et jouiront à cet effet, sous réserve de considérations de sécurité et des dispositions de l'article 40, des mêmes avantages que les ressortissants de la Puissance sur le territoire de laquelle elles se trouvent.

Si une Partie au conflit soumet une personne protégée à des mesures de contrôle qui la mettent dans l'impossibilité de pourvoir à sa subsistance, notamment quand cette personne ne peut pour des raisons de sécurité trouver un travail rémunéré à des conditions raisonnables, ladite Partie au conflit subviendra à ses besoins et à ceux des personnes qui sont à sa charge.

Les personnes protégées pourront, dans tous les cas, recevoir des subsides de leur pays d'origine, de la Puissance protectrice ou des sociétés de bienfaisance mentionnées à l'article 30.

#### ARTICLE 40

Les personnes protégées ne peuvent être astreintes au travail que dans la même mesure que les ressortissants de la Partie au conflit sur le territoire de laquelle elles se trouvent.

work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

#### ARTICLE 41

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

#### ARTICLE 42

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

#### ARTICLE 43

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as

Si les personnes protégées sont de nationalité ennemie, elles ne pourront être astreintes qu'aux travaux qui sont normalement nécessaires pour assurer l'alimentation, le logement, l'habillement, le transport et la santé d'êtres humains et qui ne sont pas en relation directe avec la conduite des opérations militaires.

Dans les cas mentionnés aux alinéas précédents, les personnes protégées astreintes au travail bénéficieront des mêmes conditions de travail et des mêmes mesures de protection que les travailleurs nationaux, notamment en ce qui concerne le salaire, la durée du travail, l'équipement, la formation préalable et la réparation des accidents du travail et des maladies professionnelles.

En cas de violation des prescriptions mentionnées ci-dessus, les personnes protégées seront autorisées à exercer leur droit de plainte, conformément à l'article 30.

#### ARTICLE 41

Si la Puissance au pouvoir de laquelle se trouvent les personnes protégées n'estime pas suffisantes les autres mesures de contrôle mentionnées dans la présente Convention, les mesures de contrôle les plus sévères auxquelles elle pourra recourir seront la mise en résidence forcée ou l'internement, conformément aux dispositions des articles 42 et 43.

En appliquant les dispositions du deuxième alinéa de l'article 39 au cas de personnes contraintes d'abandonner leur résidence habituelle en vertu d'une décision qui les astreint à la résidence forcée dans un autre lieu, la Puissance détentrice se conformera aussi exactement que possible aux règles relatives au traitement des internés (Section IV, Titre III de la présente Convention).

#### ARTICLE 42

L'internement ou la mise en résidence forcée des personnes protégées ne pourra être ordonné que si la sécurité de la Puissance au pouvoir de laquelle ces personnes se trouvent le rend absolument nécessaire.

Si une personne demande, par l'entremise des représentants de la Puissance protectrice, son internement volontaire et si sa propre situation le rend nécessaire, il y sera procédé par la Puissance au pouvoir de laquelle elle se trouve.

#### ARTICLE 43

Toute personne protégée qui aura été internée ou mise en résidence forcée aura le droit d'obtenir qu'un tribunal ou un collège administratif compétent, créé à cet effet par la Puissance détentrice, reconsidère dans le plus bref délai la décision prise à son égard. Si l'internement ou la mise en résidence forcée est maintenu, le tribunal ou le collège administratif procédera périodiquement, et au moins deux fois l'an, à un examen du cas de cette personne en vue d'amender en sa faveur la décision initiale, si les circonstances le permettent.

rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

#### ARTICLE 44

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

#### ARTICLE 45

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

#### ARTICLE 46

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

A moins que les personnes protégées intéressées ne s'y opposent, la Puissance détentrice portera, aussi rapidement que possible, à la connaissance de la Puissance protectrice les noms des personnes protégées qui ont été internées ou mises en résidence forcée et les noms de celles qui ont été libérées de l'internement ou de la résidence forcée. Sous la même réserve, les décisions des tribunaux ou collèges indiqués au premier alinéa du présent article seront également通知ées aussi rapidement que possible à la Puissance protectrice.

#### ARTICLE 44

En prenant les mesures de contrôle prévues par la présente Convention, la Puissance détentrice ne traitera pas comme étrangers ennemis, exclusivement sur la base de leur appartenance juridique à un Etat ennemi, les réfugiés qui ne jouissent en fait de la protection d'aucun gouvernement.

#### ARTICLE 45

Les personnes protégées ne pourront être transférées à une Puissance non partie à la Convention.

Cette disposition ne saurait faire obstacle au rapatriement des personnes protégées ou à leur retour au pays de leur domicile après la fin des hostilités.

Les personnes protégées ne pourront être transférées par la Puissance détentrice à une Puissance partie à la Convention qu'après que la Puissance détentrice s'est assurée que la Puissance en question est désireuse et à même d'appliquer la Convention. Quand les personnes protégées sont ainsi transférées, la responsabilité de l'application de la Convention incombera à la Puissance qui a accepté de les accueillir pendant le temps qu'elles lui seront confiées. Néanmoins, au cas où cette Puissance n'appliquerait pas les dispositions de la Convention, sur tout point important, la Puissance par laquelle les personnes protégées ont été transférées devra, à la suite d'une notification de la Puissance protectrice, prendre des mesures efficaces pour remédier à la situation, ou demander que les personnes protégées lui soient renvoyées. Il devra être satisfait à cette demande.

Une personne protégée ne pourra, en aucun cas, être transférée dans un pays où elle peut craindre des persécutions en raison de ses opinions politiques ou religieuses.

Les dispositions de cet article ne font pas obstacle à l'extradition, en vertu des traités d'extradition conclus avant le début des hostilités, de personnes protégées inculpées de crimes de droit commun.

#### ARTICLE 46

Pour autant qu'elles n'auront pas été rapportées antérieurement, les mesures restrictives prises à l'égard des personnes protégées prendront fin aussi rapidement que possible après la fin des hostilités.

Les mesures restrictives prises à l'égard de leurs biens cesseront aussi rapidement que possible après la fin des hostilités, conformément à la législation de la Puissance détentrice.

SECTION III  
OCCUPIED TERRITORIES

ARTICLE 47

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

ARTICLE 48

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

ARTICLE 49

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

**SECTION III**  
**TERRITOIRES OCCUPÉS**

**ARTICLE 47**

Les personnes protégées qui se trouvent dans un territoire occupé ne seront privées, en aucun cas ni d'aucune manière, du bénéfice de la présente Convention, soit en vertu d'un changement quelconque intervenu du fait de l'occupation dans les institutions ou le gouvernement du territoire en question, soit par un accord passé entre les autorités du territoire occupé et la Puissance occupante, soit encore en raison de l'annexion par cette dernière de tout ou partie du territoire occupé.

**ARTICLE 48**

Les personnes protégées non ressortissantes de la Puissance dont le territoire est occupé, pourront se prévaloir du droit de quitter le territoire aux conditions prévues à l'article 35 et les décisions seront prises selon la procédure que la Puissance occupante doit instituer conformément audit article.

**ARTICLE 49**

Les transferts forcés, en masse ou individuels, ainsi que les déportations de personnes protégées hors du territoire occupé dans le territoire de la Puissance occupante ou dans celui de tout autre Etat, occupé ou non, sont interdits, quel qu'en soit le motif.

Toutefois, la Puissance occupante pourra procéder à l'évacuation totale ou partielle d'une région occupée déterminée, si la sécurité de la population ou d'impérieuses raisons militaires l'exigent. Les évacuations ne pourront entraîner le déplacement de personnes protégées qu'à l'intérieur du territoire occupé, sauf en cas d'impossibilité matérielle. La population ainsi évacuée sera ramenée dans ses foyers aussitôt que les hostilités dans ce secteur auront pris fin.

La Puissance occupante, en procédant à ces transferts ou à ces évacuations, devra faire en sorte, dans toute la mesure du possible, que les personnes protégées soient accueillies dans des installations convenables, que les déplacements soient effectués dans des conditions satisfaisantes de salubrité, d'hygiène, de sécurité et d'alimentation et que les membres d'une même famille ne soient pas séparés les uns des autres.

La Puissance protectrice sera informée des transferts et évacuations dès qu'ils auront eu lieu.

La Puissance occupante ne pourra retenir les personnes protégées dans une région particulièrement exposée aux dangers de la guerre, sauf si la sécurité de la population ou d'impérieuses raisons militaires l'exigent.

La Puissance occupante ne pourra procéder à la déportation ou au transfert d'une partie de sa propre population civile dans le territoire occupé par elle.

**ARTICLE 50**

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

**ARTICLE 51**

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and

**ARTICLE 50**

La Puissance occupante facilitera, avec le concours des autorités nationales et locales, le bon fonctionnement des établissements consacrés aux soins et à l'éducation des enfants.

Elle prendra toutes les mesures nécessaires pour faciliter l'identification des enfants et l'enregistrement de leur filiation. Elle ne pourra, en aucun cas, procéder à une modification de leur statut personnel, ni les enrôler dans des formations ou organisations dépendant d'elle.

Si les institutions locales sont défaillantes, la Puissance occupante devra prendre des dispositions pour assurer l'entretien et l'éducation, si possible par des personnes de leurs nationalité, langue et religion, des enfants orphelins ou séparés de leurs parents du fait de la guerre, en l'absence d'un proche parent ou d'un ami qui pourrait y pourvoir.

Une section spéciale du bureau créé en vertu des dispositions de l'article 136 sera chargée de prendre toutes les mesures nécessaires pour identifier les enfants dont l'identité est incertaine. Les indications que l'on posséderait sur leurs père et mère ou sur d'autres proches parents seront toujours consignées.

La Puissance occupante ne devra pas entraver l'application des mesures préférentielles qui auraient pu être adoptées, avant l'occupation, en faveur des enfants de moins de quinze ans, des femmes enceintes et des mères d'enfants de moins de sept ans, en ce qui concerne la nourriture, les soins médicaux et la protection contre les effets de la guerre.

**ARTICLE 51**

La Puissance occupante ne pourra pas astreindre des personnes protégées à servir dans ses forces armées ou auxiliaires. Toute pression ou propagande tendant à des engagements volontaires est prohibée.

Elle ne pourra astreindre au travail des personnes protégées que si elles sont âgées de plus de dix-huit ans ; il ne pourra s'agir toutefois que de travaux nécessaires aux besoins de l'armée d'occupation ou aux services d'intérêt public, à l'alimentation, au logement, à l'habillement, aux transports ou à la santé de la population du pays occupé. Les personnes protégées ne pourront être astreintes à aucun travail qui les obligerait à prendre part à des opérations militaires. La Puissance occupante ne pourra contraindre les personnes protégées à assurer par la force la sécurité des installations où elles exécutent un travail imposé.

Le travail ne sera exécuté qu'à l'intérieur du territoire occupé où les personnes dont il s'agit se trouvent. Chaque personne requise sera, dans la mesure du possible, maintenue à son lieu habituel de travail. Le travail sera équitablement rémunéré et proportionné aux capacités physiques et intellectuelles des travailleurs. La législation en vigueur dans le pays occupé concernant les conditions de travail et les mesures de protection, notamment en ce qui concerne le salaire, la durée du travail, l'équipement,

compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

#### ARTICLE 52

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

#### ARTICLE 53

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

#### ARTICLE 54

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

#### ARTICLE 55

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions,

la formation préalable et la réparation des accidents du travail et des maladies professionnelles, sera applicable aux personnes protégées soumises aux travaux dont il est question au présent article.

En tout état de cause, les réquisitions de main-d'œuvre ne pourront jamais aboutir à une mobilisation de travailleurs placés sous régime militaire ou semi-militaire.

#### **ARTICLE 52**

Aucun contrat, accord ou règlement ne pourra porter atteinte au droit de chaque travailleur, volontaire ou non, où qu'il se trouve, de s'adresser aux représentants de la Puissance protectrice pour demander l'intervention de celle-ci.

Toute mesure tendant à provoquer le chômage ou à restreindre les possibilités de travail des travailleurs d'un pays occupé, en vue de les amener à travailler pour la Puissance occupante, est interdite.

#### **ARTICLE 53**

Il est interdit à la Puissance occupante de détruire des biens mobiliers ou immobiliers, appartenant individuellement ou collectivement à des personnes privées, à l'Etat ou à des collectivités publiques, à des organisations sociales ou coopératives, sauf dans les cas où ces destructions seraient rendues absolument nécessaires par les opérations militaires.

#### **ARTICLE 54**

Il est interdit à la Puissance occupante de modifier le statut des fonctionnaires ou des magistrats du territoire occupé ou de prendre à leur égard des sanctions ou des mesures quelconques de coercition ou de discrimination parce qu'ils s'abstiendraient d'exercer leurs fonctions pour des considérations de conscience.

Cette dernière interdiction ne fait pas obstacle à l'application du deuxième alinéa de l'article 51. Elle laisse intact le pouvoir de la Puissance occupante d'écartier de leurs charges les titulaires de fonctions publiques.

#### **ARTICLE 55**

Dans toute la mesure de ses moyens, la Puissance occupante a le devoir d'assurer l'approvisionnement de la population en vivres et en produits médicaux ; elle devra notamment importer les vivres, les fournitures médicales et tout autre article nécessaire lorsque les ressources du territoire occupé seront insuffisantes.

La Puissance occupante ne pourra réquisitionner des vivres, des articles ou des fournitures médicales se trouvant en territoire occupé que pour les forces et l'administration d'occupation ; elle devra tenir compte des besoins de la population civile. Sous réserve des stipulations d'autres conventions internationales, la Puissance occupante

the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

#### ARTICLE 56

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

#### ARTICLE 57

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

#### ARTICLE 58

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

devra prendre les dispositions nécessaires pour que toute réquisition soit indemnisée à sa juste valeur.

Les Puissances protectrices pourront, en tout temps, vérifier sans entrave l'état de l'approvisionnement en vivres et médicaments dans les territoires occupés, sous réserve des restrictions temporaires qui seraient imposées par d'impérieuses nécessités militaires.

#### **ARTICLE 56**

Dans toute la mesure de ses moyens, la Puissance occupante a le devoir d'assurer et de maintenir avec le concours des autorités nationales et locales, les établissements et les services médicaux et hospitaliers, ainsi que la santé et l'hygiène publiques dans le territoire occupé, notamment en adoptant et en appliquant les mesures prophylactiques et préventives nécessaires pour combattre la propagation des maladies contagieuses et des épidémies. Le personnel médical de toutes catégories sera autorisé à accomplir sa mission.

Si de nouveaux hôpitaux sont créés en territoire occupé et si les organes compétents de l'Etat occupé n'y sont plus en fonction, les autorités d'occupation procéderont s'il y a lieu, à la reconnaissance prévue à l'article 18. Dans des circonstances analogues, les autorités d'occupation devront également procéder à la reconnaissance du personnel des hôpitaux et des véhicules de transport en vertu des dispositions des articles 20 et 21.

En adoptant les mesures de santé et d'hygiène, ainsi qu'en les mettant en vigueur, la Puissance occupante tiendra compte des exigences morales et éthiques de la population du territoire occupé.

#### **ARTICLE 57**

La Puissance occupante ne pourra réquisitionner les hôpitaux civils que temporairement et qu'en cas de nécessité urgente, pour soigner des blessés et des malades militaires, et à la condition que les mesures appropriées soient prises en temps utile pour assurer les soins et le traitement des personnes hospitalisées et répondre aux besoins de la population civile.

Le matériel et les dépôts des hôpitaux civils ne pourront être réquisitionnés, tant qu'ils seront nécessaires aux besoins de la population civile.

#### **ARTICLE 58**

La Puissance occupante permettra aux ministres des cultes d'assurer l'assistance spirituelle de leurs coreligionnaires.

Elle acceptera également les envois de livres et d'objets nécessaires aux besoins religieux et facilitera leur distribution en territoire occupé.

**ARTICLE 59**

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

**ARTICLE 60**

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

**ARTICLE 61**

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

**ARTICLE 62**

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

**ARTICLE 59**

Lorsque la population d'un territoire occupé ou une partie de celle-ci est insuffisamment approvisionnée, la Puissance occupante acceptera les actions de secours faites en faveur de cette population et les facilitera dans toute la mesure de ses moyens.

Ces actions, qui pourront être entreprises soit par des Etats, soit par un organisme humanitaire impartial, tel que le Comité international de la Croix-Rouge, consisteront notamment en des envois de vivres, produits médicaux et vêtements.

Tous les Etats contractants devront autoriser le libre passage de ces envois et en assurer la protection.

Une Puissance accordant le libre passage d'envois destinés à un territoire occupé par une partie adverse au conflit aura toutefois le droit de vérifier les envois, de réglementer leur passage selon des horaires et itinéraires prescrits, et d'obtenir de la Puissance protectrice une assurance suffisante que ces envois sont destinés à secourir la population dans le besoin, et ne sont pas utilisés au profit de la Puissance occupante.

**ARTICLE 60**

Les envois de secours ne dégageront en rien la Puissance occupante des responsabilités que lui imposent les articles 55, 56 et 59. Elle ne pourra détourner d'aucune manière les envois de secours de l'affectation qui leur a été assignée, sauf dans les cas de nécessité urgente, dans l'intérêt de la population du territoire occupé et avec l'assentiment de la Puissance protectrice.

**ARTICLE 61**

La distribution des envois de secours mentionnés aux articles qui précèdent sera faite avec le concours et sous le contrôle de la Puissance protectrice. Cette fonction pourra également être déléguée, à la suite d'un accord entre la Puissance occupante et la Puissance protectrice, à un Etat neutre, au Comité international de la Croix-Rouge ou à tout autre organisme humanitaire impartial.

Il ne sera perçu aucun droit, impôt ou taxe en territoire occupé sur ces envois de secours, à moins que cette perception ne soit nécessaire dans l'intérêt de l'économie du territoire. La Puissance occupante devra faciliter la rapide distribution de ces envois.

Toutes les Parties contractantes s'efforceront de permettre le transit et le transport gratuits de ces envois de secours destinés à des territoires occupés.

**ARTICLE 62**

Sous réserve d'impérieuses considérations de sécurité, les personnes protégées qui se trouvent en territoire occupé pourront recevoir les envois individuels de secours qui leur seraient adressés.

**ARTICLE 63**

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

- (a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;
- (b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

**ARTICLE 64**

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

**ARTICLE 65**

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

**ARTICLE 66**

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said

**ARTICLE 63**

Sous réserve des mesures temporaires qui seraient imposées à titre exceptionnel par d'impérieuses considérations de sécurité de la Puissance occupante :

- a) les Sociétés nationales de la Croix-Rouge (du Croissant-Rouge, du Lion et Soleil Rouges) reconnues pourront poursuivre les activités conformes aux principes de la Croix-Rouge tels qu'ils sont définis par les Conférences internationales de la Croix-Rouge. Les autres sociétés de secours devront pouvoir poursuivre leurs activités humanitaires dans des conditions similaires ;
- b) la Puissance occupante ne pourra exiger, dans le personnel et la structure de ces sociétés, aucun changement qui pourrait porter préjudice aux activités ci-dessus mentionnées.

Les mêmes principes s'appliqueront à l'activité et au personnel d'organismes spéciaux d'un caractère non militaire, déjà existants ou qui seraient créés afin d'assurer les conditions d'existence de la population civile par le maintien des services essentiels d'utilité publique, la distribution de secours et l'organisation du sauvetage.

**ARTICLE 64**

La législation pénale du territoire occupé demeurera en vigueur, sauf dans la mesure où elle pourra être abrogée ou suspendue par la Puissance occupante si cette législation constitue une menace pour la sécurité de cette Puissance ou un obstacle à l'application de la présente Convention. Sous réserve de cette dernière considération et de la nécessité d'assurer l'administration effective de la justice, les tribunaux du territoire occupé continueront à fonctionner pour toutes les infractions prévues par cette législation.

La Puissance occupante pourra toutefois soumettre la population du territoire occupé à des dispositions qui sont indispensables pour lui permettre de remplir ses obligations découlant de la présente Convention, et d'assurer l'administration régulière du territoire ainsi que la sécurité soit de la Puissance occupante, soit des membres et des biens des forces ou de l'administration d'occupation ainsi que des établissements et des lignes de communications utilisés par elle.

**ARTICLE 65**

Les dispositions pénales édictées par la Puissance occupante n'entreront en vigueur qu'après avoir été publiées et portées à la connaissance de la population, dans la langue de celle-ci. Elles ne peuvent pas avoir un effet rétroactif.

**ARTICLE 66**

La Puissance occupante pourra, en cas d'infraction aux dispositions pénales promulguées par elle en vertu du deuxième alinéa de l'article 64, déferer les inculpés à ses tribunaux militaires, non politiques et régulièrement constitués, à condition que

courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

#### ARTICLE 67

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

#### ARTICLE 68

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

#### ARTICLE 69

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

ceux-ci siégent dans le pays occupé. Les tribunaux de recours siégeront de préférence dans le pays occupé.

#### ARTICLE 67

Les tribunaux ne pourront appliquer que les dispositions légales antérieures à l'infraction et conformes aux principes généraux du droit, notamment en ce qui concerne le principe de la proportionnalité des peines. Ils devront prendre en considération le fait que le prévenu n'est pas un ressortissant de la Puissance occupante.

#### ARTICLE 68

Lorsqu'une personne protégée commet une infraction uniquement dans le dessein de nuire à la Puissante occupante, mais que cette infraction ne porte pas atteinte à la vie ou à l'intégrité corporelle des membres des forces ou de l'administration d'occupation, qu'elle ne crée pas un danger collectif sérieux et qu'elle ne porte pas une atteinte grave aux biens des forces ou de l'administration d'occupation ou aux installations utilisées par elles, cette personne est passible de l'internement ou du simple emprisonnement, étant entendu que la durée de cet internement ou de cet emprisonnement sera proportionnée à l'infraction commise. En outre, l'internement ou l'emprisonnement sera pour de telles infractions la seule mesure privative de liberté qui pourra être prise à l'égard des personnes protégées. Les tribunaux prévus à l'article 66 de la présente Convention pourront librement convertir la peine d'emprisonnement en une mesure d'internement de même durée.

Les dispositions d'ordre pénal promulguées par la Puissance occupante conformément aux articles 64 et 65 ne peuvent prévoir la peine de mort à l'égard des personnes protégées que dans les cas où celles-ci sont coupables d'espionnage, d'actes graves de sabotage des installations militaires de la Puissance occupante ou d'infractions intentionnelles qui ont causé la mort d'une ou plusieurs personnes et à condition que la législation du territoire occupé, en vigueur avant le début de l'occupation, prévoie la peine de mort dans de tels cas.

La peine de mort ne pourra être prononcée contre une personne protégée que si l'attention du tribunal a été particulièrement attirée sur le fait que l'accusé, n'étant pas un ressortissant de la Puissance occupante, n'est lié à celle-ci par aucun devoir de fidélité.

En aucun cas la peine de mort ne pourra être prononcée contre une personne protégée âgée de moins de dix-huit ans au moment de l'infraction.

#### ARTICLE 69

Dans tous les cas, la durée de la détention préventive sera déduite de toute peine d'emprisonnement à laquelle une personne protégée prévenue pourrait être condamnée.

**ARTICLE 70**

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

**ARTICLE 71**

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

**ARTICLE 72**

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a

**ARTICLE 70**

Les personnes protégées ne pourront pas être arrêtées, poursuivies ou condamnées par la Puissance occupante pour des actes commis ou pour des opinions exprimées avant l'occupation ou pendant une interruption temporaire de celle-ci sous réserve des infractions aux lois et coutumes de la guerre.

Les ressortissants de la Puissance occupante qui, avant le début du conflit, auraient cherché refuge sur le territoire occupé ne pourront être arrêtés, poursuivis, condamnés, ou déportés hors du territoire occupé, que pour des infractions commises depuis le début des hostilités ou pour des délits de droit commun commis avant le début des hostilités qui, selon le droit de l'Etat dont le territoire est occupé, auraient justifié l'extradition en temps de paix.

**ARTICLE 71**

Les tribunaux compétents de la Puissance occupante ne pourront prononcer aucune condamnation qui n'ait été précédée d'un procès régulier.

Tout prévenu poursuivi par la Puissance occupante sera informé sans retard, par écrit, dans une langue qu'il comprenne, des détails des chefs d'accusation retenus contre lui; sa cause sera instruite le plus rapidement possible. La Puissance protectrice sera informée de chaque poursuite intentée par la Puissance occupante contre des personnes protégées lorsque les chefs d'accusation pourront entraîner une condamnation à mort ou une peine d'emprisonnement pour deux ans ou plus ; elle pourra en tout temps s'informer de l'état de la procédure. En outre, la Puissance protectrice aura le droit d'obtenir, sur sa demande, toutes informations au sujet de ces procédures et de toute autre poursuite intentée par la Puissance occupante contre des personnes protégées.

La notification à la Puissance protectrice, telle qu'elle est prévue au deuxième alinéa du présent article, devra s'effectuer immédiatement et parvenir en tout cas à la Puissance protectrice trois semaines avant la date de la première audience. Si à l'ouverture des débats la preuve n'est pas apportée que les dispositions du présent article ont été respectées intégralement, les débats ne pourront avoir lieu. La notification devra comprendre notamment les éléments suivants :

- a) identité du prévenu ;
- b) lieu de résidence ou de détention ;
- c) spécification du ou des chefs d'accusation (avec mention des dispositions pénales sur lesquelles il est basé) ;
- d) indication du tribunal chargé de juger l'affaire ;
- e) lieu et date de la première audience.

**ARTICLE 72**

Tout prévenu aura le droit de faire valoir les moyens de preuve nécessaires à sa défense et pourra notamment faire citer des témoins. Il aura le droit d'être assisté d'un

qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

#### ARTICLE 73

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

#### ARTICLE 74

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

#### ARTICLE 75

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

défenseur qualifié de son choix, qui pourra lui rendre librement visite et qui recevra les facilités nécessaires pour préparer sa défense.

Si le prévenu n'a pas choisi de défenseur, la Puissance protectrice lui en procurera un. Si le prévenu doit répondre d'une accusation grave et qu'il n'y ait pas de Puissance protectrice, la Puissance occupante devra, sous réserve du consentement du prévenu, lui procurer un défenseur.

Tout prévenu sera, à moins qu'il n'y renonce librement, assisté d'un interprète aussi bien pendant l'instruction qu'à l'audience du tribunal. Il pourra à tout moment récuser l'interprète et demander son remplacement.

#### ARTICLE 73

Tout condamné aura le droit d'utiliser les voies de recours prévues par la législation appliquée par le tribunal. Il sera pleinement informé de ses droits de recours, ainsi que des délais requis pour les exercer.

La procédure pénale prévue à la présente Section s'appliquera, par analogie, aux recours. Si la législation appliquée par le tribunal ne prévoit pas de possibilités d'appel, le condamné aura le droit de recourir contre le jugement et la condamnation auprès de l'autorité compétente de la Puissance occupante.

#### ARTICLE 74

Les représentants de la Puissance protectrice auront le droit d'assister à l'audience de tout tribunal jugeant une personne protégée, sauf si les débats doivent, exceptionnellement, avoir lieu à huis clos dans l'intérêt de la sécurité de la Puissance occupante ; celle-ci en avisera alors la Puissance protectrice. Une notification contenant l'indication du lieu et de la date de l'ouverture des débats devra être envoyée à la Puissance protectrice.

Tous les jugements rendus, impliquant la peine de mort ou l'emprisonnement pour deux ans ou plus, seront communiqués, avec indication des motifs et le plus rapidement possible, à la Puissance protectrice ; ils comporteront une mention de la notification effectuée conformément à l'article 71 et, en cas de jugement impliquant une peine privative de liberté, l'indication du lieu où elle sera purgée. Les autres jugements seront consignés dans les procès-verbaux du tribunal et pourront être examinés par les représentants de la Puissance protectrice. Dans le cas d'une condamnation à la peine de mort ou à une peine privative de liberté de deux ans ou plus, les délais de recours ne commenceront à courir qu'à partir du moment où la Puissance protectrice aura reçu communication du jugement.

#### ARTICLE 75

En aucun cas, les personnes condamnées à mort ne seront privées du droit de recourir en grâce.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

#### ARTICLE 76

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

#### ARTICLE 77

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

#### ARTICLE 78

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of

Aucune condamnation à mort ne sera exécutée avant l'expiration d'un délai d'au moins six mois à partir du moment où la Puissance protectrice aura reçu la communication du jugement définitif confirmant cette condamnation à mort ou de la décision refusant cette grâce.

Ce délai de six mois pourra être abrégé dans certains cas précis, lorsqu'il résulte de circonstances graves et critiques que la sécurité de la Puissance occupante ou de ses forces armées est exposée à une menace organisée ; la Puissance protectrice recevra toujours notification de cette réduction du délai, elle aura toujours la possibilité d'adresser en temps utile des représentations au sujet de ces condamnations à mort aux autorités d'occupation compétentes.

#### ARTICLE 76

Les personnes protégées inculpées seront détenues dans le pays occupé et si elles sont condamnées, elles devront y purger leur peine. Elles seront séparées si possible des autres détenus et soumises à un régime alimentaire et hygiénique suffisant pour les maintenir dans un bon état de santé et correspondant au moins au régime des établissements pénitentiaires du pays occupé.

Elles recevront les soins médicaux exigés par leur état de santé.

Elles seront également autorisées à recevoir l'aide spirituelle qu'elles pourraient solliciter.

Les femmes seront logées dans des locaux séparés et placées sous la surveillance immédiate de femmes.

Il sera tenu compte du régime spécial prévu pour les mineurs.

Les personnes protégées détenues auront le droit de recevoir la visite des délégués de la Puissance protectrice et du Comité international de la Croix-Rouge, conformément aux dispositions de l'article 143.

En outre, elles auront le droit de recevoir au moins un colis de secours par mois.

#### ARTICLE 77

Les personnes protégées inculpées ou condamnées par les tribunaux en territoire occupé seront remises, à la fin de l'occupation, avec le dossier les concernant, aux autorités du territoire libéré.

#### ARTICLE 78

Si la Puissance occupante estime nécessaire, pour d'impérieuses raisons de sécurité, de prendre des mesures de sûreté à l'égard de personnes protégées, elle pourra tout au plus leur imposer une résidence forcée ou procéder à leur internement.

Les décisions relatives à la résidence forcée ou à l'internement seront prises suivant une procédure régulière qui devra être fixée par la Puissance occupante, conformément aux dispositions de la présente Convention. Cette procédure doit prévoir le droit d'appel

appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

#### SECTION IV

##### REGULATIONS FOR THE TREATMENT OF INTERNEES

###### CHAPTER I

###### GENERAL PROVISIONS

###### ARTICLE 79

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

###### ARTICLE 80

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

###### ARTICLE 81

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

###### ARTICLE 82

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

des intéressés. Il sera statué au sujet de cet appel dans le plus bref délai possible. Si les décisions sont maintenues, elles seront l'objet d'une revision périodique, si possible semestrielle, par les soins d'un organisme compétent constitué par ladite Puissance.

Les personnes protégées assujetties à la résidence forcée et contraintes en conséquence de quitter leur domicile bénéficieront sans aucune restriction des dispositions de l'article 39 de la présente Convention.

#### SECTION IV

#### RÈGLES RELATIVES AU TRAITEMENT DES INTERNÉS

##### CHAPITRE I

###### DISPOSITIONS GÉNÉRALES

###### ARTICLE 79

Les Parties au conflit ne pourront interner des personnes protégées que conformément aux dispositions des articles 41, 42, 43, 68 et 78.

###### ARTICLE 80

Les internés conserveront leur pleine capacité civile et exerceront les droits qui en découlent dans la mesure compatible avec leur statut d'internés.

###### ARTICLE 81

Les Parties au conflit qui interneront des personnes protégées seront tenues de pourvoir gratuitement à leur entretien et de leur accorder de même les soins médicaux que nécessite leur état de santé.

Aucune déduction ne sera faite sur les allocations, salaires ou créances des internés pour le remboursement de ces frais.

La Puissance détentrice devra pourvoir à l'entretien des personnes dépendant des internés, si elles sont sans moyens suffisants de subsistance ou incapables de gagner elles-mêmes leur vie.

###### ARTICLE 82

La Puissance détentrice groupera dans la mesure du possible les internés selon leur nationalité, leur langue et leurs coutumes. Les internés ressortissants du même pays ne seront pas séparés pour le seul fait d'une diversité de langue.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

## CHAPTER II

### PLACES OF INTERNMENT

#### ARTICLE 83

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

#### ARTICLE 84

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

#### ARTICLE 85

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or

Pendant toute la durée de leur internement, les membres d'une même famille, et en particulier les parents et leurs enfants, seront réunis dans le même lieu d'internement, à l'exception des cas où les besoins du travail, des raisons de santé, ou l'application des dispositions prévues au chapitre IX de la présente Section rendraient nécessaire une séparation temporaire. Les internés pourront demander que leurs enfants, laissés en liberté sans surveillance de parents, soient internés avec eux.

Dans toute la mesure du possible, les membres internés de la même famille seront réunis dans les mêmes locaux et seront logés séparément des autres internés ; il devra également leur être accordé les facilités nécessaires pour mener une vie de famille.

## CHAPITRE II

### LIEUX D'INTERNEMENT

#### ARTICLE 83

La Puissance détentrice ne pourra placer les lieux d'internement dans des régions particulièrement exposées aux dangers de la guerre.

La Puissance détentrice communiquera, par l'entremise des Puissances protectrices, aux Puissances ennemis toutes indications utiles sur la situation géographique des lieux d'internement.

Chaque fois que les considérations militaires le permettront, les camps d'internement seront signalés par les lettres IC placées de manière à être vues de jour distinctement du haut des airs ; toutefois, les Puissances intéressées pourront convenir d'un autre moyen de signalisation. Aucun autre emplacement qu'un camp d'internement ne pourra être signalisé de cette manière.

#### ARTICLE 84

Les internés devront être logés et administrés séparément des prisonniers de guerre et des personnes privées de liberté pour toute autre raison.

#### ARTICLE 85

La Puissance détentrice a le devoir de prendre toutes les mesures nécessaires et possibles pour que les personnes protégées soient, dès le début de leur internement, logées dans des bâtiments où cantonnements donnant toutes garanties d'hygiène et de salubrité et assurant une protection efficace contre la rigueur du climat et les effets de la guerre. En aucun cas, les lieux d'internement permanent ne seront situés dans des régions malsaines ou dont le climat serait pernicieux pour les internés. Dans tous les cas où elles seraient temporairement internées dans une région malsaine, ou dont le climat

has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

#### ARTICLE 86

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

#### ARTICLE 87

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

serait pernicieux pour la santé, les personnes protégées devront être transférées aussi rapidement que les circonstances le permettront dans un lieu d'internement où ces risques ne seront pas à craindre.

Les locaux devront être entièrement à l'abri de l'humidité, suffisamment chauffés et éclairés, notamment entre la tombée de la nuit et l'extinction des feux. Les lieux de couchage devront être suffisamment spacieux et bien aérés, les internés disposeront d'un matériel de couchage convenable et de couvertures en nombre suffisant, compte tenu du climat et de l'âge, du sexe et de l'état de santé des internés.

Les internés disposeront jour et nuit d'installations sanitaires conformes aux exigences de l'hygiène et maintenues en état constant de propreté. Il leur sera fourni une quantité d'eau et de savon suffisante pour leurs soins quotidiens de propreté corporelle et le blanchissage de leur linge ; les installations et les facilités nécessaires leur seront accordées à cet effet. Ils disposeront, en outre, d'installations de douches ou de bains. Le temps nécessaire sera accordé pour leurs soins d'hygiène et les travaux de nettoyage.

Chaque fois qu'il sera nécessaire, à titre de mesure exceptionnelle et temporaire, de loger des femmes internées n'appartenant pas à un groupe familial dans le même lieu d'internement que les hommes, il devra leur être obligatoirement fourni des lieux de couchage et des installations sanitaires séparés.

#### ARTICLE 86

La Puissance détentrice mettra à la disposition des internés, quelle que soit leur confession, des locaux appropriés pour l'exercice de leurs cultes.

#### ARTICLE 87

A moins que les internés ne puissent disposer d'autres facilités analogues, des cantines seront installées dans tous les lieux d'internement, afin qu'ils aient la possibilité de se procurer, à des prix qui ne devront en aucun cas dépasser ceux du commerce local, des denrées alimentaires et des objets usuels, y compris du savon et du tabac, qui sont de nature à accroître leur bien-être et leur confort personnels.

Les bénéfices des cantines seront versés au crédit d'un fonds spécial d'assistance qui sera créé dans chaque lieu d'internement et administré au profit des internés du lieu d'internement intéressé. Le comité d'internés, prévu à l'article 102, aura un droit de regard sur l'administration des cantines et sur la gestion de ce fonds.

Lors de la dissolution d'un lieu d'internement, le solde créiteur du fonds d'assistance sera transféré au fonds d'assistance d'un autre lieu d'internement pour internés de la même nationalité ou, si un tel lieu n'existe pas, à un fonds central d'assistance qui sera administré au bénéfice de tous les internés qui restent au pouvoir de la Puissance détentrice. En cas de libération générale, ces bénéfices seront conservés par la Puissance détentrice, sauf accord contraire conclu entre les Puissances intéressées.

**ARTICLE 88**

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

**CHAPTER III****FOOD AND CLOTHING****ARTICLE 89**

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

**ARTICLE 90**

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

**ARTICLE 88**

Dans tous les lieux d'internement exposés aux bombardements aériens et autres dangers de guerre, seront installés des abris appropriés et en nombre suffisant pour assurer la protection nécessaire. En cas d'alerte, les internés pourront s'y rendre le plus rapidement possible, à l'exception de ceux d'entre eux qui participeraient à la protection de leurs cantonnements contre ces dangers. Toute mesure de protection qui sera prise en faveur de la population leur sera également appliquée.

Les précautions suffisantes devront être prises dans les lieux d'internement contre les dangers d'incendie.

**CHAPITRE III****ALIMENTATION ET HABILLEMENT****ARTICLE 89**

La ration alimentaire quotidienne des internés sera suffisante en quantité, qualité et variété, pour leur assurer un équilibre normal de santé et pour empêcher les troubles de carence ; il sera tenu compte également du régime auquel les internés sont habitués.

Les internés recevront, en outre, les moyens d'accorder eux-mêmes les suppléments de nourriture dont ils disposeront.

De l'eau potable en suffisance leur sera fournie. L'usage du tabac sera autorisé.

Les travailleurs recevront un supplément de nourriture proportionné à la nature du travail qu'ils effectuent.

Les femmes enceintes et en couches, et les enfants âgés de moins de quinze ans, recevront des suppléments de nourriture proportionnés à leurs besoins physiologiques.

**ARTICLE 90**

Toutes facilités seront accordées aux internés pour se munir de vêtements, de chaussures et de linge de rechange, au moment de leur arrestation et pour s'en procurer ultérieurement, si besoin est. Si les internés ne possèdent pas de vêtements suffisants pour le climat, et qu'ils ne peuvent s'en procurer, la Puissance détentrice leur en fournira gratuitement.

Les vêtements que la Puissance détentrice fournirait aux internés et les marques extérieures qu'elle pourrait apposer sur leurs vêtements, ne devront ni avoir un caractère infamant ni prêter au ridicule.

Les travailleurs devront recevoir une tenue de travail, y compris les vêtements de protection appropriés, partout où la nature du travail l'exigera.

## CHAPTER IV

## HYGIENE AND MEDICAL ATTENTION

## ARTICLE 91

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

## ARTICLE 92

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

## CHAPTER V

## RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

## ARTICLE 93

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

## CHAPITRE IV

## HYGIÈNE ET SOINS MÉDICAUX

## ARTICLE 91

Chaque lieu d'internement possédera une infirmerie adéquate, placée sous l'autorité d'un médecin qualifié, où les internés recevront les soins dont ils pourront avoir besoin ainsi qu'un régime alimentaire approprié. Des locaux d'isolement seront réservés aux malades atteints d'affections contagieuses ou mentales.

Les femmes en couches et les internés atteints d'une maladie grave, ou dont l'état nécessite un traitement spécial, une intervention chirurgicale ou l'hospitalisation, devront être admis dans tout établissement qualifié pour les traiter et y recevront des soins qui ne devront pas être inférieurs à ceux qui sont donnés à l'ensemble de la population.

Les internés seront traités de préférence par un personnel médical de leur nationalité.

Les internés ne pourront pas être empêchés de se présenter aux autorités médicales pour être examinés. Les autorités médicales de la Puissance détentrice remettront, sur demande, à tout interné traité une déclaration officielle indiquant la nature de sa maladie ou de ses blessures, la durée du traitement et les soins reçus. Un duplicata de cette déclaration sera envoyé à l'Agence centrale prévue à l'article 140.

Le traitement, ainsi que la fourniture de tout appareil nécessaire au maintien des internés en bon état de santé, notamment des prothèses, dentaires ou autres, et des lunettes, seront accordés gratuitement à l'interné.

## ARTICLE 92

Des inspections médicales des internés seront faites au moins une fois par mois. Elle auront pour objet, en particulier, de contrôler l'état général de santé et de nutrition et l'état de propreté, ainsi que de dépister les maladies contagieuses, notamment la tuberculose, les affections vénériennes et le paludisme. Elles comporteront notamment le contrôle du poids de chaque interné et, au moins une fois par an, un examen radioscopique.

## CHAPITRE V

## RELIGION, ACTIVITÉS INTELLECTUELLES ET PHYSIQUES

## ARTICLE 93

Toute latitude sera laissée aux internés pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à condition qu'ils se conforment aux mesures de discipline courante, prescrites par les autorités détentrices.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

#### ARTICLE 94

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

#### ARTICLE 95

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

Les internés qui sont ministres d'un culte, seront autorisés à exercer pleinement leur ministère parmi leurs coreligionnaires. A cet effet, la Puissance détentrice veillera à ce qu'ils soient répartis d'une manière équitable entre les différents lieux d'internement où se trouvent les internés parlant la même langue et appartenant à la même religion. S'ils ne sont pas en nombre suffisant, elle leur accordera les facilités nécessaires, entre autres des moyens de transport, pour se rendre d'un lieu d'internement à l'autre et ils seront autorisés à visiter les internés qui se trouvent dans des hôpitaux. Les ministres d'un culte jouiront, pour les actes de leur ministère, de la liberté de correspondance avec les autorités religieuses du pays de détention et, dans la mesure du possible, avec les organisations religieuses internationales de leur confession. Cette correspondance ne sera pas considérée comme faisant partie du contingent mentionné à l'article 107, mais sera soumise aux dispositions de l'article 112.

Lorsque des internés ne disposent pas du secours de ministres de leur culte ou que ces derniers sont en nombre insuffisant, l'autorité religieuse locale de la même confession pourra désigner, d'accord avec la Puissance détentrice, un ministre du même culte que celui des internés, ou bien, dans le cas où cela est possible du point de vue confessionnel, un ministre d'un culte similaire ou un laïque qualifié. Ce dernier jouira des avantages attachés à la fonction qu'il a assumée. Les personnes ainsi désignées devront se conformer à tous les règlements établis par la Puissance détentrice, dans l'intérêt de la discipline et de la sécurité.

#### ARTICLE 94

La Puissance détentrice encouragera les activités intellectuelles, éducatives, récréatives et sportives des internés, tout en les laissant libres d'y participer ou non. Elle prendra toutes les mesures possibles pour en assurer l'exercice et mettra en particulier à leur disposition des locaux adéquats.

Toutes les facilités possibles seront accordées aux internés afin de leur permettre de poursuivre leurs études ou d'en entreprendre de nouvelles. L'instruction des enfants et des adolescents sera assurée ; ils pourront fréquenter des écoles soit à l'intérieur, soit à l'extérieur des lieux d'internement.

Les internés devront avoir la possibilité de se livrer à des exercices physiques, de participer à des sports et à des jeux en plein air. Des espaces libres suffisants seront réservés à cet usage dans tous les lieux d'internement. Des emplacements spéciaux seront réservés aux enfants et aux adolescents.

#### ARTICLE 95

La Puissance détentrice ne pourra employer des internés comme travailleurs que s'ils le désirent. Sont en tout cas interdits : l'emploi qui, imposé à une personne protégée non internée, constituerait une infraction aux articles 40 ou 51 de la présente Convention, ainsi que l'emploi à des travaux d'un caractère dégradant ou humiliant.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

#### ARTICLE 96

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

Après une période de travail de six semaines, les internés pourront renoncer à travailler à tout moment moyennant un préavis de huit jours.

Ces dispositions ne font pas obstacle au droit de la Puissance détentrice d'astreindre les internés médecins, dentistes ou autres membres du personnel sanitaire à l'exercice de leur profession au bénéfice de leurs co-internés ; d'employer des internés à des travaux d'administration et d'entretien du lieu d'internement ; de charger ces personnes de travaux de cuisine ou d'autres travaux ménagers ; enfin de les employer à des travaux destinés à protéger les internés contre les bombardements aériens, ou autres dangers résultant de la guerre. Toutefois, aucun interné ne pourra être astreint à accomplir des travaux pour lesquels un médecin de l'administration l'aura déclaré physiquement inapte.

La Puissance détentrice assumera l'entièvre responsabilité de toutes les conditions de travail, des soins médicaux, du paiement des salaires et de la réparation des accidents du travail et des maladies professionnelles. Les conditions de travail ainsi que la réparation des accidents du travail et des maladies professionnelles seront conformes à la législation nationale et à la coutume ; elles ne seront en aucun cas inférieures à celles appliquées pour un travail de même nature dans la même région. Les salaires seront déterminés d'une façon équitable par accord entre la Puissance détentrice, les internés et, le cas échéant, les employeurs autres que la Puissance détentrice, compte tenu de l'obligation pour la Puissance détentrice de pourvoir gratuitement à l'entretien de l'interné et de lui accorder de même les soins médicaux que nécessite son état de santé. Les internés employés d'une manière permanente aux travaux visés au troisième alinéa recevront de la Puissance détentrice un salaire équitable ; les conditions de travail et la réparation des accidents du travail et des maladies professionnelles ne seront pas inférieures à celles appliquées pour un travail de même nature dans la même région.

#### ARTICLE 96

Tout détachement de travail relèvera d'un lieu d'internement. Les autorités compétentes de la Puissance détentrice et le commandant de ce lieu d'internement seront responsables de l'observation dans les détachements de travail des dispositions de la présente Convention. Le commandant tiendra à jour une liste des détachements de travail dépendant de lui et la communiquera aux délégués de la Puissance protectrice, du Comité international de la Croix-Rouge ou des autres organisations humanitaires qui visiteraient les lieux d'internement.

## CHAPTER VI

## PERSONAL PROPERTY AND FINANCIAL RESOURCES

## ARTICLE 97

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

## ARTICLE 98

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining

## CHAPITRE VI

## PROPRIÉTÉ PERSONNELLE ET RESSOURCES FINANCIÈRES

## ARTICLE 97

Les internés seront autorisés à conserver leurs objets et effets d'usage personnel. Les sommes, chèques, titres, etc., ainsi que les objets de valeur dont ils sont porteurs, ne pourront leur être enlevés que conformément aux procédures établies. Un reçu détaillé leur en sera donné.

Les sommes devront être portées au crédit du compte de chaque interné, comme prévu à l'article 98 ; elles ne pourront être converties en une autre monnaie à moins que la législation du territoire dans lequel le propriétaire est interné ne l'exige, ou que l'interné n'y consente.

Les objets ayant surtout une valeur personnelle ou sentimentale ne pourront leur être enlevés.

Une femme internée ne pourra être fouillée que par une femme.

Lors de leur libération ou de leur rapatriement, les internés recevront en monnaie le solde créditeur du compte tenu conformément à l'article 98, ainsi que tous les objets, sommes, chèques, titres, etc., qui leur auraient été retirés pendant l'internement, exception faite des objets ou valeurs que la Puissance détentrice devrait garder en vertu de sa législation en vigueur. Au cas où un bien appartenant à un interné serait retenu en raison de cette législation, l'intéressé recevra un certificat détaillé.

Les documents de famille et les pièces d'identité dont les internés sont porteurs ne pourront leur être retirés que contre reçu. A aucun moment, les internés ne devront être sans pièce d'identité. S'ils n'en possèdent pas, ils recevront des pièces spéciales qui seront établies par les autorités détentrices et qui leur tiendront lieu de pièces d'identité jusqu'à la fin de l'internement.

Les internés pourront avoir sur eux une certaine somme en espèces ou sous forme de bons d'achat, afin de pouvoir faire des achats.

## ARTICLE 98

Tous les internés recevront régulièrement des allocations pour pouvoir acheter des denrées et objets tels que tabac, articles de toilette, etc. Ces allocations pourront revêtir la forme de crédits ou de bons d'achat.

En outre, les internés pourront recevoir des subsides de la Puissance dont ils sont ressortissants, des Puissances protectrices, de tout organisme qui pourrait leur venir en aide, ou de leurs familles, ainsi que les revenus de leurs biens conformément à la législation de la Puissance détentrice. Les montants des subsides alloués par la Puissance d'origine seront les mêmes pour chaque catégorie d'internés (infirmes, malades, femmes enceintes, etc.) et ne pourront être fixés par cette Puissance ni distribués par la Puissance

Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

## CHAPTER VII

### ADMINISTRATION AND DISCIPLINE

#### ARTICLE 99

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

#### ARTICLE 100

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any

détentrice sur la base de discriminations interdites par l'article 27 de la présente Convention.

Pour chaque interné, la Puissance détentrice tiendra un compte régulier au crédit duquel seront portés les allocations mentionnées au présent article, les salaires gagnés par l'interné, ainsi que les envois d'argent qui lui seront faits. Seront également portées à son crédit les sommes qui lui sont retirées et qui pourraient être disponibles en vertu de la législation en vigueur dans le territoire où l'interné se trouve. Toute facilité compatible avec la législation en vigueur dans le territoire intéressé lui sera accordée pour envoyer des subsides à sa famille et aux personnes dépendant économiquement de lui. Il pourra prélever sur ce compte les sommes nécessaires à ses dépenses personnelles, dans les limites fixées par la Puissance détentrice. Il lui sera accordé en tout temps des facilités raisonnables en vue de consulter son compte ou de s'en procurer des extraits. Ce compte sera communiqué, sur demande, à la Puissance protectrice et suivra l'interné en cas de transfert de celui-ci.

## CHAPITRE VII ADMINISTRATION ET DISCIPLINE

### ARTICLE 99

Tout lieu d'internement sera placé sous l'autorité d'un officier ou fonctionnaire responsable, choisi dans les forces militaires régulières ou dans les cadres de l'administration civile régulière de la Puissance détentrice. L'officier ou le fonctionnaire commandant le lieu d'internement possédera, dans la langue officielle ou dans une des langues officielles de son pays, le texte de la présente Convention et sera responsable de l'application de celle-ci. Le personnel de surveillance sera instruit des dispositions de la présente Convention et des règlements ayant pour objet son application.

Le texte de la présente Convention et les textes des accords spéciaux conclus conformément à la présente Convention seront affichés à l'intérieur du lieu d'internement dans une langue que comprennent les internés, ou bien se trouveront en possession du comité d'internés.

Les règlements, ordres, avertissements et avis de toute nature devront être communiqués aux internés et affichés à l'intérieur des lieux d'internement dans une langue qu'ils comprennent.

Tous les ordres et commandements adressés individuellement à des internés devront également être donnés dans une langue qu'ils comprennent.

### ARTICLE 100

La discipline dans les lieux d'internement doit être compatible avec les principes d'humanité et ne comportera en aucun cas des règlements imposant aux internés des

physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

#### ARTICLE 101

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

#### ARTICLE 102

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

#### ARTICLE 103

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

#### ARTICLE 104

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

fatigues physiques dangereuses pour leur santé ou des brimades d'ordre physique ou moral. Le tatouage ou l'apposition de marques ou de signes corporels d'identification sont interdits.

Sont notamment interdits les stations ou les appels prolongés, les exercices physiques punitifs, les exercices de manœuvres militaires et les restrictions de nourriture.

#### ARTICLE 101

Les internés auront le droit de présenter aux autorités au pouvoir desquelles ils se trouvent leurs requêtes concernant le régime auquel ils sont soumis.

Ils auront également, sans limitation, le droit de s'adresser soit par l'entremise du comité d'internés, soit directement, s'ils l'estiment nécessaire, aux représentants de la Puissance protectrice, pour leur indiquer les points sur lesquels ils auraient des plaintes à formuler à l'égard du régime de l'internement.

Ces requêtes et plaintes devront être transmises d'urgence sans modification. Même si ces dernières sont reconnues non fondées, elles ne pourront donner lieu à aucune punition.

Les comités d'internés pourront envoyer aux représentants de la Puissance protectrice des rapports périodiques sur la situation dans les lieux d'internement et les besoins des internés.

#### ARTICLE 102

Dans chaque lieu d'internement, les internés éliront librement, tous les six mois et au scrutin secret, les membres d'un comité chargé de les représenter auprès des autorités de la Puissance détentrice, auprès des Puissances protectrices, du Comité international de la Croix-Rouge et de tout autre organisme qui leur viendrait en aide. Les membres de ce comité seront rééligibles.

Les internés élus entreront en fonctions après que leur élection aura reçu l'approbation de l'autorité détentrice. Les motifs de refus ou de destitution éventuels seront communiqués aux Puissances protectrices intéressées.

#### ARTICLE 103

Les comités d'internés devront contribuer au bien-être physique, moral et intellectuel des internés.

En particulier, au cas où les internés décideraient d'organiser entre eux un système d'assistance mutuelle, cette organisation serait de la compétence des comités, indépendamment des tâches spéciales qui leur sont confiées par d'autres dispositions de la présente Convention.

#### ARTICLE 104

Les membres des comités d'internés ne seront pas astreints à un autre travail, si l'accomplissement de leurs fonctions devait en être rendu plus difficile.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

## CHAPTER VIII

### RELATIONS WITH THE EXTERIOR

#### ARTICLE 105

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

#### ARTICLE 106

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

#### ARTICLE 107

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee,

Les membres des comités pourront désigner parmi les internés les auxiliaires qui leur seront nécessaires. Toutes facilités matérielles leur seront accordées et notamment certaines libertés de mouvement nécessaires à l'accomplissement de leurs tâches (visites de détachements de travail, réception de marchandises, etc.).

Toutes facilités seront également accordées aux membres des comités pour leur correspondance postale et télégraphique avec les autorités détentrices, avec les Puissances protectrices, le Comité international de la Croix-Rouge et leurs délégués, ainsi qu'avec les organismes qui viendraient en aide aux internés. Les membres des comités se trouvant dans des détachements jouiront des mêmes facilités pour leur correspondance avec leur comité du principal lieu d'internement. Ces correspondances ne seront ni limitées, ni considérées comme faisant partie du contingent mentionné à l'article 107.

Aucun membre du comité ne pourra être transféré, sans que le temps raisonnablement nécessaire lui ait été laissé pour mettre son successeur au courant des affaires en cours.

## CHAPITRE VIII

### RELATIONS AVEC L'EXTÉRIEUR

#### ARTICLE 105

Dès qu'elles auront interné des personnes protégées, les Puissances détentrices porteront à leur connaissance, à celle de la Puissance dont elles sont ressortissantes et de leur Puissance protectrice, les mesures prévues pour l'exécution des dispositions du présent chapitre ; elles notifieront de même toute modification apportée à ces mesures.

#### ARTICLE 106

Chaque interné sera mis en mesure, dès son internement, ou au plus tard une semaine après son arrivée dans un lieu d'internement et de même en cas de maladie ou de transfert dans un autre lieu d'internement ou dans un hôpital, d'adresser directement à sa famille, d'une part, et à l'Agence centrale prévue à l'article 140, d'autre part, une carte d'internement établie si possible selon le modèle annexé à la présente Convention, les informant de son internement, de son adresse et de son état de santé. Lesdites cartes seront transmises avec toute la rapidité possible et ne pourront être retardées daucune manière.

#### ARTICLE 107

Les internés seront autorisés à expédier et à recevoir des lettres et des cartes. Si la Puissance détentrice estime nécessaire de limiter le nombre de lettres et de cartes

the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

#### ARTICLE 108

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

#### ARTICLE 109

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for

expédiées par chaque interné, ce nombre ne pourra pas être inférieur à deux lettres et quatre cartes par mois, établies autant que possible selon les modèles annexés à la présente Convention. Si des limitations doivent être apportées à la correspondance adressée aux internés, elles ne pourront être ordonnées que par leur Puissance d'origine, éventuellement sur demande de la Puissance détentrice. Ces lettres et ces cartes devront être transportées dans un délai raisonnable ; elles ne pourront être retardées ni retenues pour motifs de discipline.

Les internés qui sont depuis longtemps sans nouvelles de leur famille ou qui se trouvent dans l'impossibilité d'en recevoir ou de lui en donner par voie ordinaire, de même que ceux qui sont séparés des leurs par des distances considérables, seront autorisés à expédier des télégrammes, contre paiement des taxes télégraphiques, dans la monnaie dont ils disposent. Ils bénéficieront également d'une telle mesure en cas d'urgence reconnue.

En règle générale, la correspondance des internés sera rédigée dans leur langue maternelle. Les Parties au conflit pourront autoriser la correspondance en d'autres langues.

#### ARTICLE 108

Les internés seront autorisés à recevoir, par voie postale ou par tous autres moyens, des envois individuels ou collectifs contenant notamment des denrées alimentaires, des vêtements, des médicaments, ainsi que des livres et des objets destinés à répondre à leurs besoins en matière de religion, d'études ou de loisirs. Ces envois ne pourront, en aucune façon, libérer la Puissance détentrice des obligations qui lui incombent en vertu de la présente Convention.

Au cas où il deviendrait nécessaire, pour des raisons d'ordre militaire, de limiter la quantité de ces envois, la Puissance protectrice, le Comité international de la Croix-Rouge, ou tout autre organisme venant en aide aux internés, qui seraient chargés de transmettre ces envois, devront en être dûment avisés.

Les modalités relatives à l'expédition des envois individuels ou collectifs feront l'objet, s'il y a lieu, d'accords spéciaux entre les Puissances intéressées, qui ne pourront en aucun cas retarder la réception par les internés des envois de secours. Les envois de vivres ou de vêtements ne contiendront pas de livres ; les secours médicaux seront, en général, envoyés dans des colis collectifs.

#### ARTICLE 109

A défaut d'accords spéciaux entre les Parties au conflit sur les modalités relatives à la réception ainsi qu'à la distribution des envois de secours collectifs, le règlement concernant les envois collectifs annexé à la présente Convention sera appliqué.

Les accords spéciaux prévus ci-dessus ne pourront en aucun cas restreindre le droit des comités d'internés de prendre possession des envois de secours collectifs destinés

internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

#### ARTICLE II

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

#### ARTICLE III

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

aux internés, de procéder à leur distribution et d'en disposer dans l'intérêt des destinataires.

Ils ne pourront pas non plus restreindre le droit qu'auront les représentants de la Puissance protectrice, du Comité international de la Croix-Rouge ou de tout autre organisme venant en aide aux internés, qui seraient chargés de transmettre ces envois collectifs, d'en contrôler la distribution à leurs destinataires.

#### ARTICLE II

Tous les envois de secours destinés aux internés seront exempts de tous droits d'entrée, de douane et autres.

Tous les envois y compris les colis postaux de secours ainsi que les envois d'argent, en provenance d'autres pays, adressés aux internés ou expédiés par eux par voie postale soit directement, soit par l'entremise des bureaux de renseignements prévus à l'article 136 et de l'Agence centrale de renseignements prévue à l'article 140, seront exempts de toute taxe postale aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires. A cet effet, notamment, les exemptions prévues dans la Convention postale universelle de 1947 et dans les arrangements de l'Union postale universelle, en faveur des civils de nationalité ennemie retenus dans des camps ou dans des prisons civiles, seront étendues aux autres personnes protégées internées sous le régime de la présente Convention. Les pays qui ne participent pas à ces arrangements seront tenus d'accorder les franchises prévues dans les mêmes conditions.

Les frais de transport des envois de secours destinés aux internés, qui, en raison de leur poids ou pour tout autre motif, ne peuvent pas leur être transmis par voie postale, seront à la charge de la Puissance détentrice dans tous les territoires placés sous son contrôle. Les autres Puissances parties à la Convention supporteront les frais de transport dans leurs territoires respectifs.

Les frais résultant du transport de ces envois, qui ne seraient pas couverts aux termes des alinéas précédents, seront à la charge de l'expéditeur.

Les Hautes Parties contractantes s'efforceront de réduire autant que possible les taxes télégraphiques pour les télégrammes expédiés par les internés ou qui leur sont adressés.

#### ARTICLE III

Au cas où les opérations militaires empêcheraient les Puissances intéressées de remplir l'obligation qui leur incombe d'assurer le transport des envois prévus aux articles 106, 107, 108 et 113, les Puissances protectrices intéressées, le Comité international de la Croix-Rouge ou tout autre organisme agréé par les Parties au conflit, pourront entreprendre d'assurer le transport de ces envois avec les moyens adéquats (wagons, camions, bateaux ou avions, etc.). A cet effet, les Hautes Parties contractantes s'efforceront de leur procurer ces moyens de transport et d'en autoriser la circulation, notamment en accordant les sauf-conduits nécessaires.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- (b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

#### ARTICLE 112

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

#### ARTICLE 113

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

#### ARTICLE 114

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

Ces moyens de transport pourront également être utilisés pour acheminer :

- a) la correspondance, les listes et les rapports échangés entre l'Agence centrale de renseignements prévue à l'article 140 et les Bureaux nationaux prévus à l'article 136 ;
- b) la correspondance et les rapports concernant les internés que les Puissances protectrices, le Comité international de la Croix-Rouge ou tout autre organisme venant en aide aux internés échangent soit avec leurs propres délégués, soit avec les Parties au conflit.

Les présentes dispositions ne restreignent en rien le droit de toute Partie au conflit d'organiser, si elle le préfère, d'autres transports et de délivrer des sauf-conduits aux conditions qui pourront être convenues.

Les frais occasionnés par l'emploi de ces moyens de transport seront supportés proportionnellement à l'importance des envois par les Parties au conflit dont les ressortissants bénéficient de ces services.

#### ARTICLE II2

La censure de la correspondance adressée aux internés ou expédiée par eux devra être faite dans le plus bref délai possible.

Le contrôle des envois destinés aux internés ne devra pas s'effectuer dans des conditions telles qu'il compromette la conservation des denrées qu'ils contiennent et il se fera en présence du destinataire ou d'un camarade mandaté par lui. La remise des envois individuels ou collectifs aux internés ne pourra être retardée sous prétexte de difficultés de censure.

Toute interdiction de correspondance édictée par les Parties au conflit, pour des raisons militaires ou politiques, ne pourra être que temporaire et d'une durée aussi brève que possible.

#### ARTICLE II3

Les Puissances détentrices assureront toutes les facilités raisonnables pour la transmission, par l'entremise de la Puissance protectrice ou de l'Agence centrale prévue à l'article 140 ou par d'autres moyens requis, de testaments, de procurations, ou de tous autres documents destinés aux internés ou qui émanent d'eux.

Dans tous les cas, les Puissances détentrices faciliteront aux internés l'établissement et la légalisation en bonne et due forme de ces documents ; elles les autoriseront en particulier à consulter un juriste.

#### ARTICLE II4

La Puissance détentrice accordera aux internés toutes facilités compatibles avec le régime de l'internement et la législation en vigueur pour qu'ils puissent gérer leurs biens. A cet effet, elle pourra les autoriser à sortir du lieu d'internement, dans les cas urgents, et si les circonstances le permettent.

**ARTICLE II5**

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

**ARTICLE II6**

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

**CHAPTER IX****PENAL AND DISCIPLINARY SANCTIONS****ARTICLE II7**

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

**ARTICLE II8**

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

**ARTICLE 115**

Dans tous les cas où un interné sera partie à un procès devant un tribunal quel qu'il soit, la Puissance détentrice devra, sur la demande de l'intéressé, informer le tribunal de sa détention et devra, dans les limites légales, veiller à ce que soient prises toutes les mesures nécessaires pour qu'il ne subisse aucun préjudice du fait de son internement, en ce qui concerne la préparation et la conduite de son procès, ou l'exécution de tout jugement rendu par le tribunal.

**ARTICLE 116**

Chaque interné sera autorisé à recevoir à intervalles réguliers, et aussi fréquemment que possible, des visites et en premier lieu celles de ses proches.

En cas d'urgence et dans la mesure du possible, notamment en cas de décès ou de maladie grave d'un parent, l'interné sera autorisé à se rendre dans sa famille.

**CHAPITRE IX****SANCTIONS PÉNALES ET DISCIPLINAIRES****ARTICLE 117**

Sous réserve des dispositions du présent chapitre, la législation en vigueur sur le territoire où ils se trouvent continuera de s'appliquer aux internés qui commettent des infractions pendant l'internement.

Si les lois, règlements ou ordres généraux déclarent punissables des actes commis par les internés, alors que les mêmes actes ne le sont pas quand ils sont commis par des personnes qui ne sont pas internées, ces actes ne pourront entraîner que des sanctions disciplinaires.

Un interné ne pourra, à raison du même fait ou du même chef d'accusation, être puni qu'une seule fois.

**ARTICLE 118**

Pour fixer la peine, les tribunaux ou autorités prendront en considération, dans la plus large mesure possible, le fait que le prévenu n'est pas un ressortissant de la Puissance détentrice. Ils seront libres d'atténuer la peine prévue pour l'infraction dont est prévenu l'interné et ne seront pas tenus, à cet effet, d'observer le minimum de cette peine.

Sont interdites toutes incarcérations dans des locaux non éclairés par la lumière du jour et, d'une manière générale, toute forme quelconque de cruauté.

Les internés punis ne pourront, après avoir subi les peines qui leur auront été infligées disciplinairement ou judiciairement, être traités différemment des autres internés.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

#### ARTICLE 119

The disciplinary punishments applicable to internees shall be the following:

- (1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- (4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

#### ARTICLE 120

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

#### ARTICLE 121

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

La durée de la détention préventive subie par un interné sera déduite de toute peine privative de liberté qui lui serait infligée disciplinairement ou judiciairement.

Les Comités d'internés seront informés de toutes les procédures judiciaires engagées contre des internés dont ils sont les mandataires, ainsi que de leurs résultats.

#### ARTICLE 119

Les peines disciplinaires applicables aux internés seront :

- 1) l'amende jusqu'à concurrence de 50 pour cent du salaire prévu à l'article 95 et cela pendant une période qui n'excédera pas trente jours ;
- 2) la suppression d'avantages accordés en sus du traitement prévu par la présente Convention ;
- 3) les corvées n'excédant pas deux heures par jour, et exécutées en vue de l'entretien du lieu d'internement ;
- 4) les arrêts.

En aucun cas, les peines disciplinaires ne seront inhumaines, brutales ou dangereuses pour la santé des internés. Elles devront tenir compte de leur âge, de leur sexe et de état de santé.

La durée d'une même punition ne dépassera jamais un maximum de trente jours consécutifs, même dans les cas où un interné aurait à répondre disciplinairement de plusieurs faits, au moment où il est statué à son égard, que ces faits soient connexes ou non.

#### ARTICLE 120

Les internés évadés, ou qui tentent de s'évader, qui seraient repris, ne seront passibles pour cet acte, même s'il y a récidive, que de peines disciplinaires.

En dérogation au troisième alinéa de l'article 118, les internés punis à la suite d'une évasion ou d'une tentative d'évasion pourront être soumis à un régime de surveillance spécial, à condition toutefois que ce régime n'affecte pas leur état de santé, qu'il soit subi dans un lieu d'internement et qu'il ne comporte la suppression d'aucune des garanties qui leur sont accordées par la présente Convention.

Les internés qui auront coopéré à une évasion ou à une tentative d'évasion ne seront passibles de ce chef que d'une punition disciplinaire.

#### ARTICLE 121

L'évasion ou la tentative d'évasion, même s'il y a récidive, ne sera pas considérée comme une circonstance aggravante, dans le cas où l'interné serait déféré aux tribunaux pour des infractions commises au cours de l'évasion.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

#### ARTICLE 122

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

#### ARTICLE 123

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

#### ARTICLE 124

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding.

Les Parties au conflit veilleront à ce que les autorités compétentes usent d'indulgence dans l'appréciation de la question de savoir si une infraction commise par un interné doit être punie disciplinairement ou judiciairement, notamment en ce qui concerne les faits connexes à l'évasion ou à la tentative d'évasion.

#### ARTICLE 122

Les faits constituant une faute contre la discipline feront l'objet d'une enquête immédiate. Il en sera notamment ainsi pour l'évasion ou la tentative d'évasion, et l'interné repris sera remis aussitôt que possible aux autorités compétentes.

Pour tous les internés, la détention préventive en cas de faute disciplinaire sera réduite au strict minimum et elle n'excédera pas quatorze jours ; dans tous les cas sa durée sera déduite de la peine privative de liberté qui serait infligée.

Les dispositions des articles 124 et 125 s'appliqueront aux internés détenus préventivement pour faute disciplinaire.

#### ARTICLE 123

Sans préjudice de la compétence des tribunaux et des autorités supérieures, les peines disciplinaires ne pourront être prononcées que par le commandant du lieu d'internement ou par un officier ou un fonctionnaire responsable à qui il aura délégué son pouvoir disciplinaire.

Avant que ne soit prononcée une peine disciplinaire, l'interné inculpé sera informé avec précision des faits qui lui sont reprochés. Il sera autorisé à justifier sa conduite, à se défendre, à faire entendre des témoins et à recourir, en cas de nécessité, aux offices d'un interprète qualifié. La décision sera prononcée en présence de l'inculpé et d'un membre du Comité d'internés.

Il ne s'écoulera pas plus d'un mois entre la décision disciplinaire et son exécution.

Lorsqu'un interné sera frappé d'une nouvelle peine disciplinaire, un délai de trois jours au moins séparera l'exécution de chacune des peines, dès que la durée d'une d'elles sera de dix jours ou plus.

Le commandant du lieu d'internement devra tenir un registre des peines disciplinaires prononcées qui sera mis à la disposition des représentants de la Puissance protectrice.

#### ARTICLE 124

En aucun cas, les internés ne pourront être transférés dans des établissements pénitentiaires (prisons, pénitenciers, bagnes, etc.) pour y subir des peines disciplinaires.

Les locaux dans lesquels seront subies les peines disciplinaires seront conformes aux exigences de l'hygiène, et comporteront notamment un matériel de couchage suffisant ; les internés punis seront mis à même de se tenir en état de propreté.

Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

#### ARTICLE 125

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

#### ARTICLE 126

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

### CHAPTER X

#### TRANSFERS OF INTERNEES

#### ARTICLE 127

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Les femmes internées, subissant une peine disciplinaire, seront détenues dans des locaux distincts de ceux des hommes et seront placées sous la surveillance immédiate de femmes.

#### **ARTICLE 125**

Les internés punis disciplinairement auront la faculté de prendre chaque jour de l'exercice et d'être en plein air pendant au moins deux heures.

Ils seront autorisés, sur leur demande, à se présenter à la visite médicale quotidienne ; ils recevront les soins que nécessite leur état de santé et, le cas échéant, seront évacués sur l'infirmerie du lieu d'internement ou sur un hôpital.

Ils seront autorisés à lire et à écrire, ainsi qu'à expédier et à recevoir des lettres. En revanche, les colis et les envois d'argent pourront ne leur être délivrés qu'à l'expiration de la peine ; ils seront confiés, en attendant, au Comité d'internés qui remettra à l'infirmerie les denrées périssables se trouvant dans ces colis.

Aucun interné puni disciplinairement ne pourra être privé du bénéfice des dispositions des articles 107 et 143.

#### **ARTICLE 126**

Les articles 71 à 76 inclus seront appliqués par analogie aux procédures engagées contre des internés se trouvant sur le territoire national de la Puissance détentrice.

### **CHAPITRE X**

#### **TRANSFERT DES INTERNÉS**

#### **ARTICLE 127**

Le transfert des internés s'effectuera toujours avec humanité. Il y sera procédé, en règle générale, par chemin de fer ou par d'autres moyens de transport et dans des conditions au moins égales à celles dont bénéficient les troupes de la Puissance détentrice dans leurs déplacements. Si, exceptionnellement, des transferts doivent être faits à pied, ils ne pourront avoir lieu que si l'état physique des internés le permet et ne devront en aucun cas leur imposer de fatigues excessives.

La Puissance détentrice fournira aux internés, pendant le transfert, de l'eau potable et de la nourriture en quantité, qualité et variété suffisantes pour les maintenir en bonne santé, ainsi que les vêtements, les abris convenables et les soins médicaux nécessaires. Elle prendra toutes les précautions utiles pour assurer leur sécurité pendant le transfert et elle établira, avant leur départ, la liste complète des internés transférés.

Les internés malades, blessés ou infirmes, ainsi que les femmes en couches ne seront

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

#### ARTICLE 128

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

### CHAPTER XI

#### DEATHS

#### ARTICLE 129

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

pas transférés tant que leur santé pourrait être compromise par le voyage, à moins que leur sécurité ne l'exige impérieusement.

Si le front se rapproche d'un lieu d'internement, les internés qui s'y trouvent ne seront transférés que si leur transfert peut s'effectuer dans des conditions suffisantes de sécurité, ou s'ils courrent de plus grands risques à rester sur place qu'à être transférés.

La Puissance détentrice, en décidant le transfert des internés, devra tenir compte de leurs intérêts, en vue notamment de ne pas accroître les difficultés du rapatriement ou du retour au lieu de leur domicile.

#### **ARTICLE 128**

En cas de transfert, les internés seront avisés officiellement de leur départ et de leur nouvelle adresse postale ; cet avis leur sera donné assez tôt pour qu'ils puissent préparer leurs bagages et avertir leur famille.

Ils seront autorisés à emporter leurs effets personnels, leur correspondance et les colis arrivés à leur adresse ; le poids de ces bagages pourra être réduit si les circonstances du transfert l'exigent, mais en aucun cas à moins de vingt-cinq kilos par interné.

La correspondance et les colis adressés à leur ancien lieu d'internement leur seront transmis sans délai.

Le commandant du lieu d'internement prendra, d'entente avec le Comité d'internés, les mesures nécessaires pour effectuer le transfert des biens collectifs des internés et des bagages que les internés ne pourraient emporter avec eux, en raison d'une limitation prise en vertu du deuxième alinéa du présent article.

#### **CHAPITRE XI**

##### **DÉCÈS**

#### **ARTICLE 129**

Les internés pourront remettre leurs testaments aux autorités responsables qui en assureront la garde. En cas de décès des internés, ces testaments seront transmis promptement aux personnes désignées par les internés.

Le décès de chaque interné sera constaté par un médecin, et un certificat exposant les causes du décès et les conditions dans lesquelles il s'est produit sera établi.

Un acte de décès officiel, dûment enregistré, sera établi conformément aux prescriptions en vigueur sur le territoire où est situé le lieu d'internement et une copie certifiée conforme en sera adressée rapidement à la Puissance protectrice ainsi qu'à l'Agence Centrale prévue à l'article 140.

**ARTICLE 130**

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

**ARTICLE 131**

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

**CHAPTER XII****RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES****ARTICLE 132**

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence

**ARTICLE 130**

Les autorités détentrices veilleront à ce que les internés décédés en captivité soient enterrés honorablement, si possible selon les rites de la religion à laquelle ils appartenaient, et que leurs tombes soient respectées, convenablement entretenues et marquées de façon à pouvoir toujours être retrouvées.

Les internés décédés seront enterrés individuellement, sauf le cas de force majeure qui imposerait une tombe collective. Les corps ne pourront être incinérés que pour d'impérieuses raisons d'hygiène ou en raison de la religion du décédé ou encore s'il en a exprimé le désir. En cas d'incinération, il en sera fait mention avec indication des motifs sur l'acte de décès des internés. Les cendres seront conservées avec soin par les autorités détentrices et seront remises aussi rapidement que possible aux proches parents, s'ils le demandent.

Dès que les circonstances le permettront et au plus tard à la fin des hostilités, la Puissance détentrice transmettra, par l'intermédiaire des Bureaux de renseignements prévus à l'article 136, aux Puissances dont les internés décédés dépendaient, des listes des tombes des internés décédés. Ces listes donneront tous détails nécessaires à l'identification des internés décédés et à la localisation exacte de ces tombes.

**ARTICLE 131**

Tout décès ou toute blessure grave d'un interné causés ou suspects d'avoir été causés par une sentinelle, par un autre interné ou par toute autre personne, ainsi que tout décès dont la cause est inconnue seront suivis immédiatement d'une enquête officielle de la Puissance détentrice.

Une communication à ce sujet sera faite immédiatement à la Puissance protectrice. Les dépositions de tout témoin seront recueillies ; un rapport les contenant sera établi et communiqué à ladite Puissance.

Si l'enquête établit la culpabilité d'une ou de plusieurs personnes, la Puissance détentrice prendra toutes mesures pour la poursuite judiciaire du ou des responsables.

**CHAPITRE XII****LIBÉRATION, RAPATRIEMENT ET HOSPITALISATION EN PAYS NEUTRE****ARTICLE 132**

Toute personne internée sera libérée par la Puissance détentrice, dès que les causes qui ont motivé son internement n'existeront plus.

En outre, les Parties au conflit s'efforceront de conclure, pendant la durée des hostilités, des accords en vue de la libération, du rapatriement, du retour au lieu de domicile

or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

#### ARTICLE 133

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

#### ARTICLE 134

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

#### ARTICLE 135

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ou de l'hospitalisation en pays neutre de certaines catégories d'internés, et notamment des enfants, des femmes enceintes et des mères avec nourrissons et enfants en bas âge, des blessés et malades ou des internés ayant subi une longue captivité.

#### ARTICLE I33

L'internement cessera le plus rapidement possible après la fin des hostilités.

Toutefois, les internés sur le territoire d'une Partie au conflit, qui seraient sous le coup d'une poursuite pénale pour des infractions qui ne sont pas exclusivement passibles d'une peine disciplinaire, pourront être retenus jusqu'à la fin de la procédure et, le cas échéant, jusqu'à l'expiration de la peine. Il en sera de même pour ceux qui ont été condamnés antérieurement à une peine privative de liberté.

Par accord entre la Puissance détentrice et les Puissances intéressées, des commissions devront être instituées, après la fin des hostilités ou de l'occupation du territoire, pour rechercher les internés dispersés.

#### ARTICLE I34

Les Hautes Parties contractantes s'efforceront, à la fin des hostilités ou de l'occupation, d'assurer le retour de tous les internés à leur dernière résidence, ou de faciliter leur rapatriement.

#### ARTICLE I35

La Puissance détentrice supportera les frais de retour des internés libérés aux lieux où ils résidaient au moment de leur internement ou, si elle les a appréhendés au cours de leur voyage ou en haute mer, les frais nécessaires pour leur permettre de terminer leur voyage ou de retourner à leur point de départ.

Si la Puissance détentrice refuse la permission de résider sur son territoire à un interné libéré qui, précédemment, y avait son domicile régulier, elle paiera les frais de son rapatriement. Si, cependant, l'interné préfère rentrer dans son pays sous sa propre responsabilité, ou pour obéir au gouvernement auquel il doit allégeance, la Puissance détentrice n'est pas tenue de payer ces dépenses au-delà de son territoire. La Puissance détentrice ne sera pas tenue de payer les frais de rapatriement d'un interné qui aurait été interné sur sa propre demande.

Si les internés sont transférés conformément à l'article 45, la Puissance qui les transfère et celle qui les accueille s'entendront sur la part des frais qui devront être supportés par chacune d'elles.

Lesdites dispositions ne devront pas porter atteinte à des arrangements spéciaux qui pourraient être conclus entre les Parties au conflit au sujet de l'échange et du rapatriement de leurs ressortissants en mains ennemis.

## SECTION V

## INFORMATION BUREAUX AND CENTRAL AGENCY

## ARTICLE 136

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

## ARTICLE 137

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

## ARTICLE 138

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

## SECTION V

## BUREAUX ET AGENCE CENTRALE DE RENSEIGNEMENTS

## ARTICLE 136

Dès le début d'un conflit, et dans tous les cas d'occupation, chacune des Parties au conflit constituera un Bureau officiel de renseignements chargé de recevoir et de transmettre des informations sur les personnes protégées qui se trouvent en son pouvoir.

Dans le plus bref délai possible, chacune des Parties au conflit transmettra au dit Bureau des informations sur les mesures prises par elle contre toute personne protégée appréhendée depuis plus de deux semaines, mise en résidence forcée ou internée. En outre, elle chargera ses divers services intéressés de fournir rapidement au Bureau précité les indications concernant les changements survenus dans l'état de ces personnes protégées, tels que les transferts, libérations, rapatriements, évasions, hospitalisations, naissances et décès.

## ARTICLE 137

Le Bureau national de renseignements fera parvenir d'urgence, par les moyens les plus rapides, et par l'entremise, d'une part, des Puissances protectrices et, d'autre part, de l'Agence centrale prévue à l'article 140, les informations concernant les personnes protégées à la Puissance dont les personnes visées ci-dessus sont ressortissantes ou à la Puissance sur le territoire de laquelle elles avaient leur résidence. Les Bureaux répondront également à toutes les demandes qui leur sont adressées au sujet des personnes protégées.

Les Bureaux de renseignements transmettront les informations relatives à une personne protégée, sauf dans les cas où leur transmission pourrait porter préjudice à la personne intéressée ou à sa famille. Même dans ce cas, les informations ne pourront être refusées à l'Agence centrale qui, ayant été avertie des circonstances, prendra les précautions nécessaires indiquées à l'article 140.

Toutes les communications écrites faites par un Bureau seront authentifiées par une signature ou par un sceau.

## ARTICLE 138

Les informations reçues par le Bureau national de renseignements et retransmises par lui seront de nature à permettre d'identifier exactement la personne protégée et d'aviser rapidement sa famille. Elles comporteront pour chaque personne au moins le nom de famille, les prénoms, le lieu et la date complète de naissance, la nationalité, la dernière résidence, les signes particuliers, le prénom du père et le nom de la mère, la date et la nature de la mesure prise à l'égard de la personne, ainsi que le lieu où elle a été prise, l'adresse à laquelle la correspondance peut lui être adressée, ainsi que le nom et l'adresse de la personne qui doit être informée.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

#### ARTICLE 139

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

#### ARTICLE 140

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

#### ARTICLE 141

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

De même, des renseignements sur l'état de santé des internés malades ou blessés gravement atteints, seront transmis régulièrement et si possible chaque semaine.

#### **ARTICLE 139**

Le Bureau national de renseignements sera, en outre, chargé de recueillir tous les objets personnels de valeur laissés par les personnes protégées visées à l'article 136, lors notamment de leur rapatriement, libération, évasion ou décès, et de les transmettre aux intéressés directement, ou, si nécessaire, par l'entremise de l'Agence centrale. Ces objets seront envoyés dans des paquets scellés par le Bureau ; seront joints à ces paquets des déclarations établissant avec précision l'identité des personnes auxquelles ces objets appartenaient ainsi qu'un inventaire complet du paquet. La réception et l'envoi de tous les objets de valeur de ce genre seront consignés d'une manière détaillée dans des registres.

#### **ARTICLE 140**

Une Agence centrale de renseignements au sujet des personnes protégées, notamment au sujet des internés, sera créée en pays neutre. Le Comité international de la Croix-Rouge proposera aux Puissances intéressées, s'il le juge nécessaire, l'organisation de cette Agence qui pourra être la même que celle prévue par l'article 123 de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

Cette Agence sera chargée de concentrer tous les renseignements du caractère prévu à l'article 136 qu'elle pourra obtenir par les voies officielles ou privées ; elle les transmettra le plus rapidement possible au pays d'origine ou de résidence des personnes intéressées, sauf dans les cas où cette transmission pourrait nuire aux personnes que ces renseignements concernent, ou à leur famille. Elle recevra de la part des Parties au conflit toutes les facilités raisonnables pour effectuer ces transmissions.

Les Hautes Parties contractantes, et en particulier celles dont les ressortissants bénéficient des services de l'Agence centrale, sont invitées à fournir à celle-ci l'appui financier dont elle aurait besoin.

Les dispositions qui précèdent ne devront pas être interprétées comme restreignant l'activité humanitaire du Comité international de la Croix-Rouge et des Sociétés de secours mentionnées à l'article 142.

#### **ARTICLE 141**

Les Bureaux nationaux de renseignements et l'Agence centrale de renseignements jouiront de la franchise de port en toute matière postale, ainsi que des exemptions prévues à l'article 110, et, dans toute la mesure du possible, de la franchise télégraphique ou au moins d'importantes réductions de taxes.

## PART IV

## EXECUTION OF THE CONVENTION

## SECTION I

## GENERAL PROVISIONS

## ARTICLE 142

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

## ARTICLE 143

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy

## TITRE IV

## EXÉCUTION DE LA CONVENTION

## SECTION I

## DISPOSITIONS GÉNÉRALES

## ARTICLE 142

Sous réserve des mesures qu'elles estimeraient indispensables pour garantir leur sécurité ou faire face à toute autre nécessité raisonnable, les Puissances détentrices réserveront le meilleur accueil aux organisations religieuses, sociétés de secours, ou tout autre organisme qui viendrait en aide aux personnes protégées. Elles leur accorderont toutes facilités nécessaires ainsi qu'à leurs délégués dûment accrédités, pour visiter les personnes protégées, pour leur distribuer des secours, du matériel de toute provenance destiné à des fins éducatives, récréatives ou religieuses, ou pour les aider à organiser leurs loisirs à l'intérieur des lieux d'internement. Les sociétés ou organismes précités pourront être constitués soit sur le territoire de la Puissance détentrice, soit dans un autre pays, ou bien pourront avoir un caractère international.

La Puissance détentrice pourra limiter le nombre des sociétés et organismes dont les délégués seront autorisés à exercer leur activité sur son territoire et sous son contrôle, à condition toutefois qu'une telle limitation n'empêche pas d'apporter une aide efficace et suffisante à toutes les personnes protégées.

La situation particulière du Comité international de la Croix-Rouge dans ce domaine sera en tout temps reconnue et respectée.

## ARTICLE 143

Les représentants ou les délégués des Puissances protectrices seront autorisés à se rendre dans tous les lieux où se trouvent des personnes protégées, notamment dans les lieux d'internement, de détention et de travail.

Ils auront accès à tous les locaux utilisés par les personnes protégées et pourront s'entretenir avec elles sans témoin, par l'entremise d'un interprète, si cela est nécessaire.

Ces visites ne sauraient être interdites qu'en raison d'impérieuses nécessités militaires et seulement à titre exceptionnel et temporaire. La fréquence et la durée ne pourront en être limitées.

Toute liberté sera laissée aux représentants et aux délégués des Puissances protectrices quant au choix des endroits qu'ils désirent visiter. La Puissance détentrice ou occupante, la Puissance protectrice et, le cas échéant, la Puissance d'origine des personnes à visiter pourront s'entendre pour que des compatriotes des internés soient admis à participer aux visites.

the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

#### ARTICLE 144

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

#### ARTICLE 145

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

#### ARTICLE 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Les délégués du Comité international de la Croix-Rouge bénéficieront des mêmes prérogatives. La désignation de ces délégués sera soumise à l'agrément de la Puissance sous l'autorité de laquelle sont placés les territoires où ils doivent exercer leur activité.

#### **ARTICLE 144**

Les Hautes Parties contractantes s'engagent à diffuser le plus largement possible, en temps de paix et en temps de guerre, le texte de la présente Convention dans leurs pays respectifs, et notamment à en incorporer l'étude dans les programmes d'instruction militaire et, si possible, civile, de telle manière que les principes en soient connus de l'ensemble de la population.

Les autorités civiles, militaires, de police ou autres qui, en temps de guerre, assumeraient des responsabilités à l'égard des personnes protégées, devront posséder le texte de la Convention et être instruites spécialement de ses dispositions.

#### **ARTICLE 145**

Les Hautes Parties contractantes se communiqueront par l'entremise du Conseil fédéral suisse et, pendant les hostilités, par l'entremise des Puissances protectrices, les traductions officielles de la présente Convention, ainsi que les lois et règlements qu'elles pourront être amenées à adopter pour en assurer l'application.

#### **ARTICLE 146**

Les Hautes Parties contractantes s'engagent à prendre toute mesure législative nécessaire pour fixer les sanctions pénales adéquates à appliquer aux personnes ayant commis, ou donné l'ordre de commettre, l'une ou l'autre des infractions graves à la présente Convention définies à l'article suivant.

Chaque Partie contractante aura l'obligation de rechercher les personnes prévenues d'avoir commis, ou d'avoir ordonné de commettre, l'une ou l'autre de ces infractions graves, et elle devra les déférer à ses propres tribunaux, quelle que soit leur nationalité. Elle pourra aussi, si elle le préfère, et selon les conditions prévues par sa propre législation, les remettre pour jugement à une autre Partie contractante intéressée à la poursuite, pour autant que cette Partie contractante ait retenu contre lesdites personnes des charges suffisantes.

Chaque Partie contractante prendra les mesures nécessaires pour faire cesser les actes contraires aux dispositions de la présente Convention, autres que les infractions graves définies à l'article suivant.

En toutes circonstances, les inculpés bénéficieront de garanties de procédure et de libre défense qui ne seront pas inférieures à celles prévues par les articles 105 et suivants de la Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

**ARTICLE 147**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

**ARTICLE 148**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

**ARTICLE 149**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

**SECTION II****FINAL PROVISIONS****ARTICLE 150**

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

**ARTICLE 147**

Les infractions graves visées à l'article précédent sont celles qui comportent l'un ou l'autre des actes suivants, s'ils sont commis contre des personnes ou des biens protégés par la Convention : l'homicide intentionnel, la torture ou les traitements inhumains, y compris les expériences biologiques, le fait de causer intentionnellement de grandes souffrances ou de porter des atteintes graves à l'intégrité physique ou à la santé, la déportation ou le transfert illégaux, la détention illégale, le fait de contraindre une personne protégée à servir dans les forces armées de la Puissance ennemie, ou celui de la priver de son droit d'être jugée régulièrement et impartialement selon les prescriptions de la présente Convention, la prise d'otages, la destruction et l'appropriation de biens non justifiées par des nécessités militaires et exécutées sur une grande échelle de façon illicite et arbitraire.

**ARTICLE 148**

Aucune Haute Partie contractante ne pourra s'exonérer elle-même, ni exonérer une autre Partie contractante, des responsabilités encourues par elle-même ou par une autre Partie contractante en raison des infractions prévues à l'article précédent.

**ARTICLE 149**

A la demande d'une Partie au conflit, une enquête devra être ouverte, selon le mode à fixer entre les Parties intéressées, au sujet de toute violation alléguée de la Convention.

Si un accord sur la procédure d'enquête n'est pas réalisé, les Parties s'entendront pour choisir un arbitre, qui décidera de la procédure à suivre.

Une fois la violation constatée, les Parties au conflit y mettront fin et la réprimeront le plus rapidement possible.

**SECTION II****DISPOSITIONS FINALES****ARTICLE 150**

La présente Convention est établie en français et en anglais. Les deux textes sont également authentiques.

Le Conseil fédéral suisse fera établir des traductions officielles de la Convention en langue russe et en langue espagnole.

**ARTICLE I51**

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

**ARTICLE I52**

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**ARTICLE I53**

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

**ARTICLE I54**

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

**ARTICLE I55**

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

**ARTICLE I56**

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**ARTICLE 151**

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au 12 février 1950, être signée au nom des Puissances représentées à la Conférence qui s'est ouverte à Genève le 21 avril 1949.

**ARTICLE 152**

La présente Convention sera ratifiée aussitôt que possible et les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification un procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

**ARTICLE 153**

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie contractante six mois après le dépôt de son instrument de ratification.

**ARTICLE 154**

Dans les rapports entre Puissances liées par la Convention de La Haye concernant les lois et coutumes de la guerre sur terre, qu'il s'agisse de celle du 29 juillet 1899 ou de celle du 18 octobre 1907, et qui participent à la présente Convention, celle-ci complétera les sections II et III du Règlement annexé aux susdites Conventions de La Haye.

**ARTICLE 155**

Dès la date de son entrée en vigueur, la présente Convention sera ouverte à l'adhésion de toute Puissance au nom de laquelle cette Convention n'aura pas été signée.

**ARTICLE 156**

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions à toutes les Puissances au nom desquelles la Convention aura été signée ou l'adhésion notifiée.

**ARTICLE 157**

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

**ARTICLE 158**

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

**ARTICLE 159**

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

**ARTICLE 157**

Les situations prévues aux articles 2 et 3 donneront effet immédiat aux ratifications déposées et aux adhésions notifiées par les Parties au conflit avant ou après le début des hostilités ou de l'occupation. La communication des ratifications ou adhésions reçues des Parties au conflit sera faite par le Conseil fédéral suisse par la voie la plus rapide.

**ARTICLE 158**

Chacune des Hautes Parties contractantes aura la faculté de dénoncer la présente Convention.

La dénonciation sera notifiée par écrit au Conseil fédéral suisse. Celui-ci communiquera la notification aux Gouvernements de toutes les Hautes Parties contractantes.

La dénonciation produira ses effets un an après sa notification au Conseil fédéral suisse. Toutefois la dénonciation notifiée alors que la Puissance dénonçante est impliquée dans un conflit ne produira aucun effet aussi longtemps que la paix n'aura pas été conclue et, en tout cas, aussi longtemps que les opérations de libération, de rapatriement et d'établissement des personnes protégées par la présente Convention ne seront pas terminées.

La dénonciation vaudra seulement à l'égard de la Puissance dénonçante. Elle n'aura aucun effet sur les obligations que les Parties au conflit demeureront tenues de remplir en vertu des principes du droit des gens tels qu'ils résultent des usages établis, entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

**ARTICLE 159**

Le Conseil fédéral suisse fera enregistrer la présente Convention au Secrétariat des Nations Unies. Le Conseil fédéral suisse informera également le Secrétariat des Nations Unies de toutes les ratifications, adhésions et dénonciations qu'il pourra recevoir au sujet de la présente Convention.

**EN FOI DE QUOI** les soussignés, ayant déposé leurs pleins pouvoirs respectifs, ont signé la présente Convention,

**FAIT** à Genève, le 12 août 1949, en langues française et anglaise, l'original devant être déposé dans les Archives de la Confédération suisse. Le Conseil fédéral suisse transmettra une copie certifiée conforme de la Convention à chacun des Etats signataires, ainsi qu'aux Etats qui auront adhéré à la Convention.

For AFGHANISTAN

M. Osman AMIRI

Pour l'AFGHANISTAN

For the PEOPLE'S REPUBLIC OF  
ALBANIAPour la RÉPUBLIQUE POPULAIRE  
d'ALBANIEAvec les réserves aux articles 11 et 45 ci-jointes<sup>1</sup>

J. MALO

For ARGENTINA

Avec les réserves ci-jointes<sup>2</sup>

Guillermo A. SPERONI

Pour l'ARGENTINE

For AUSTRALIA

Pour l'AUSTRALIE

Norman R. MIGHELL

Subject to Ratification<sup>3</sup>

For AUSTRIA

Pour l'AUTRICHE

Dr. Rud. BLUEHDORN

For BELGIUM

Pour la BELGIQUE

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET  
SOCIALIST REPUBLICPour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE DE BIÉLORUSSIEС оговорками по ст. ст. 11, 45.<sup>4</sup>

Текст оговорок прилагается

Глава делегации БССР

И. КУЦЕЙНИКОВ

For BOLIVIA

Pour la BOLIVIE

G. MEDEIROS

For BRAZIL

Pour le BRÉSIL

Avec les réserves ci-jointes<sup>5</sup>

João PINTO DA SILVA

Gen. Floriano DE LIMA BRAYNER

<sup>1</sup> Voir le texte des réserves à la page 233. [*Post*, p. 3648.]<sup>2</sup> Voir le texte des réserves à la page 234. [*Post*, p. 3650.]<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.<sup>4</sup> Voir le texte des réserves à la page 234. [*Post*, p. 3650.]<sup>5</sup> Voir le texte des réserves à la page 236. [*Post*, p. 3654.]

For the BULGARIAN PEOPLE'S  
REPUBLIC

Pour la RÉPUBLIQUE POPULAIRE  
DE BULGARIE

Avec les réserves ci-jointes<sup>1</sup>

K. B. SVETLOV

For CANADA

Pour le CANADA

With the reservation hereto attached<sup>2</sup>

Max H. WERSHOF

For CHILE

Pour la CHILI

F. CISTERNAS ORTIZ

For CHINA

Pour la CHINE

Wu Nan-Ju

For COLOMBIA

Pour la COLOMBIE

Rafael ROCHA SCHLOSS

For CUBA

Pour CUBA

J. DE LA LUZ LEÓN

For DENMARK

Pour le DANEMARK

Georg COHN      Paul IPSEN      BAGGE

For EGYPT

Pour l'ÉGYPTE

A. K. SAFWAT

For ECUADOR

Pour l'ÉQUATEUR

Alex. GASTELÚ

For SPAIN

Pour l'ESPAGNE

Luis CALDERÓN

<sup>1</sup> Voir le texte des réserves à la page 238. [*Post*, p. 3654.]

<sup>2</sup> Voir le texte de la réserve à la page 236. [*Post*, p. 3658.]



For ITALY

Giacinto AURITI Ettore BAISTROCCHI

Pour l'ITALIE

For the LEBANON

MIKAOUI

Pour le LIBAN

For LIECHTENSTEIN

Comte F. WILCZEK

Pour le LIECHTENSTEIN

For LUXEMBURG

J. STURM

Pour le LUXEMBOURG

For MEXICO

Pedro de ALBA W. R. CASTRO

Pour le MEXIQUE

For the PRINCIPALITY OF MONACO

M. Lozé

Pour la PRINCIPAUTE DE MONACO

For NICARAGUA

Ad referendum  
LIFSCHEITZ

Pour le NICARAGUA

For NORWAY

Rolf ANDERSEN

Pour la NORVÈGE

For NEW ZEALAND

G. R. LAKING

With the reservations hereto attached<sup>1</sup>

Pour la NOUVELLE-ZÉLANDE

For PAKISTAN

S. M. A. FARUKI, M. G. A. H. SHAIKH

Pour le PAKISTAN

For PARAGUAY

Conrad FEHR

Pour le PARAGUAY

For the NETHERLANDS

With the reservation hereto attached<sup>2</sup>

J. BOSCH DE ROSENTHAL

Pour les PAYS-BAS

<sup>1</sup> Voir le texte des réserves à la page 243. [Post, p. 3668.]

<sup>2</sup> Voir le texte de la réserve à la page 244. [Post, p. 3670.]

For PERU

Gonzalo PIZARRO

Pour le PEROU

For the REPUBLIC OF THE  
PHILIPPINESPour la RÉPUBLIQUE DES  
PHILIPPINESP. SEBASTIAN<sup>1</sup>

For POLAND

Avec les réserves ci-jointes \*

Julian PRZYBOS

Pour la POLOGNE

For PORTUGAL

Avec les réserves ci-jointes \*

G. CALDEIRA COELHO

Pour le PORTUGAL

For the RUMANIAN PEOPLE'S  
REPUBLICPour la RÉPUBLIQUE POPULAIRE  
ROUMAINE

Avec les réserves ci-jointes \*

I. DRAGOMIR

For the UNITED KINGDOM OF  
GREAT BRITAIN AND  
NORTHERN IRELANDPour le ROYAUME-UNI DE  
GRANDE-BRETAGNE ET  
D'IRLANDE DU NORD

With the reservation hereto attached \*

Robert CRAIGIE

H. A. STRUTT

W. H. GARDNER

For the HOLY SEE

Philippe BERNARDINI

Pour le SAINT-SIÈGE

For EL SALVADOR

R. A. BUSTAMANTE

Pour EL SALVADOR

For SWEDEN

Sous réserve de ratification par S. M. le Roi de Suède  
avec l'approbation du Riksdag

Pour la SUÈDE

Staffan SÖDERBLOM

For SWITZERLAND

Max PETITPIERRE

Plinio BOLLA

Pour la SUISSE

Colonel div. du PASQUIER

Ph. ZUTTER

H. MEULI

<sup>1</sup> "This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution".

<sup>2</sup> Voir le texte des réserves à la page 244. [*Post*, p. 3670.]

<sup>3</sup> Voir le texte des réserves à la page 246. [*Post*, p. 3674.]

<sup>4</sup> Voir le texte des réserves à la page 247. [*Post*, p. 3676.]

<sup>5</sup> Voir le texte de la réserve à la page 248. [*Post*, p. 3678.]

For SYRIA

Omar EL DJABRI A. GENNAOUI

Pour la SYRIE

For CZECHOSLOVAKIA

Avec les réserves ci-jointes <sup>2</sup>

TAUBER

Pour la TCHÉCOSLOVAQUIE

For TURKEY

Rana TARHAN

Pour la TURQUIE

For the UKRAINIAN SOVIET  
SOCIALIST REPUBLIC

Pour la RÉPUBLIQUE SOCIALISTE  
SOVIÉTIQUE D'UKRAINE

С оговорками по статьям 11, 45. <sup>3</sup>

Текст оговорок прилагается

По уполномочию Правительства УССР  
ПРОФЕССОР О. БОГОМОЛЕЦ

For the UNION OF SOVIET  
SOCIALIST REPUBLICS

Pour l'UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUES

С оговорками по статьям 11, 45. <sup>3</sup>

Текст оговорок прилагается

Глава делегации СССР

H. СЛАВИН

For URUGUAY

Conseiller Colonel Hector J. BLANCO

Pour l'URUGUAY

For VENEZUELA

A. POSSE DE RIVAS

Pour le VENEZUELA

For the FEDERAL PEOPLE'S  
REPUBLIC OF YUGOSLAVIA

Pour la RÉPUBLIQUE FÉDÉRATIVE  
POPULAIRE DE YOUGOSLAVIE

Avec les réserves ci-jointes <sup>4</sup>

Milan RISTIĆ

<sup>1</sup> Voir le texte des réserves à la page 249. [Post, p. 3680.]

<sup>2</sup> Voir le texte des réserves à la page 250. [Post, p. 3682.]

<sup>3</sup> Voir le texte des réserves à la page 252. [Post, p. 3686.]

<sup>4</sup> Voir le texte des réserves à la page 253. [Post, p. 3688.]

## ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL  
AND SAFETY ZONES AND LOCALITIES

## ARTICLE 1

Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

TIAS 3302.  
*Ante*, p. 3130.  
Ante, p. 3528.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

## ARTICLE 2

No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

## ARTICLE 3

The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

## ARTICLE 4

Hospital and safety zones shall fulfil the following conditions :

- (a) They shall comprise only a small part of the territory governed by the Power which has established them.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

## ANNEXE I

### PROJET D'ACCORD RELATIF AUX ZONES ET LOCALITÉS SANITAIRES ET DE SÉCURITÉ

#### ARTICLE 1

Les zones sanitaires et de sécurité seront réservées strictement aux personnes mentionnées à l'article 23 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949 et à l'article 14 de la Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949, ainsi qu'au personnel chargé de l'organisation et de l'administration de ces zones et localités et des soins à donner aux personnes qui s'y trouveront concentrées.

Toutefois, les personnes qui ont leur résidence permanente à l'intérieur de ces zones auront le droit d'y séjourner.

#### ARTICLE 2

Les personnes se trouvant, à quelque titre que ce soit, dans une zone sanitaire et de sécurité ne devront se livrer à aucun travail qui aurait un rapport direct avec les opérations militaires ou la production du matériel de guerre ni à l'intérieur ni à l'extérieur de cette zone.

#### ARTICLE 3

La Puissance qui crée une zone sanitaire et de sécurité prendra toutes mesures appropriées pour en interdire l'accès à toutes les personnes qui n'ont pas le droit de s'y rendre ou de s'y trouver.

#### ARTICLE 4

Les zones sanitaires et de sécurité répondront aux conditions suivantes :

- a) elles ne représenteront qu'une faible partie du territoire contrôlé par la Puissance qui les a créées ;
- b) elles devront être faiblement peuplées par rapport à leur possibilité d'accueil ;
- c) elles seront éloignées et dépourvues de tout objectif militaire et de toute installation industrielle ou administrative importante ;
- d) elles ne seront pas situées dans des régions qui, selon toute probabilité, peuvent avoir une importance sur la conduite de la guerre.

**ARTICLE 5**

Hospital and safety zones shall be subject to the following obligations:

- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

**ARTICLE 6**

Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate illumination.

**ARTICLE 7**

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly established.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

**ARTICLE 8**

Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

**ARTICLE 9**

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power

**ARTICLE 5**

Les zones sanitaires et de sécurité seront soumises aux obligations suivantes :

- a) les voies de communications et les moyens de transport qu'elles peuvent comporter ne seront pas utilisés pour des déplacements de personnel ou de matériel militaire même en simple transit ;
- b) elles ne seront militairement défendues en aucune circonstance.

**ARTICLE 6**

Les zones sanitaires et de sécurité seront désignées par des bandes obliques rouges sur fond blanc apposées à la périphérie et sur les bâtiments.

Les zones uniquement réservées aux blessés et malades pourront être désignées par des croix rouges (des croissants rouges, des lions et soleils rouges) sur fond blanc.

De nuit, elles pourront l'être également par un éclairage approprié.

**ARTICLE 7**

Dès le temps de paix ou à l'ouverture des hostilités, chaque Puissance communiquera à toutes les Hautes Parties contractantes la liste des zones sanitaires et de sécurité établies sur le territoire qu'elle contrôle. Elle les informera de toute nouvelle zone créée au cours d'un conflit.

Dès que la partie adverse aura reçu la notification mentionnée ci-dessus, la zone sera régulièrement constituée.

Si, toutefois, la partie adverse estime qu'une condition posée par le présent accord n'est manifestement pas remplie, elle pourra refuser de reconnaître la zone en communiquant d'urgence son refus à la partie dont relève la zone, ou subordonner sa reconnaissance à l'institution du contrôle prévu à l'article 8.

**ARTICLE 8**

Chaque Puissance qui aura reconnu une ou plusieurs zones sanitaires et de sécurité établies par la partie adverse, aura le droit de demander qu'une ou plusieurs commissions spéciales contrôlent si les zones remplissent les conditions et obligations énoncées dans le présent accord.

A cet effet, les membres des commissions spéciales auront en tout temps libre accès aux différentes zones et pourront même y résider de façon permanente. Toutes facilités leur seront accordées pour qu'ils puissent exercer leur mission de contrôle.

**ARTICLE 9**

Au cas où les commissions spéciales constateraient des faits qui leur paraîtraient contraires aux stipulations du présent accord, elles en avertiraient immédiatement la

governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

#### ARTICLE 10

Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

#### ARTICLE 11

In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

#### ARTICLE 12

In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

#### ARTICLE 13

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

Puissance dont relève la zone et lui impartiraient un délai de cinq jours au maximum pour y remédier ; elles en informeront la Puissance qui a reconnu la zone.

Si, à l'expiration de ce délai, la Puissance dont dépend la zone n'a pas donné suite à l'avertissement qui lui a été adressé, la partie adverse pourra déclarer qu'elle n'est plus liée par le présent accord à l'égard de cette zone.

#### ARTICLE 10

La Puissance qui aura créé une ou plusieurs zones sanitaires et de sécurité, ainsi que les parties adverses auxquelles leur existence aura été notifiée nommeront, ou feront désigner par les Puissances protectrices ou par d'autres Puissances neutres, les personnes qui pourront faire partie des commissions spéciales dont il est fait mention aux articles 8 et 9.

#### ARTICLE 11

Les zones sanitaires et de sécurité ne pourront, en aucune circonstance, être attaquées, mais seront en tout temps protégées et respectées par les Parties au conflit.

#### ARTICLE 12

En cas d'occupation d'un territoire, les zones sanitaires et de sécurité qui s'y trouvent devront continuer à être respectées et utilisées comme telles.

Cependant, la Puissance occupante pourra en modifier l'affectation après avoir assuré le sort des personnes qui y étaient recueillies.

#### ARTICLE 13

Le présent accord s'appliquera également aux localités que les Puissances affecteraient au même but que les zones sanitaires et de sécurité.

## ANNEX II

## DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

## ARTICLE 1

The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible, to all internees who are dependent for administration on the said Committee's place of internment, including those internees who are in hospitals, or in prisons or other penitentiary establishments.

## ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

## ARTICLE 3

Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon for the donors.

## ARTICLE 4

Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their places of internment has been carried out in accordance with their instructions.

## ARTICLE 5

Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

## ANNEXE II

### PROJET DE RÈGLEMENT CONCERNANT LES SECOURS COLLECTIFS AUX INTERNÉS CIVILS

#### ARTICLE 1

Les Comités d'internés seront autorisés à distribuer les envois de secours collectifs dont ils ont la charge à tous les internés rattachés administrativement à leur lieu d'internement, ainsi qu'à ceux qui se trouvent dans les hôpitaux, ou dans les prisons ou autres établissements pénitentiaires.

#### ARTICLE 2

La distribution des envois de secours collectifs s'effectuera selon les instructions des donateurs et conformément au plan établi par les Comités d'internés ; toutefois, la distribution des secours médicaux se fera, de préférence, d'entente avec les médecins-chefs, et ceux-ci pourront, dans les hôpitaux et lazarets, déroger auxdites instructions dans la mesure où les besoins de leurs malades le commandent. Dans le cadre ainsi défini, cette distribution se fera toujours d'une manière équitable.

#### ARTICLE 3

Afin de pouvoir vérifier la qualité ainsi que la quantité des marchandises reçues, et établir à ce sujet des rapports détaillés à l'intention des donateurs, les membres des Comités d'internés seront autorisés à se rendre dans les gares et autres lieux d'arrivée, proches de leur lieu d'internement, où leur parviennent les envois de secours collectifs.

#### ARTICLE 4

Les Comités d'internés recevront les facilités nécessaires pour vérifier si la distribution des secours collectifs, dans toutes les subdivisions et annexes de leur lieu d'internement, s'est effectuée conformément à leurs instructions.

#### ARTICLE 5

Les Comités d'internés seront autorisés à remplir ainsi qu'à faire remplir par des membres des Comités d'internés dans des détachements de travail ou par les médecins-chefs des lazarets et hôpitaux, des formules ou questionnaires destinés aux donateurs, et ayant trait aux secours collectifs (distribution, besoins, quantités, etc.). Ces formules et questionnaires dûment remplis seront transmis aux donateurs sans délai.

**ARTICLE 6**

In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the Internee Committee holding the keys of one lock, and the commandant of the place of internment the keys of the other.

**ARTICLE 7**

The High Contracting Parties, and the Detaining Powers in particular, shall, so far as is in any way possible and subject to the regulations governing the food supply of the population, authorize purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

**ARTICLE 8**

The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organization giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

**ARTICLE 6**

Afin d'assurer une distribution régulière de secours collectifs aux internés de leur lieu d'internement et, éventuellement, de faire face aux besoins que provoquerait l'arrivée de nouveaux contingents d'internés, les Comités d'internés seront autorisés à constituer et à maintenir des réserves suffisantes de secours collectifs. Ils disposeront, à cet effet, d'entrepôts adéquats ; chaque entrepôt sera muni de deux serrures, le Comité des internés possédant les clefs de l'une et le commandant du lieu d'internement celles de l'autre.

**ARTICLE 7**

Les Hautes Parties contractantes, et les Puissances détentrices en particulier, autoriseront dans toute la mesure du possible, et sous réserve de la réglementation relative au ravitaillement de la population, tous achats qui seraient faits sur leur territoire en vue de distribuer des secours collectifs aux internés ; elles faciliteront de même les transferts de fonds et autres mesures financières, techniques ou administratives, effectués en vue de ces achats.

**ARTICLE 8**

Les dispositions qui précédent ne font pas obstacle au droit des internés de recevoir des secours collectifs avant leur arrivée dans un lieu d'internement ou en cours de transfert, non plus qu'à la possibilité pour les représentants de la Puissance protectrice, du Comité international de la Croix-Rouge ou de tout autre organisme humanitaire venant en aide aux internés qui serait chargé de transmettre ces secours, d'en assurer la distribution à leurs destinataires par tous autres moyens qu'ils jugeraient opportuns.

## ANNEX III

## I. INTERNMENT CARD

|  |   |              |
|--|---|--------------|
| <b>CIVILIAN INTERNEE MAIL</b>  |   | Postage free |
| <b>POST CARD</b>   |   |              |
| <b>I. Front</b><br><p style="text-align: center;"><b>IMPORTANT</b></p> <p>This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.</p> <p>This card is not the same as the special card which each internee is allowed to send to his relatives.</p>   | <p style="text-align: center;"><b>CENTRAL INFORMATION AGENCY<br/>FOR PROTECTED PERSONS</b></p> <p style="text-align: center;"><b>INTERNATIONAL COMMITTEE<br/>OF THE RED CROSS</b></p> |              |
| <p style="text-align: center;">Write legibly and in block letters—</p> <p><b>1. Nationality</b></p> <p>2. Surname      3. First names (<i>in full</i>)      4. First name of father</p> <hr/> <p>5. Date of birth      6. Place of birth</p> <p>7. Occupation</p> <p>8. Address before detention</p> <p>9. Address of next of kin</p> <hr/> <p>*10. Interned on :<br/>(or)<br/>Coming from (hospital, etc.) on :</p> <p>*11. State of health</p> <p>12. Present address</p> <p>13. Date      14. Signature</p> <p>*Strike out what is not applicable—Do not add any remarks—See explanations on other side of card</p> |   |              |

(Size of internment card—10×15 cm.)

## ANNEXE III

## I. CARTE D'INTERNEMENT

|  |   |                      |
|--|---|----------------------|
| <b>SERVICE DES INTERNÉS CIVILS</b>   |   | <b>Franc de port</b> |
| <b>CARTE POSTALE</b>   |   |                      |
| <b>IMPORTANT</b>   | <p>Cette carte doit être remplie par chaque interné dès qu'il a été interné et chaque fois qu'il aura changé d'adresse, par suite de son transfert dans un autre lieu d'internement ou dans un hôpital.</p> <p>Cette carte est indépendante de la carte spéciale que l'interné est autorisé à envoyer à sa famille.</p> |                      |
| <b>AGENCE CENTRALE<br/>DE RENSEIGNEMENTS SUR LES<br/>PERSONNES PROTÉGÉES</b><br><b>COMITÉ INTERNATIONAL<br/>DE LA CROIX-ROUGE</b>  |   |                      |
| <p>Ecrire lisiblement et en lettres capitales — 1. Nationalité</p> <p>2. Nom                    3. Prénoms (<i>en toutes lettres</i>)                    4. Prénom du père</p> <p>5. Date de naissance                    6. Lieu de naissance</p> <p>7. Profession</p> <p>8. Adresse avant l'internement</p> <p>9. Adresse de la famille</p> <p>*10. Interné le :<br/>(ou)<br/>Venant de (hôpital, etc.)</p> <p>*11. Etat de santé</p> <p>12. Adresse actuelle</p> <p>13. Date                    14. Signature</p> <p>*Biffer ce qui ne convient pas — Ne rien ajouter à ces indications — Voir explications au verso.</p> |   |                      |

(Dimensions de la carte d'internement : 10 x 15 cm.)

## ANNEX III

## II. LETTER

CIVILIAN INTERNEE SERVICE

Postage free

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

Interneemt address

Date and place of birth

Surname and first names

Sender:

(Size of letter—29 X 15 cm.)

ANNEXE III

II. LETTRE

SERVICE DES INTERNÉS CIVILS

Franc de port

A

Rue et numéro

Lieu de destination (en lettres majuscules)

Province ou département

Pays (en lettres majuscules)

Adresse d'intermèment

Date et lieu de naissance

Nom et prénoms

*Expéditeur:*

(Dimensions de la lettre : 29×15 cm.)

### **ANNEX III**

### III. CORRESPONDENCE CARD

|  |  |  |
|--|--|--|
| <u>CIVILIAN INTERNEE MAIL</u>                            |  | <div style="border: 1px solid black; padding: 2px;">Postage free</div> |
| <b>POST CARD</b>   |  |  |
| <i>Sender:</i>   |  |  |
| Surname and first names                                  |  |  |
| Place and date of birth                                  |  |  |
| Internment address                                       |  |  |
| To   |  |  |
| Street and number  |  |  |
| <u>Place of destination</u> ( <i>in block capitals</i> ) |  |  |
| Province or Department                                   |  |  |
| <i>Country</i> ( <i>in block capitals</i> )              |  |  |

Date :

(Size of correspondence card—10 x 15 cm.)

ANNEXE III

III. CARTE DE CORRESPONDANCE

|   |  |               |
|---|--|---------------|
| SERVICE DES INTERNÉS CIVILS   |  | Franc de port |
| 1. Recto  |  |               |
| CARTE POSTALE   |  |               |
| <i>Expéditeur :</i><br>Nom et prénoms<br>Date et lieu de naissance<br>Adresse d'internement | A  |               |
|   | Rue et numéro                                      |               |
|   | <u>Lieu de destination (en lettres majuscules)</u> |               |
|   | Province ou département                            |               |
|   | Pays (en lettres majuscules)                       |               |
| 2. Verso  |  |               |
| Date  |  |               |
| N'écrire que sur les lignes et très lisiblement.  |  |               |

(Dimensions de la carte de correspondance : 10 x 15 cm.)



## RÉSERVES

FAITES A L'OCCASION DE LA SIGNATURE  
DES CONVENTIONS DE GENÈVE DU 12 AOUT 1949  
POUR LA PROTECTION DES VICTIMES  
DE LA GUERRE

## RESERVATIONS

MADE AT THE TIME OF SIGNATURE  
OF THE GENEVA CONVENTIONS FOR THE PROTECTION  
OF WAR VICTIMS OF AUGUST 12, 1949

## PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris:

- (1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

TIAS 3362.  
*Ante*, p. 3114.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

TIAS 3363.  
*Ante*, p. 3217.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

- (3) Convention relative to the Treatment of Prisoners of War.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

*Article 12:* "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

*Article 85:* "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

**RÉPUBLIQUE POPULAIRE D'ALBANIE**

**M. MALO**, Premier Secrétaire près de la Légation d'Albanie à Paris :

- 1) Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

*Ad article 10*: « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 2) Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

*Ad article 10*: « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

- 3) Convention relative au traitement des prisonniers de guerre.

*Ad article 10*: « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les prisonniers de guerre sont ressortissants. »

*Ad article 12*: « La République populaire d'Albanie considère que, au cas où les prisonniers de guerre seraient transférés à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces prisonniers de guerre continuera toujours à incomber à la Puissance qui les a capturés. »

*Ad article 85*: « La République populaire d'Albanie considère que les personnes condamnées conformément à la législation de la Puissance détentrice d'après les principes du procès de Nuremberg pour des crimes de guerre et des crimes contre l'humanité doivent subir le même régime que des personnes condamnées dans le pays en question. Par conséquent, l'Albanie ne se voit pas liée par l'article 85 en ce qui concerne la catégorie des personnes mentionnées dans la présente réserve. »

## (4) Convention relative to the Protection of Civilian Persons in Time of War.

*Ante*, p. 3524.

*Article 11:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

## ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions :

"The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

„Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68.”

## BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr KOUTEINIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic :

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

## 4) Convention relative à la protection des personnes civiles en temps de guerre.

*Ad article 11:* « La République populaire d'Albanie ne reconnaîtra comme étant régulière une demande à un organisme humanitaire ou à un Etat neutre de remplacer la Puissance protectrice, qui émanerait d'une Puissance détentrice, que dans le cas du consentement de la Puissance dont les personnes protégées sont ressortissantes. »

*Ad article 45:* « La République populaire d'Albanie considère que, au cas où les personnes protégées seraient transférées à une autre Puissance par la Puissance détentrice, la responsabilité de l'application de la Convention à ces personnes protégées continuera toujours à incomber à la Puissance détentrice. »

## ARGENTINE

M. SPERONI, Premier Secrétaire près la Légation d'Argentine à Berne, formule la réserve suivante concernant les quatre Conventions de Genève :

« Le Gouvernement argentin a suivi avec intérêt, et la délégation argentine a pris part avec plaisir, aux travaux de la Conférence. La tâche a été difficile, mais, comme l'a bien dit notre Président à l'occasion de la séance de clôture, nous avons réussi.

» L'Argentine, Messieurs, a toujours pris position à l'avant-garde de beaucoup d'autres nations, dans les questions qui ont été l'objet de nos débats. Je signerai donc, au nom de mon Gouvernement et ad referendum, les quatre Conventions, sous réserve de ce que l'article 3 commun, à l'exclusion de tous les autres, sera le seul applicable dans le cas de conflits armés ne présentant pas un caractère international. De même, je signerai la Convention relative à la protection des personnes civiles sous réserve de l'article 68. »

## RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE

M. KOUTEINIKOV, Chef de la délégation de la République Socialiste Soviétique de Biélorussie :

1) En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

*Article 12:* "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

2) En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule la réserve suivante :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

3) En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie formule les réserves suivantes :

*Ad article 10:* « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis. »

*Ad article 12:* « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir. »

*Ad article 85:* « La République Socialiste Soviétique de Biélorussie ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine. »

4) En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique de Biélorussie croit devoir déclarer ce qui suit :

« Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entière-

humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained.

*Article 45:* "The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

*Ante*, p. 3546.

"On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property."

#### BULGARIAN PEOPLE'S REPUBLIC

Mr. Kosta B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

"In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

ment aux exigences humanitaires, la délégation de la République Socialiste Soviétique de Biélorussie, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique de Biélorussie de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11* : « La République Socialiste Soviétique de Biélorussie ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis. »

*Ad article 45* : « La République Socialiste Soviétique de Biélorussie ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### BRÉSIL

M. PINTO DA SILVA, Consul général du Brésil à Genève, formule les réserves suivantes en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

« En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Brésil tient à formuler deux réserves expresses. Quant à l'article 44, parce qu'il est susceptible de nuire à l'action de la Puissance détentrice. Quant à l'article 46, parce que le contenu de son alinéa 2 échappe aux attributions de la Convention, dont l'objectif essentiel, spécifique, est la protection des personnes et non de leurs biens matériels. »

#### RÉPUBLIQUE POPULAIRE DE BULGARIE

M. Kosta B. SVETLOV, Ministre de Bulgarie en Suisse, fait la déclaration suivante :

« En ma qualité de mandataire du Gouvernement de la République Populaire de Bulgarie, j'ai l'agréable devoir d'exprimer ici sa satisfaction d'avoir pu participer à l'élaboration d'un acte humanitaire de la plus haute importance internationale, acte-conventions pour la protection de toutes les victimes de la guerre.

" Nevertheless, my wish is that there shall be no need to apply them ; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

" I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population."

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions :

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 11:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 45:* " The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention :

*With regard to Article 10:* " The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

» Je forme, cependant, le vœu que point ne soit besoin de leur application, c'est-à-dire que nous tous, nous déployions tous nos efforts pour empêcher une nouvelle guerre, pour ne pas avoir de victimes à secourir en suivant les règles d'une convention.

» Je dois exprimer, avant tout, les vifs regrets de mon Gouvernement de ce que la majorité de la Conférence diplomatique n'a pas accepté la proposition de la délégation soviétique concernant l'interdiction inconditionnelle des armes atomiques et des autres armes d'extermination en masse de la population. »

En signant donc les Conventions, le Gouvernement de la République Populaire de Bulgarie formule les réserves qui suivent, réserves qui constituent partie intégrante des Conventions :

1) Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 11:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de personnes civiles en temps de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont elles sont ressortissantes. »

*Concernant l'article 45:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de personnes civiles en temps de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades et de naufragés ou de personnel sanitaire des forces armées sur mer s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

## (3) Convention relative to the Treatment of Prisoners of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention :

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 12:* "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

*With regard to Article 85:* "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

## (4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

## CANADA

Mr. WERSHÖR, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War :

3) Convention de Genève relative au traitement des prisonniers de guerre du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule les réserves suivantes, réserves qui constituent partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de prisonniers de guerre s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ils sont ressortissants. »

*Concernant l'article 12:* « La République Populaire de Bulgarie ne considérera pas la Puissance détentrice de prisonniers de guerre qui a transféré ces personnes à une autre Puissance qui a accepté de les accueillir comme libérée de la responsabilité d'appliquer à ces personnes les règles de la Convention pour le temps pendant lequel elles sont détenues par cette autre Puissance. »

*Concernant l'article 85:* « La République Populaire de Bulgarie ne s'estime pas tenue de remplir, par extension, les dispositions découlant de l'article 85 à l'égard de prisonniers de guerre condamnés, en vertu de la législation de la Puissance détentrice et conformément aux principes du procès de Nuremberg, pour crimes de guerre ou crimes antihumanitaires que ces personnes ont commis avant d'avoir été faites prisonniers, parce que ces condamnés doivent se soumettre au régime du pays institué pour purger la peine. »

4) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949.

En signant la présente Convention, le Gouvernement de la République Populaire de Bulgarie formule la réserve suivante, réserve qui constitue partie intégrante de la Convention :

*Concernant l'article 10:* « La République Populaire de Bulgarie ne reconnaîtra pas comme valide le fait qu'une Puissance détentrice de blessés, de malades ou de personnel sanitaire dans les forces armées en campagne s'adresse à une Puissance neutre ou à un organisme humanitaire pour lui en confier la protection sans le consentement du Gouvernement du pays dont ces personnes sont ressortissantes. »

#### CANADA

M. WERSHOF, Conseiller d'Ambassade, du Haut Commissariat du Canada à Londres, formule la réserve suivante en ce qui concerne la Convention de Genève relative à la protection des personnes civiles en temps de guerre :

"Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### SPAIN

Mr. CALDERÓN Y MARTÍN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

"In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces.

"Under 'International Law in force' (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by organizations in which she participates."

#### UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949, made the following declaration:

"The Government of the United States fully supports the objectives of this Convention.

"I am instructed by my Government to sign, making the following reservation to Article 68:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

*Ante*, p. 3560.

#### HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations:

"At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their

« Le Canada se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### ESPAGNE

M. CALDERÓN Y MARTIN, Ministre d'Espagne en Suisse, formule la réserve suivante en ce qui concerne la Convention de Genève relative au traitement des prisonniers de guerre; le texte de cette réserve a été déposé en espagnol, français et anglais :

« En matière de garanties de procédure et de sanctions pénales et disciplinaires, l'Espagne accordera aux prisonniers de guerre le même traitement qu'établissent ses lois pour ses propres forces nationales.

» Par « droit international en vigueur » (article 99), l'Espagne entend n'accepter que celui de source conventionnelle ou celui qui aurait été élaboré au préalable par des organismes auxquels elle prend part. »

#### ÉTATS-UNIS D'AMÉRIQUE

M. VINCENT, Ministre des Etats-Unis d'Amérique en Suisse, fait la déclaration suivante en signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre du 12 août 1949 :

« Le Gouvernement des Etats-Unis d'Amérique approuve entièrement les buts que poursuit la Convention de Genève relative à la protection des personnes civiles en temps de guerre.

» J'ai reçu de mon Gouvernement pour instruction de signer cette Convention en formulant la réserve qui suit au sujet de l'article 68 :

» Les Etats-Unis d'Amérique se réservent le droit d'appliquer la peine de mort selon les dispositions de l'Article 68, paragraphe 2, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### RÉPUBLIQUE POPULAIRE HONGROISE

Mme KARA formule les réserves suivantes :

« La délégation de la République Populaire Hongroise s'est ménagé le droit, à la séance du 11 août 1949 de la Confédération diplomatique, de faire des réserves expresses lors de la signature des Conventions, après les avoir examinées. Elle a

speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims.

"The Government of the Hungarian People's Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population.

"The Delegation of the Hungarian People's Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People's Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People's Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War; they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention; by virtue of that Article the provisions of the Civilians Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People's Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold.

"The Hungarian People's Government has also serious objections to Article 5 of the said Convention; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People's Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory.

"The express reservations made by the Government of the Hungarian People's Republic on signing the Conventions, are as follows:

(1) "In the opinion of the Government of the Hungarian People's Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilians Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists.

fait remarquer dans son discours à la séance mentionnée qu'elle n'était pas d'accord avec toutes les dispositions de ces Conventions. Après l'examen approfondi des textes des Conventions, le Gouvernement de la République Populaire Hongroise s'est décidé de signer les Conventions malgré leurs défauts qui sautent aux yeux, puisqu'il est d'avis que les Conventions constituent un progrès par rapport à la situation actuelle du point de vue de la réalisation des principes humanitaires et de la défense des victimes de la guerre.

» Le Gouvernement de la République Populaire Hongroise est obligé de constater que les résultats réels de la Conférence diplomatique terminée le 12 août ne se conforment pas aux espoirs, vu que la majorité des membres de la Conférence n'a pas adopté les projets de la délégation soviétique concernant l'arme atomique et les autres moyens d'extermination en masse de la population.

» La délégation de la République Populaire Hongroise a pris acte avec regret du point de vue de la majorité de la Conférence qui est contraire aux désirs des peuples engagés dans la lutte pour la paix et pour leur liberté. La délégation de la République Populaire Hongroise est convaincue que l'acceptation des propositions soviétiques aurait signifié la mesure la plus efficace en vue de la protection des victimes de la guerre. La délégation de la République Populaire Hongroise tient spécialement à démontrer les défauts essentiels de la Convention relative à la protection des personnes civiles en temps de guerre, défauts sur lesquels elle a attiré l'attention des Etats participant à la Conférence pendant les séances. Il s'agit particulièrement de l'article 4 de la Convention en vertu duquel les dispositions de la Convention relative à la protection des personnes civiles ne s'étendent pas à certaines personnes, parce que l'Etat, dont elles sont les ressortissants n'a pas adhéré à la Convention. Le Gouvernement de la République Populaire Hongroise estime que ces dispositions sont contraires aux principes humanitaires que la Convention désire assurer.

» Le Gouvernement Populaire Hongrois a également de graves objections contre l'article 5 de ladite Convention, en vertu duquel une suspicion légitime d'une activité préjudiciable à la sécurité de l'Etat suffit déjà à priver les personnes protégées de la protection assurée par la Convention. Le Gouvernement de la République Populaire Hongroise est d'avis que cette disposition rend d'avance illusoire la réalisation des principes fondamentaux de la Convention.

» Les réserves expresses du Gouvernement de la République Populaire Hongroise par rapport à la signature des Conventions sont les suivantes :

1) « Selon l'avis du Gouvernement de la République Populaire Hongroise les dispositions de l'article 10 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », ainsi que de l'article 11 de la Convention relative à la protection des personnes civiles, concernant la substitution de la Puissance protectrice, ne peuvent être appliquées que dans le cas où le Gouvernement de l'Etat, dont les personnes protégées sont les ressortissants, n'existe plus.

(2) "The Government of the Hungarian People's Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilians Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention.

(3) "In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People's Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers.

(4) "The Delegation of the Hungarian People's Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes.

(5) "Lastly, the Government of the Hungarian People's Republic maintains the point of view which it expressed in regard to Article 45 of the Civilians Convention, namely that, in the case of the transfer of protected persons from one Power to another, the responsibility for the application of the Convention must rest with both of those Powers."

#### ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration :

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows :

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

2) » Le Gouvernement de la République Populaire Hongroise ne peut pas approuver les dispositions de l'article 11 des Conventions « blessés et malades », « maritime » et « prisonniers de guerre », respectivement de l'article 12 de la Convention relative à la protection des personnes civiles, selon lesquelles la compétence de la Puissance protectrice s'étend à l'interprétation des Conventions.

3) » Par rapport à l'article 12 de la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Hongroise maintient son point de vue, selon lequel, en cas de transfert de prisonniers de guerre d'une Puissance à une autre, la responsabilité pour l'application des dispositions des Conventions doit incomber à ces deux Puissances.

4) » La délégation de la République Populaire Hongroise répète sa protestation élevée au cours des séances relatives à l'article 85 de la Convention des prisonniers de guerre jugés pour des crimes de guerre et pour des crimes contre l'humanité conformément aux principes de Nuremberg, doivent être soumis au même traitement que les criminels condamnés pour d'autres crimes.

5) » Le Gouvernement de la République Populaire Hongroise maintient finalement son point de vue exprimé, concernant l'article 45 de la Convention relative à la protection des personnes civiles, selon lequel en cas de transfert de personnes protégées d'une Puissance à une autre, la responsabilité pour l'application de la Convention doit incomber à ces deux Puissances. »

#### ISRAËL

M. KAHANY, délégué d'Israël auprès de l'Office européen des Nations Unies et du Comité international de la Croix-Rouge, fait la déclaration suivante :

« Conformément aux instructions reçues de mon Gouvernement, je signerai la Convention de Genève relative au traitement des prisonniers de guerre sans réserve aucune. Mais pour chacune des trois autres Conventions, notre signature sera accompagnée des réserves dont voici la teneur :

1) Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif du service sanitaire de ses forces armées. »

2) Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

#### ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva:

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended 'that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other', the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible, during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication.

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

"The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed."

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs de la Convention, Israël se servira du Bouclier Rouge de David sur les drapeaux, les brassards, ainsi que tout le matériel (y compris les navires-hôpitaux) se rattachant au service sanitaire. »

3) Convention de Genève relative à la protection des personnes civiles en temps de guerre.

« Sous la réserve que, tout en respectant l'inviolabilité des emblèmes et signes distinctifs prévus dans l'article 38 de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne du 12 août 1949, Israël se servira du Bouclier Rouge de David comme emblème et signe distinctif prévu dans cette Convention. »

#### ITALIE

M. AURITI, Ambassadeur d'Italie, fait les déclarations suivantes au sujet de la Convention relative au traitement des prisonniers de guerre et des Résolutions n°s 6, 7 et 9 de la Conférence diplomatique de Genève :

1) Convention de Genève relative au traitement des prisonniers de guerre.

« Le Gouvernement italien déclare faire des réserves au sujet du dernier alinéa de l'article 66 de la Convention relative au traitement des prisonniers de guerre. »

2) Résolution n° 6 de la Conférence diplomatique de Genève.

« Attendu que la Conférence a émis le vœu « que les Hautes Parties contractantes confient dans un avenir rapproché à une Commission d'Experts le soin d'étudier la mise au point technique des moyens modernes de transmission entre les navires-hôpitaux, d'une part, et les navires de guerre et aéronefs militaires, d'autre part » le Gouvernement italien exprime l'espérance que ladite Commission d'Experts soit convoquée si possible dans les mois qui suivent pour l'élaboration d'un code international réglementant, de façon précise, l'usage de ces moyens. »

« Les forces armées italiennes sont en train de procéder à une étude approfondie à ce sujet et seraient prêtes à présenter, le cas échéant, des propositions techniques concrètes qui pourraient servir comme base de discussion. »

3) Résolution n° 7 de la Conférence diplomatique.

« Le Gouvernement italien est prêt à prendre toutes les dispositions utiles pour que les navires-hôpitaux diffusent à intervalles fréquents et réguliers tous renseignements relatifs à leur position, à leur direction et à leur vitesse. »

## (4) Resolution 9 of the Diplomatic Conference of Geneva.

"In regard to the second paragraph of Resolution 9, the Italian Government considers that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost."

## LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxemburg in Switzerland, made the following reservation :

"The undersigned Delegate of the Grand Duchy of Luxemburg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation :

"that its existing national law shall continue to be applied to cases now under consideration."

## NEW ZEALAND

Mr. George Robert LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration :

"In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

"In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations :

(1) "New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins ;

## 4) Résolution n° 9 de la Conférence diplomatique.

« En ce qui concerne le deuxième alinéa de la Résolution n° 9, le Gouvernement italien est d'avis que les administrations des télécommunications des Hautes Parties contractantes doivent collaborer pour établir un système de groupement des télogrammes des prisonniers de guerre pour faciliter la transmission des messages chiffrés afin d'éviter des erreurs et les doubles transmissions internationales avec l'augmentation de leur coût. »

## LUXEMBOURG

M. STURM, Chargé d'Affaires du Luxembourg en Suisse, formule la réserve suivante :

« Le soussigné délégué du Grand-Duché de Luxembourg, dûment autorisé par son Gouvernement, a signé aujourd'hui, le 8 décembre 1949, la Convention élaborée par la Conférence diplomatique de Genève relative au traitement des prisonniers de guerre sous la réserve :

« que le droit national positif continuera à être appliqué aux procédures en cours. »

## NOUVELLE-ZÉLANDE

M. George Robert LAKING, Conseiller près l'Ambassade de la Nouvelle-Zélande à Washington, fait la déclaration suivante :

« Le Gouvernement de la Nouvelle-Zélande désire que je déclare en signant les quatre Conventions élaborées par la Conférence diplomatique de Genève en 1949 que, n'ayant pas eu le temps nécessaire pour étudier les réserves faites par d'autres Etats, il réserve pour l'instant ses vues à l'égard des dites réserves.

» Le Gouvernement de la Nouvelle-Zélande désire qu'au moment de signer la Convention relative à la protection des personnes civiles en temps de guerre, je fasse les réserves suivantes :

1) » La Nouvelle-Zélande se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, deuxième alinéa, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation.

(2) "In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a General codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1."

#### NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration :

"My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Government wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows :

"The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

#### POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

2) » Etant donné que l'Assemblée générale des Nations Unies, ayant approuvé les principes établis par la charte et le jugement du Tribunal de Nuremberg, a chargé la Commission du droit international d'inclure ces principes dans une codification générale des infractions contre la paix et la sécurité de l'humanité, la Nouvelle-Zélande se réserve le droit de prendre les mesures nécessaires pour obtenir que de telles infractions soient punies, nonobstant les dispositions de l'article 70, premier alinéa. »

#### PAYS-BAS

M. BOSCH, Chevalier DE ROSENTHAL, Ministre des Pays-Bas en Suisse, déclare ce qui suit :

« Mon Gouvernement m'a donné pour instructions de signer les quatre Conventions élaborées par la Conférence diplomatique qui s'est tenue à Genève du 21 avril au 12 août 1949. Mon Gouvernement désire cependant formuler la réserve suivante en ce qui concerne la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume des Pays-Bas se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

#### POLOGNE

M. PRZYBOS, Ministre de Pologne en Suisse, formule les réserves suivantes en ce qui concerne les quatre Conventions de Genève :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent."

"In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them."

"In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned."

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent."

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

» En ce qui concerne l'article 85, le Gouvernement de la République polonaise ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes énoncés lors des jugements de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis aux prescriptions sur l'exécution des peines en vigueur dans l'Etat intéressé.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République polonaise adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République polonaise ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

## PORUGAL

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made the following declaration :

(a) *Article 3, common to the four Conventions:*

"As there is no actual definition of what is meant by a conflict not of an international character, and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

(b) *Article 10 of Conventions I, II and III and Article 11 of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by Protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

(c) *Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

(d) *Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

» En ce qui concerne l'article 45, le Gouvernement de la République polonaise ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité d'appliquer la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### PORUGAL

M. Gonçalo CALDEIRA COELHO, Chargé d'Affaires du Portugal en Suisse, formule les réserves suivantes :

*a) Article 3, commun aux quatre Conventions :*

« N'étant pas concrètement défini ce qui doit être appelé un conflit de caractère non international et, en cas que, par cette désignation on entend se référer uniquement à la guerre civile, n'étant pas clairement établi le moment à partir duquel une rébellion armée de caractère interne doit être considérée comme telle, le Portugal se réserve le droit de ne pas appliquer, dans tous les territoires soumis à sa souveraineté dans n'importe quelle partie du monde, la matière de l'article 3 dans tout ce qu'elle puisse avoir de contraire aux dispositions de la loi portugaise. »

*b) Article 10, des Conventions I, II, III et article 11 de la Convention IV :*

« Le Gouvernement portugais n'accepte la doctrine des articles cités que sous réserve que les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire pour qu'ils assument les fonctions dévolues normalement aux Puissances protectrices aient l'assentiment ou l'accord du gouvernement du pays duquel sont originaires les personnes à protéger (Puissances d'origine). »

*c) Article 13 de la Convention I et article 4 de la Convention III :*

« Le Gouvernement portugais fait une réserve dans l'application de ces articles dans tous les cas dans lesquels le gouvernement légitime à déjà sollicité et accepté l'armistice ou la suspension des opérations militaires de n'importe quelle nature, même si les forces armées en campagne n'ont pas encore capitulé. »

*d) Article 60 de la Convention III :*

« Le Gouvernement portugais accepte la doctrine de cet article sous la réserve que, en aucun cas, il ne s'oblige à payer aux prisonniers comme solde mensuelle une somme supérieure à 50 % des appointements dus aux militaires portugais de poste ou catégorie équivalents, qui se trouvent en service actif dans la zone de combat. »

## RUMANIAN PEOPLE'S REPUBLIC

Mr. Ioan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservations :

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

*Article 85:* "The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for

## RÉPUBLIQUE POPULAIRE ROUMAINE

M. Ioan DRAGOMIR, Chargé d'Affaires de Roumanie en Suisse, fait la déclaration suivante :

1) » En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Populaire Roumaine formule la réserve suivante :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays, dont les personnes protégées sont ressortissantes, n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Populaire Roumaine formule les réserves suivantes :

*Ad article 10:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices au cas où le consentement respectif du gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre, pendant le temps où ceux-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Populaire Roumaine ne se considère pas tenue par l'obligation qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice, conformément aux principes du procès de Nuremberg, pour avoir commis

war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War :

"The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

"Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations :

*Article 11:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration :

"In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation :

"The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi, dans le pays en question, pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, je suis autorisé à déclarer ce qui suit :

» Le Gouvernement de la République Populaire Roumaine considère que cette Convention, du fait qu'elle ne s'applique pas à la population civile qui se trouve en dehors du territoire occupé par l'ennemi, ne correspond pas entièrement aux exigences humanitaires.

» Malgré cela, prenant en considération le fait que la Convention se propose de défendre les intérêts de la population civile qui se trouve en territoire occupé, je suis autorisé par le Gouvernement de la République Populaire Roumaine à signer ladite Convention avec les réserves suivantes :

*Ad article 11:* » La République Populaire Roumaine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Populaire Roumaine ne considérera pas valide la libération de la Puissance détentrice, qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps où celles-ci se trouvent sous la protection de la Puissance qui a accepté de les accueillir. »

#### ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le très Honorable Sir Robert L. CRAIGIE, du Ministère des Affaires étrangères, fait la déclaration suivante :

« Le Gouvernement de Sa Majesté m'a chargé de formuler la réserve suivante en signant la Convention de Genève pour la protection des personnes civiles en temps de guerre :

» Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit d'appliquer la peine de mort selon les dispositions de l'article 68, paragraphe deux, sans égard à la question de savoir si les délits qui y sont mentionnés sont punissables ou non par la peine de mort selon la loi du territoire occupé à l'époque où commence l'occupation. »

## CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent:

(2) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

## TCHÉCOSLOVAQUIE

M. TAUBER, Ministre de Tchécoslovaquie en Suisse, formule les réserves suivantes :

1) « En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En procédant à la signature de la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En procédant à la signature de la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 10, 12 et 85.

» En ce qui concerne l'article 10, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de prisonniers de guerre, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces prisonniers de guerre seront confiés à la Puissance qui a accepté de les accueillir.

" In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) " On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

" In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

" In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

#### UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic :

(1) " On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) " On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation :

» En ce qui concerne l'article 85, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal que les prisonniers de guerre, condamnés pour des crimes de guerre et des crimes contre l'humanité au sens des principes appliqués au procès de Nuremberg, restent au bénéfice de la présente Convention, étant donné que les prisonniers de guerre condamnés pour ces crimes doivent être soumis au régime sur l'exécution des peines en vigueur dans l'Etat où ils ont été condamnés.

4) » En procédant à la signature de la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République tchécoslovaque adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République tchécoslovaque ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République tchécoslovaque ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées, soit libérée de sa responsabilité de l'application de la Convention, même pour le temps pendant lequel ces personnes protégées seront confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE

M. BOGOMOLETZ, Chef de la délégation de la République Socialiste Soviétique d'Ukraine :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule la réserve suivante :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations :

*Article 10:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations :

*Article 11:* "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine formule les réserves suivantes :

*Ad article 10:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Ad article 12:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* » La République Socialiste Soviétique d'Ukraine ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de la République Socialiste Soviétique d'Ukraine croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de la République Socialiste Soviétique d'Ukraine, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de la République Socialiste Soviétique d'Ukraine de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » La République Socialiste Soviétique d'Ukraine ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protec-

the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics :

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations :

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

trices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » La République Socialiste Soviétique d'Ukraine ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

### UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

Le Général SLAVINE, Chef de la délégation de l'Union des Républiques Socialistes Soviétiques :

1) « En signant la Convention pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

2) » En signant la Convention pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule la réserve suivante :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

3) » En signant la Convention relative au traitement des prisonniers de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques formule les réserves suivantes :

*Ad article 10:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les prisonniers de guerre sont ressortissants n'aura pas été acquis.

*Article 12:* "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration :

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations :

*Article 11:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Union of Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

#### FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Mr. Milan RISTIĆ, Yugoslav Minister in Switzerland, made the following declaration :

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the

*Ad article 12:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des prisonniers de guerre, de la responsabilité de l'application de la Convention à ces prisonniers de guerre pendant le temps que ceux-ci seraient confiés à la Puissance qui a accepté de les accueillir.

*Ad article 85:* « L'Union des Républiques Socialistes Soviétiques ne se considère pas tenue par l'obligation, qui résulte de l'article 85, d'étendre l'application de la Convention aux prisonniers de guerre, condamnés en vertu de la législation de la Puissance détentrice conformément aux principes du procès de Nuremberg, pour avoir commis des crimes de guerre et des crimes contre l'humanité, étant donné que les personnes condamnées pour ces crimes doivent être soumises au régime établi dans le pays en question pour les personnes qui subissent leur peine.

4) » En signant la Convention relative à la protection des personnes civiles en temps de guerre, le Gouvernement de l'Union des Républiques Socialistes Soviétiques croit devoir déclarer ce qui suit :

» Bien que la présente Convention ne s'étende pas à la population civile qui se trouve au-delà du territoire occupé par l'ennemi et de ce fait ne réponde pas entièrement aux exigences humanitaires, la délégation de l'Union des Républiques Socialistes Soviétiques, reconnaissant que ladite Convention va au-devant des intérêts ayant trait à la protection de la population civile en territoire occupé, et dans certains autres cas, déclare qu'elle est autorisée par le Gouvernement de l'Union des Républiques Socialistes Soviétiques de signer la présente Convention en formulant les réserves suivantes :

*Ad article 11:* » L'Union des Républiques Socialistes Soviétiques ne reconnaîtra pas valides les demandes adressées par la Puissance détentrice à un Etat neutre ou à un organisme humanitaire, d'assumer les tâches dévolues aux Puissances protectrices, au cas où le consentement respectif du Gouvernement du pays dont les personnes protégées sont ressortissantes n'aura pas été acquis.

*Ad article 45:* » L'Union des Républiques Socialistes Soviétiques ne considérera pas valide la libération de la Puissance détentrice qui a transféré à une autre Puissance des personnes protégées, de la responsabilité de l'application de la Convention aux personnes transférées pendant le temps que celles-ci seraient confiées à la Puissance qui a accepté de les accueillir. »

#### RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE YUGOSLAVIE

M. Milan RISTIĆ, Ministre de Yougoslavie en Suisse, fait la déclaration suivante :

1) « En signant la Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne, je déclare que le Gouvernement

Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral

de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés et malades ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

2) » En signant la Convention de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de son article 10.

» Le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les blessés, malades et naufragés, ou les membres du personnel sanitaire et religieux, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

3) » En signant la Convention de Genève relative au traitement des prisonniers de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 10 et 12.

» En ce qui concerne l'article 10, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les prisonniers de guerre, si le Gouvernement dont ils sont ressortissants n'y donne pas son consentement.

» En ce qui concerne l'article 12, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas que la Puissance qui a effectué le transfert de prisonniers de guerre est libérée de sa responsabilité de l'application de cette Convention pour tout le temps pendant lequel ces prisonniers de guerre se trouveront chez la Puissance qui a accepté de les accueillir.

4) » En signant la Convention de Genève relative à la protection des personnes civiles en temps de guerre, je déclare que le Gouvernement de la République Fédérative Populaire de Yougoslavie adhère à ladite Convention, sous réserve de ses articles 11 et 45.

» En ce qui concerne l'article 11, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légale une demande de la

State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Federal People's Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them."

Puissance détentrice tendant à ce qu'un Etat neutre ou un organisme international ou un organisme humanitaire assume les fonctions dévolues par la présente Convention aux Puissances protectrices envers les personnes protégées, si le Gouvernement dont elles sont ressortissantes n'y donne pas son consentement.

» En ce qui concerne l'article 45, le Gouvernement de la République Fédérative Populaire de Yougoslavie ne considérera pas comme légal qu'une Puissance effectuant un transfert de personnes protégées à une autre Puissance soit libérée de sa responsabilité d'appliquer la Convention pour tout le temps pendant lequel ces personnes protégées se trouveront chez la Puissance qui a accepté de les accueillir. »

WHEREAS the Senate of the United States of America by their resolution of July 6, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention with the following reservation:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

AND WHEREAS in giving its advice and consent to the ratification of the said Convention, the Senate of the United States of America made the following statement:

"Rejecting the reservations—other than to Article 68, paragraph 2—which States have made with respect to the Geneva convention relative to the protection of civilian persons in time of war, the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."

WHEREAS the said Convention was duly ratified by the President of the United States of America on July 14, 1955, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation and statement;

WHEREAS it is provided in Article 153 of the said Convention that the Convention shall come into force six months after not less than two instruments of ratification have been deposited, and that the Convention thereafter shall come into force for each High Contracting Party six months after the deposit of its instrument of ratification;

WHEREAS instruments of ratification of the said Convention were deposited with the Government of Switzerland by the Governments of the following States, namely: Switzerland, March 31, 1950; Yugoslavia, April 21, 1950; the Principality of Monaco, July 5, 1950; Liechtenstein, September 21, 1950; Chile, October 12, 1950; India, November 9, 1950; Czechoslovakia, December 19, 1950; the Holy See, February 22, 1951; Lebanon, April 10, 1951; Pakistan, June 12, 1951; Denmark, June 27, 1951; France, June 28, 1951; Israel, July 6, 1951; Norway, August 3, 1951; Italy, December 17, 1951; Guatemala, May 14, 1952; Spain, August 4, 1952; Belgium, September 3, 1952; the Republic of the Philippines, October 6, 1952; Mexico, October 29, 1952; Egypt, November 10, 1952; El Salvador, June 17, 1953; Luxembourg, July 1, 1953,

Austria, August 27, 1953; Syria, November 2, 1953; Nicaragua, December 17, 1953; Sweden, December 28, 1953; Turkey, February 10, 1954; Cuba, April 15, 1954; the Union of Soviet Socialist Republics, May 10, 1954; Rumania, June 1, 1954; Bulgaria, July 22, 1954; the Byelorussian Soviet Socialist Republic, August 3, 1954; Hungary, August 3, 1954; the Netherlands, August 3, 1954; the Ukrainian Soviet Socialist Republic, August 3, 1954; Ecuador, August 11, 1954; Poland, November 26, 1954; Finland, February 22, 1955; and the United States of America, August 2, 1955;

WHEREAS notifications of accession to the said Convention, in accordance with Article 156 thereof, were given to the Government of Switzerland by the Governments of the following States, namely: the Hashemite Kingdom of Jordan, May 29, 1951; the Union of South Africa, March 31, 1952; Japan, April 21, 1953; San Marino, August 29, 1953; Vietnam, November 14, 1953; Liberia, March 29, 1954; the Federal Republic of Germany, September 3, 1954; and Thailand, December 29, 1954;

AND WHEREAS, pursuant to the aforesaid provisions of Article 153 of the said Convention, the Convention will come into force with respect to the United States of America on February 2, 1956, six months after August 2, 1955, the date of deposit by the United States of America of its instrument of ratification of the said Convention;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Geneva Convention relative to the Protection of Civilian Persons in Time of War to the end that the same and every article and clause thereof, subject to the reservation and statement hereinbefore recited, shall be observed and fulfilled with good faith, on and after February 2, 1956, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this thirtieth day of August  
in the year of our Lord one thousand nine hundred  
[SEAL] fifty-five and of the Independence of the United States  
of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

HERBERT HOOVER Jr  
*Acting Secretary of State*

## NETHERLANDS

### DOUBLE TAXATION: INCOME

Facilitating Extension of Convention to the  
Netherlands Antilles

TIAS 3366  
June 15, 1955  
*Post*, p. 3703.

*Protocol supplementing the convention of April 29, 1948.*  
*Signed at Washington June 15, 1955;*  
*Ratification advised by the Senate of the United States of America*  
*July 29, 1955;*  
*Ratified by the President of the United States of America August 24,*  
*1955;*  
*Ratified by the Netherlands October 14, 1955;*  
*Ratifications exchanged at Washington November 10, 1955;*  
*Proclaimed by the President of the United States of America November 14,*  
*1955;*  
*Entered into force November 10, 1955.*

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

WHEREAS a protocol supplementing the convention between the United States of America and the Kingdom of the Netherlands with respect to taxes on income and certain other taxes for the purpose of facilitating extension to the Netherlands Antilles was signed at Washington on June 15, 1955, the original of the said protocol, in the English and Dutch languages, being word for word as follows:

PROTOCOL SUPPLEMENTING  
THE CONVENTION BETWEEN  
THE UNITED STATES OF  
AMERICA AND THE KINGDOM  
OF THE NETHERLANDS WITH  
RESPECT TO TAXES ON  
INCOME AND CERTAIN OTHER  
TAXES FOR THE PURPOSE  
OF FACILITATING EXTENSION  
TO THE NETHERLANDS  
ANTILLES

The Government of the  
United States of America and  
the Government of the Kingdom  
of the Netherlands, being de-  
sirous of facilitating the  
extension to the Netherlands  
Antilles of the operation of  
the convention between the  
United States of America and  
the Kingdom of the Netherlands  
for the avoidance of double  
taxation and the prevention  
of fiscal evasion with respect

PROTOCOL TER AANVULLING  
VAN HET VERDRAG TUSSEN DE  
VERENIGDE STATEN VAN  
AMERIKA EN HET KONINKRIJK  
DER NEDERLANDEN MET  
BETREKKING TOT BELASTINGEN  
OP INKOMSTEN EN BEPAALDE  
ANDERE BELASTINGEN TER  
VERGEMAKKELIJKING VAN DE  
UITBREIDING TOT DE  
NEDERLANDSE ANTILLEN

De Regering van de  
Verenigde Staten van Amerika  
en de Regering van het Konink-  
rijk der Nederlanden, de wens  
koesterende de uitbreiding te  
vergemakkelijken tot de Neder-  
landse Antillen van de werking  
van het Verdrag tussen de  
Verenigde Staten van Amerika  
en het Koninkrijk der Neder-  
landen ter voorkoming van  
dubbele belasting en ter ver-  
mijding van het ontgaan van

TIAS 1855.  
62 Stat., pt. 2, p. 1757.

to taxes on income and certain other taxes, signed at Washington on April 29, 1948, have decided to conclude a supplementary protocol for that purpose and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

John Foster Dulles,  
Secretary of State of the  
United States of America,  
and

The Government of the Kingdom of the Netherlands:

J. H. van Roijen, Ambassador Extraordinary and Plenipotentiary of the Kingdom of the Netherlands, who, having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

belasting met betrekking tot belastingen op inkomsten en bepaalde andere belastingen, getekend te Washington op de 29ste April 1948, hebben besloten een aanvullend protocol te dien einde te sluiten en hebben als hun respectievelijke gevoldmachtigden benoemd:

De Regering van de Verenigde Staten van Amerika:

John Foster Dulles,  
Secretaris van Staat van  
de Verenigde Staten van  
Amerika, en

De Regering van het Koninkrijk der Nederlanden:

J. H. van Roijen, Buitengewoon en Gevolmachtigd Ambassadeur van het Koninkrijk der Nederlanden, die, na elkaar mededeling te hebben gedaan van hun volmachten, welke in behoorlijke vorm werden bevonden, over de volgende artikelen tot overeenstemming zijn gekomen:

## ARTICLE I

In the application by the  
Netherlands Antilles of Article XIX of the convention of  
April 29, 1948, paragraph (3)  
thereof shall be replaced by  
the following paragraph:

"(3) The Netherlands  
Antilles shall allow a  
deduction (or the  
equivalent thereof) from  
its tax of the Federal  
income tax paid to the  
United States by citizens  
of the United States resi-  
dent in the Netherlands  
Antilles with respect to  
income of such citizens  
from sources within the  
United States, but in an  
amount not in excess of  
that proportion of the  
entire Netherlands  
Antilles tax which such  
income bears to the entire  
income subject to such  
Netherlands Antilles tax."

## ARTIKEL I

Bij de toepassing door  
de Nederlandse Antillen van  
Artikel XIX van het Verdrag  
van de 29ste April 1948 zal  
lid (3) daarvan worden vervan-  
gen door het volgende lid:

"(3) De Nederlandse  
Antillen zullen een ver-  
mindering (of de  
tegenwaarde daarvan) van  
hun belasting toestaan van  
de Federale inkomstenbe-  
lasting betaald aan de  
Verenigde Staten door bur-  
gers van de Verenigde  
Staten in de Nederlandse  
Antillen woonachtig met  
betrekking tot inkomen van  
zodanige burgers uit bron-  
nen in de Verenigde Staten,  
doch tot een bedrag niet  
hoger dan dat gedeelte van  
de totale belasting van de  
Nederlandse Antillen het-  
welk zodanig inkomen vormt  
van het totale aan zodanige

belasting van de Nederlandse Antillen onderworpen inkomen."

#### ARTICLE II

In the application to the Netherlands Antilles of Article XXVII of the convention of April 29, 1948, the word "following", as it appears in paragraph (2) of the said Article XXVII, shall be replaced by the words "immediately preceding".

#### ARTICLE III

(1) This supplementary Protocol, which shall be regarded as an integral part of the said convention, shall be ratified and the instruments of ratification thereof shall be exchanged at Washington.

(2) The present Protocol shall enter into force on the date of exchange of instruments of ratification.

#### ARTIKEL II

Bij de toepassing voor de Nederlandse Antillen van Artikel XXVII van het Verdrag van de 29ste April 1948 zullen de woorden "volgende op" zoals opgenomen in lid (2) van genoemd Artikel XXVII worden vervangen door de woorden "onmiddelijk voorafgaande aan".

#### ARTIKEL III

(1) Dit aanvullend protocol, dat zal worden beschouwd als een integrerend deel van genoemd Verdrag, zal worden bekraftigd en de bekraftigingsoorkonden daarvan zullen worden uitgewisseld te Washington.

(2) Dit protocol zal van kracht worden op de datum van uitwisseling van de bekraftigingsoorkonden.

DONE in duplicate, in the  
English and Dutch languages,  
the two texts having equal  
authenticity, at Washington  
this 15th day of June, 1955.

GEDAAN, in tweevoud, in  
de Engelse en in de Nederlandse  
taal, hebbende beide teksten  
gelijke rechtskracht, te  
Washington op heden de 15<sup>de</sup>  
Juni 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:  
VOOR DE REGERING VAN DE VERENIGDE STATEN VAN AMERIKA:

[SEAL]



FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS:  
VOOR DE REGERING VAN HET KONINKRIJK DER NEDERLANDEN:

[SEAL]



AND WHEREAS the Senate of the United States of America by their resolution of July 29, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid protocol;

AND WHEREAS the aforesaid protocol was duly ratified by the President of the United States of America on August 24, 1955, in pursuance of the aforesaid advice and consent of the Senate, and the aforesaid protocol was duly ratified on the part of the Kingdom of the Netherlands;

AND WHEREAS the respective instruments of ratification of the aforesaid protocol were duly exchanged at Washington on November 10, 1955;

AND WHEREAS it is provided in Article III of the aforesaid protocol that the protocol shall enter into force on the date of exchange of instruments of ratification;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the aforesaid protocol to the end that the said protocol and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

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

DONE at the city of Washington this fourteenth day of November in the year of our Lord one thousand nine hundred [SEAL] fifty-five and of the Independence of the United States of America the one hundred eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER JR

*Acting Secretary of State*

# NETHERLANDS

## DOUBLE TAXATION: INCOME

Extension to Netherlands Antilles of Operation of Convention of  
April 29, 1948, as Supplemented

*Agreement effected by exchanges of notes*

*Dated at Washington June 24 and August 7, 1952, September 15 and  
November 4 and 10, 1955;*

*Entered into force November 10, 1955; operative retroactively January  
1, 1955.*

TIAS 3367  
June 24 and  
Aug. 7, 1952,  
Sept. 15 and  
Nov. 4, 10, 1955

*The Netherlands Ambassador to the Secretary of State*

NETHERLANDS EMBASSY  
WASHINGTON, D.C.

FA/1158

The Netherlands Ambassador presents his compliments to the Honorable the Secretary of State and has the honor to refer to the Convention between the Kingdom of the Netherlands and the United States of America with respect to taxes on income and certain other taxes, signed at Washington on April 29, 1948, and to the Protocol of Exchange of Instruments of Ratification relating to that Convention and signed at Washington on December 1, 1948.<sup>[1]</sup>

TIAS 1865.  
62 Stat., pt. 2, p.  
1757.

Article XXVII (1) of the Convention provides, *inter alia*, that either of the Contracting States may by a written notification of extension declare the desire of the government of any overseas part of the Kingdom (in the case of the Netherlands) or overseas territory (in the case of the United States) that the operation of the Convention in whole or in part shall extend to such part or territory.

In accordance with the provisions of this Article, the Netherlands Government wishes to notify the United States Government of the desire of the Government of the Netherlands Antilles that the operation of the Convention and of the Protocol of Exchange of Instruments of Ratification relating thereto shall, with the limitations specified below, extend to the Netherlands Antilles.

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<sup>1</sup> Not printed.

Since no property tax is being levied in the Netherlands Antilles, the Convention as extended to that territory is to apply to income taxes and profits taxes only. An English translation of the Regulations governing these two types of taxes in the Netherlands Antilles is enclosed.<sup>[1]</sup> The tariff of the profit tax is contained in Article 13 of the Regulations on the profits tax. The tariff of the income tax is set forth in the enclosed schedule entitled "Tarief Inkomstenbelasting 1950".

Article XX and Article VI, (2) and (3) should be excluded from the operation of the Convention with respect to the Netherlands Antilles. In addition, the provisions contained in the Protocol of December 1, 1948 are assumed to exclude the applicability of Articles XI and XIII. The term "competent authority" referred to in Article II (1) (j) should be taken to mean, in the case of the Netherlands Antilles, the Administrateur van Financien of the Netherlands Antilles.

The Netherlands Government supports the request of the Government of the Netherlands Antilles for the extension of the operation of the Convention to its territory. Dr. van Rijen therefore wishes to suggest that the United States Government accept this notification in accordance with Article XXVII (2) of the Convention. In case of such acceptance the provisions of the Convention and of the Protocol, with the limitations specified above, will apply to the Netherlands Antilles as of January 1, 1953.

[SEAL]

WASHINGTON, D.C.

June 24, 1952.



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

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of the Netherlands and acknowledges the receipt of the Ambassador's note No. FA/1156 dated June 24, 1952 notifying the Government of the United States of the desire of the Government of the Netherlands Antilles that the operation of the convention between the United States of America and the Kingdom of the Netherlands with respect to taxes on income and certain other taxes, signed at Washington on April 29, 1948, be extended, with certain limitations, to the Netherlands Antilles. The receipt is also acknowledged of an English translation of the regulations governing income taxes and profit taxes in the territory of the Netherlands Antilles.

<sup>1</sup> Not printed.

The question of extending the operation of the aforesaid convention to the Netherlands Antilles will be given study by the appropriate authorities of the Government of the United States and will be the subject of a further communication to the Embassy at a later date.

Under the provisions of Article XXVII (2) of the convention the application of the convention to the Netherlands Antilles would become effective on the first day of January following the date of a communication addressed by the United States to the Netherlands indicating its acceptance of the said application. Before such acceptance can be given, however, it should be noted that, in accordance with assurances given to the United States Senate at the time the convention was pending before that body for approval, it will be necessary to receive the approval of the Senate to the proposed extension of the convention to the Netherlands Antilles. As the Senate recently adjourned and will not convene again until January 3, 1953, unless called back in special session by the President of the United States, it does not appear possible that the extension of the operation of the convention to the Netherlands Antilles can take place on January 1, 1953, the date mentioned in the Ambassador's note under reference.

C. I. B.

DEPARTMENT OF STATE,  
*Washington, August 7 1952*

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*The Acting Secretary of State to the Netherlands Chargé d'Affaires  
ad interim*

The Acting Secretary of State presents his compliments to the Chargé d'Affaires ad interim of the Netherlands and refers to note No. FA/1156 dated June 24, 1952, addressed by the Ambassador of the Netherlands to the Secretary of State, notifying the Government of the United States of America of the desire of the Government of the Netherlands Antilles that the operation of the Convention Between the United States of America and the Kingdom of the Netherlands With Respect to Taxes on Income and Certain Other Taxes, signed at Washington on April 29, 1948, be extended, with certain limitations, to the Netherlands Antilles. It is stated in the Ambassador's note that the Netherlands Government supports the request of the Government of the Netherlands Antilles for the extension of the operation of the Convention to its territory.

As pointed out in the Ambassador's note, there are certain necessary limitations and understandings in extending to the Netherlands Antilles the operation of the 1948 Convention, modified as set forth in the Protocol of Exchange of Instruments of Ratification signed at Washington on December 1, 1948. It is understood by the Government of the United States of America that those limitations and understandings are as follows:

1. Article I (1) of the Convention shall have application in the Netherlands Antilles only in respect of income taxes and profits taxes, since no property tax is levied in that jurisdiction.
2. In the application of Article II (1) (j) of the Convention, the term "competent authority" shall be understood to mean, in the case of the Netherlands Antilles, the Administrateur van Financien or his duly authorized representative.
3. Paragraphs (2) and (3) of Article VI of the Convention shall have no application in the Netherlands Antilles, since the agreements of 1926 and 1939 [<sup>1</sup>] referred to therein have no application to the Netherlands Antilles.
4. Articles XI and XIII of the Convention shall be deemed to be deleted and of no effect, and Article XIV is modified, in accordance with the modifications set forth in the Protocol of Exchange of Instruments of Ratification signed at Washington on December 1, 1948.
5. Article XX of the Convention shall have no application in the Netherlands Antilles, since the provisions thereof relating to certain Netherlands property taxes have no bearing on Netherlands Antilles taxes.

As a result of the consideration of various questions in connection with the proposed extension, there was signed at Washington on June 15, 1955, a Protocol Supplementing the Convention Between the United States of America and the Kingdom of the Netherlands With Respect to Taxes on Income and Certain Other Taxes for the Purpose of Facilitating Extension to the Netherlands Antilles.

On July 29, 1955 the Senate of the United States of America gave its advice and consent to the ratification of the Protocol of June 15, 1955 and on August 24, 1955 the President of the United States of America ratified that Protocol. The instruments of ratification have not been exchanged, and therefore the Protocol is not yet in force. [<sup>2</sup>]

<sup>1</sup> Not printed.

<sup>2</sup> Entered into force Nov. 10, 1955.

Also on July 29, 1955 the Senate of the United States of America specifically approved the proposal for extending to the Netherlands Antilles the operation of the Convention of 1948, with certain limitations. It will not be possible to complete the action to make such extension effective, in accordance with Article XXVII of the Convention, until the entry into force of the Protocol. Meanwhile, however, the Government of the Netherlands is informed that, by reason of the policy established by the Senate in regard to provisions for assistance in tax collection, it is necessary to set forth a further understanding as follows:

"In extending to the Netherlands Antilles the application of the Convention of April 29, 1948, as supplemented by the Protocol of June 15, 1955, the collection provision in Article XXII will be restricted in its application so that each of the Governments may assist in collecting the other's taxes only to the extent necessary to insure that the provisions of the Convention shall not be enjoyed by persons not entitled to its benefits."

It would be appreciated if the Government of the Netherlands would inform the Government of the United States of America whether the understanding as quoted in the last preceding paragraph is acceptable and also whether the Government of the Netherlands concurs with respect to the statement of limitations and understandings as enumerated elsewhere in this note.

After receipt of a communication indicating the concurrence of the Government of the Netherlands in these respects and after the entry into force of the Protocol of June 15, 1955, the Government of the United States of America will be in a position to send to the Government of the Netherlands a notice of acceptance in accordance with Article XXVII (2) of the Convention, thereby completing the action necessary to make the Convention, as modified and supplemented, effective with respect to the Netherlands Antilles.

W. V. W.

DEPARTMENT OF STATE,  
*Washington, September 15 1955*

*The Netherlands Ambassador to the Acting Secretary of State*

NETHERLANDS EMBASSY  
WASHINGTON, D.C.

The Ambassador of the Netherlands presents his compliments to the Acting Secretary of State and has the honor to refer to the note from the Department of State, dated September 15, 1955, concerning certain limitations and understandings which are necessary in extending to the Netherlands Antilles the operation of the Convention Between the Kingdom of the Netherlands and the United States of America With Respect to Taxes on Income and Certain Other Taxes, signed at Washington on April 29, 1948, modified as set forth in the Protocol of Exchange of Instruments of Ratification signed at Washington on December 1, 1948, and to be modified as set forth in the Protocol Supplementing the Convention Between the Kingdom of the Netherlands and the United States of America With Respect to Taxes on Income and Certain Other Taxes for the Purpose of Facilitating Extension to the Netherlands Antilles, signed at Washington on June 15, 1955.

The necessary limitations and understandings are as follows:

1. Article I (1) of the Convention shall have application in the Netherlands Antilles only in respect of income taxes and profits taxes, since no property tax is levied in that jurisdiction.

2. In the application of Article II (1) (j) of the Convention, the term "competent authority" shall be understood to mean, in the case of the Netherlands Antilles, the Administrateur van Financien or his duly authorized representative.

3. Paragraphs (2) and (3) of Article VI of the Convention shall have no application in the Netherlands Antilles, since the agreements of 1926 and 1939 referred to therein have no application to the Netherlands Antilles.

4. Articles XI and XIII of the Convention shall be deemed to be deleted and of no effect, and Article XIV is modified, in accordance with the modifications set forth in the Protocol of Exchange of Instruments of Ratification signed at Washington on December 1, 1948.

5. Article XX of the Convention shall have no application in the Netherlands Antilles, since the provisions thereof relating to certain Netherlands property taxes have no bearing on Netherlands Antilles taxes.

In the Department's note referred to above it is also stated that, by reason of the policy established by the Senate in regard to pro-

visions for assistance in tax collection, it is necessary to set forth a further understanding as follows:

"In extending to the Netherlands Antilles the application of the Convention of April 29, 1948, as supplemented by the Protocol of June 15, 1955, the collection provision in Article XXII will be restricted in its application so that each of the Governments may assist in collecting the other's taxes only to the extent necessary to insure that the provisions of the Convention shall not be enjoyed by persons not entitled to its benefits."

Dr. Van Rijen wishes to inform the Government of the United States of America that the Government of the Netherlands, after having consulted the Government of the Netherlands Antilles, accepts the understanding as quoted in the last preceding paragraph and concurs with respect to the statement of limitations and understandings as enumerated elsewhere in this note.



WASHINGTON, D.C.  
November 4, 1955.

*The Acting Secretary of State to the Netherlands Ambassador*

The Acting Secretary of State presents his compliments to His Excellency the Ambassador of the Netherlands and has the honor to refer to the Ambassador's note No. FA/1156 dated June 24, 1952, the note of August 7, 1952 from the Secretary of State to the Chargé d'Affaires ad interim, the note of September 15, 1955 from the Acting Secretary of State to the Chargé d'Affaires ad interim, and the note of November 4, 1955 from the Ambassador to the Acting Secretary of State, relating to the proposed extension to the Netherlands Antilles of the operation of the tax convention of April 29, 1948 between the United States and the Netherlands.

Inasmuch as the protocol of June 15, 1955 supplementing the 1948 convention was brought into force on November 10, 1955 by the exchange of instruments of ratification, it is now possible to take the final action, in accordance with the provisions of

Article XXVII of the 1948 convention, to make effective the proposed extension to the Netherlands Antilles.

Accordingly, the Government of the Kingdom of the Netherlands is hereby notified that the Government of the United States of America accepts the proposal and understands that, by this action, the operation of the 1948 convention, as modified and supplemented by the protocol of June 15, 1955, is extended to the Netherlands Antilles subject to the limitations and understandings as set forth in the above-mentioned notes of September 15 and November 4, 1955, effective retroactively on and after January 1, 1955.

C.I.B.

DEPARTMENT OF STATE,  
*Washington, November 10 1955*

# GREECE

## Military Facilities: Importation of Goods by American Personnel in Greece

*Agreement implementing the agreement of October 12, 1953.*

TIAS 3368

*Effectuated by exchange of notes*

June 27, 1955

*Dated at Athens June 27, 1955;*

*Entered into force June 27, 1955.*

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*The Greek Royal Ministry of Foreign Affairs to the American Embassy*

MINISTÈRE ROYAL  
DES AFFAIRES ETRANGÈRES

No 2048

### N O T E V E R B A L E

The Royal Ministry of Foreign Affairs presents its compliments to the United States Embassy and, referring to negotiations which took place between the officials of the Ministry of Finance and the United States Embassy, would like to bring to the knowledge of the Embassy that the competent Hellenic authorities agree to the implementation of the following measures concerning the importation of goods by American personnel in Greece, under the Military Facilities Agreement:

TIAS 2868.  
4 UST, pt. 2, p.  
2189.

1. *Parcels delivered by military and naval post offices.*

- a) Incoming parcels will be immediately checked by competent American authorities.
- b) Recipients will be required when requested to open the parcels in the presence of security officials whenever this is considered expedient.
- c) Special note will be made of persons receiving a large number of parcels.
- d) Recipients will submit to the competent US authorities a list containing the "controlled articles" which they have imported.

2. *Post Exchange supplies.*

- a) The Post Exchange will issue individual cards to military,

naval and airforce personnel according to overseas regulations in force.

- b) Each person entitled to make purchases from the Exchange must produce his card in order to obtain his supplies from the Post Exchange. He will then be asked to declare that the articles delivered to him are intended for his exclusive use and for the use of his family.
- c) A ration card system will be established with regard to articles which may be disposed of easily owing to their nature.
- d) Controlled articles will be listed by the appropriate service of the Post Exchange and recorded with the competent US service which will keep a comprehensive account of the articles delivered to each person.

*3. Obtaining items from the Commissary*

- a) Any person wishing to obtain items from the Commissary should be provided with a special card. These cards will be issued only to persons entitled to receive them.
- b) Procurement of items from the Commissary will be effected upon producing this card. It is also necessary that each person concerned should certify that all items obtained from the Commissary are intended for exclusive use of himself or his family.
- c) Procurement of items from the Commissary will not be unlimited but a foreign currency restriction will be instituted consisting in fixing a monthly amount of dollars depending on the number of family members. In other words, the value of the items obtained from the Commissary will not exceed the above-mentioned amount per month.
- d) Instances of excessive procurements of certain items will be followed up and checked by the competent US officials.

*4. Obtaining liquors, alcoholic drinks, etc. from class VI Store.*

- a) Alcoholic drinks and liquors in general will be issued only to the personnel entitled to them.
- b) Each person concerned will be required to certify that the items obtained under the relative privilege are intended for exclusive use of himself or his family.
- c) A foreign exchange restriction will be instituted consisting of fixing a maximum sum in dollars per month for ob-

taining liquors in general and items of category VI. Therefore the value of alcoholic drinks purchased each month from the Store by each person entitled to do so must not exceed the above maximum limit.

5. *Imports through the USAF Transport Service.*

- a) The passengers and crews of all military planes arriving from abroad will declare all controlled items carried by them. These declarations will be sent to the competent Customs Authorities by the responsible US officials.
- b) The competent American Authorities will keep records of all imports of items liable to control, according to which they will notify the competent service of the United States and the latter will enter the items obtained by each person in a comprehensive account.

6. *Direct imports through Greek Customs.*

- a) Items imported through Greek Customs or the Greek Post Office will be taken delivery of on producing a certificate issued by the Competent American Service and showing the relative items. A list of the officials authorized to sign these certificates, with specimens of their signatures, will be sent to the Ministry of Finance to be further communicated to the Customs and Post Authorities.
- b) The American Authority which is competent for issuing the above certificates will keep records of all imports of items liable to control and it will notify the competent service of the United States of these while the latter will enter the items obtained by each person in a comprehensive account.
- c) Whenever a parcel is imported bearing the general indication "Household effects", the recipient will submit to the American Service which is competent for issuing the relative certificate a list showing all items liable to control which are contained in the parcel.

7. *Imports through the base supply officer.*

- a) Items arriving through the Greek Customs or the Greek Post Office in the name of the base supply officer will be taken delivery of by virtue of a certificate issued by the competent American Service showing the items which are being imported.

- b) Whenever among items received by the base supply officer as above there are some which are liable to control and intended for personal use, the officer in question will submit to the competent American Service a list showing the items liable to control which were received by each person, while the said Service will keep a comprehensive account.

Items subject to control procedures are set forth in enclosure No. 1 of this note.

The attached customs certificate<sup>[1]</sup> will be used for the clearance through customs of shipments for the United States Armed forces, civilian components, and their dependents.

In addition to the above specific measures, it is thought the competent Service of the United States should take the following general measures:

A. A special individual file should be instituted for each person concerned in which the competent American Service should enter all imported items which are "liable to control" irrespective of the method of importation, so as to facilitate the following up and control of these items. Every alteration (sale on payment of duties, duty-free transfer to another person entitled to exemption from duty etc.) should be noted in the file.

B. It should be forbidden to sell on the free market any item, no matter how it was taken delivery of, without approval of the Greek Customs Authorities.

The competent American Authorities should cooperate with the Greek Authorities in discovering eventual violations. Duty-free items received by any of the seven means enumerated above should be sold only following permission of the Greek Customs authorities and on payment of the relative duties and taxes.

As regards furniture of a value exceeding \$15, the following procedure should be observed:

On arrival of the furniture an inventory will be made by the owner and the competent Military Authorities of the USA which will maintain a record of such inventory. Another list of any pieces of this furniture which are eventually sold will be communicated to the Ministry of Finance.

Finally, in connection with cars and other vehicles (motorcycles, bicycles, etc.) these will be delivered by the Customs Authorities for free use by virtue of a special card for free use as provided for by Law 2544/53.

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<sup>1</sup> Not printed.

Transfer of duty-free items from one person to another belonging to the American Military Authorities and who is entitled to duty exemption will be effected only after approval of the competent Service of the USA which, as long as an item is liable to control, will make the necessary changes in the individual files of the persons involved.

C. The shipping, other than through authorized channels, of drinks and/or arms which can be hidden on a person, narcotics, and ammunition will be prohibited.

Upon receipt of a Note from the United States Embassy indicating that the foregoing provisions are acceptable to the United States Government, the Royal Greek Government will consider that this Note and the United States Embassy's reply thereto constitute an agreement between the two Governments on this subject which shall enter into force on the date of the Embassy's Note in reply.

The Royal Ministry avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

ATHENS, June 27, 1955 [SEAL]

Enclosures:

1. List of items subject to control procedures
2. Customs certificate [<sup>1</sup>]

To the

UNITED STATES EMBASSY  
*En Ville*

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<sup>1</sup> Not printed.

Enclosure No. 1

*List of Items Subject to Control Procedures*

Electric refrigerators  
Electric washing machines  
Electric water heaters  
Electric deep-freeze units  
Electric ranges  
Electric console radio-phonograph combinations  
Furniture in general, the original purchase price of which exceeded  
    \$15.00 (for sales purpose only)  
Radios  
Pianos  
Photographic equipment (cameras, projectors, etc.)  
Bicycles  
Motor Scooters  
Tape recorders  
Hunting guns  
Motor vehicles

*The American Embassy to the Greek Royal Ministry of Foreign Affairs*

No. 400

The Embassy of the United States of America presents its compliments to the Royal Ministry for Foreign Affairs and, with reference to the Ministry's Note No. 2048, dated June 27, 1955, specifying certain measures pertaining to the importation of goods by American personnel in Greece under the Military Facilities Agreement, has the honor to confirm that these measures meet with the approval of the competent authorities of the United States Government.

The Embassy avails itself of this opportunity to renew to the Royal Ministry for Foreign Affairs the assurances of its highest consideration.

AMERICAN EMBASSY,  
*Athens, June 27, 1955*

To the  
ROYAL MINISTRY FOR FOREIGN AFFAIRS  
*Athens*

# ITALY

## Surplus Agricultural Commodities: Allocation Under Mutual Security Act

TIAS 3369  
May 19, 1955

*Agreement effected by exchange of notes  
Signed at Rome May 19, 1955;  
Entered into force May 19, 1955.*

*The American Ambassador to the Italian Minister of Foreign Affairs*

AMERICAN EMBASSY,  
Rome, May 19, 1955

EXCELLENCY:

I have the honor to refer to the allocation to the Government of Italy of agricultural commodities valued at \$18.5 million, under Section 550 of the Mutual Security Act of 1951, as amended. ['] I wish to confirm herewith that this allocation, which was made on April 20, 1954, has been made with the following understanding:

1. The Government of Italy will pay for the agricultural commodities furnished under this allocation by depositing into a separate special account of the United States Government, upon notification of the amount of United States Government dollar disbursements, an amount of Italian lira equivalent to the United States dollar disbursements. The lira equivalent will be calculated at the rate of exchange applicable to all United States Government transactions in Italy pursuant to the agreement concluded on January 25, 1947, ['] and the agreement contained in the subsequent exchange of letters between the United States and Italian Governments dated April 15, 1948. ['] Such deposits of lira to the special United States account will be governed by the provisions regarding United States lira accounts contained in paragraph number 6(B) of the January 25, 1947 agreement.

2. The United States Government agrees to use the lira equivalent of \$300,000 for the dependent overseas territories program in Somalia, in accordance with the Agreement for a Technical Cooperation Program between the Government of Italy and the Government of the United States of America, dated June 28, 1954.

TIAS 3150.  
5 UST, pt. 3, p. 2022.

<sup>1</sup> See also 68 Stat. 849; 22 U. S. C. § 1754 (a).

\* Not printed.

3. The United States Government agrees to use the remaining balance of the lira equivalent of \$18.2 million for payments against offshore procurement contracts let in Italy after April 20, 1954.

The United States Government would appreciate receiving confirmation of the acceptability of the foregoing procedures to the Italian Government.

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

CLARE BOOTHE LUCE

His Excellency

GAETANO MARTINO

*Minister of Foreign Affairs of the  
Republic of Italy.*

*The Italian Minister of Foreign Affairs to the American Ambassador*

IL MINISTRO DEGLI AFFARI ESTERI

22/00707

ROMA, 19 Maggio 1955

ECCELLENZA,

con lettera in data odierna Ella ha voluto comunicarmi quanto segue:

"Ho l'onore di riferirmi all'assegnazione al Governo italiano di prodotti agricoli per un valore pari a \$18.500.000, ai sensi della Sezione 550 del Mutual Security Act del 1951, e successivi emendamenti. Desidero confermare con la presente che tale assegnazione, effettuata il 20 aprile 1954, è stata fatta sulla base delle seguenti intese:

1)–Il Governo italiano provvederà al pagamento dei prodotti agricoli forniti a seguito di questa assegnazione, depositando su un fondo speciale del Governo degli Stati Uniti, in base a notifica dell'importo degli esborsi in dollari effettuati dal Governo degli Stati Uniti, un importo in lire italiane equivalente agli esborsi in dollari degli Stati Uniti. L'equivalente in lire sarà determinato in base al tasso di cambio che si applica a tutte le transazioni del Governo degli Stati Uniti in Italia in conformità con l'Accordo concluso il 25 Gennaio 1947 e con l'Accordo contenuto nel successivo scambio di lettere tra i Governi degli Stati Uniti e dell'Italia, in data 15 aprile 1948. Tali depositi di lire sul conto speciale degli Stati Uniti saranno soggetti alle disposizioni concernenti i conti in lire degli Stati Uniti di cui al paragrafo 6 (B) dell'Accordo del 25 Gennaio 1947.

2)-Il Governo degli Stati Uniti è d'accordo che l'equivalente in lire di \$300.000 sia usato per il programma in favore dei dipendenti territori d'oltremare in Somalia, in conformità con l'Accordo per un Programma di Collaborazione Tecnica tra il Governo italiano e il Governo degli Stati Uniti d'America del 28 Giugno 1954.

3)-Il Governo degli Stati Uniti è d'accordo di destinare la quota rimanente dell'equivalente in lire, pari a dollari 18.200.000, per pagamenti relativi a contratti di commesse off-shore, stipulati in Italia dopo il 20 aprile 1954.

"Il Governo degli Stati Uniti gradirà ricevere conferma che la procedura sopraindicata risulta accettabile da parte del Governo italiano."

Ho l'onore di informarLa che il Governo italiano è d'accordo su quanto precede.

Mi è grata l'occasione per rinnovarLe, Eccellenza, l'espressione della mia più alta considerazione.

G. MARTINO

Sua Eccellenza

CLARE BOOTHE LUCE

*Ambasciatore degli Stati Uniti d'America  
Roma*

*Translation*

THE MINISTER OF FOREIGN AFFAIRS

22/00707

ROME, May 19, 1955

EXCELLENCY,

In a note dated today you were good enough to inform me as follows:

[For the English language text of the note, see *ante*, p. 3718.]

I have the honor to inform you that the Italian Government agrees to the foregoing.

I am happy to avail myself of the opportunity to renew to you, Excellency, the assurance of my highest consideration.

G. MARTINO

Her Excellency

CLARE BOOTHE LUCE,

*Ambassador of the United States of America,  
Rome.*

# YUGOSLAVIA

## Mutual Defense Assistance: Facilities Assistance Program

*Agreement effected by exchange of letters  
Signed at Belgrade September 30, 1955;  
Entered into force September 30, 1955.*

TIAS 3370  
Sept. 30, 1955

*The American Counsellor for Economic Affairs to the Yugoslav  
Counsellor of State, Secretariat of State for Foreign Affairs*

DEAR SIR,

I have the honor to refer to recent discussions between representatives of our two Governments concerning a special program of facilities assistance by the Government of the United States to the Government of the Federal People's Republic of Yugoslavia to be carried out in accordance with the principles and conditions set forth in the Agreement Regarding the Provision of Military Assistance between our two Governments, dated 14 November 1951, and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity of Yugoslavia to produce propellants and explosives, such increased capacity being urgently needed for the development and maintenance of Yugoslavia's own defensive strength and the promotion of international peace and security

TIAS 2349.  
2 UST 2254.

As a result of these discussions, the following understandings were arrived at:

1. The Government of Yugoslavia undertakes that in connection with the facilities assistance to be furnished by the United States:

a. It will not discriminate in the sale of propellants and explosives against any country receiving economic and military assistance from the United States in terms of the price charged, the quality made available, delivery dates or in other similar terms of sale.

b. It will maintain the additional facilities made available through United States assistance so that they will be in a condition

to produce propellants and explosives promptly when these may be required; but pending such time, equipment furnished by the United States and such additional facilities may be used for other purposes, provided such use will not interfere with the ready availability of such equipment and facilities for the production of propellants and explosives.

c. It will furnish all of the land, buildings, equipment, materials, and services required for the additional production facilities, except for the equipment and technical advice to be furnished by the Government of the United States, and will take whatever measures are required to accomplish the increase in production facilities envisaged in the program.

2. It is mutually understood that the appropriation of funds by the United States Congress for the Facilities Assistance Program was for the purpose of assisting in the creation of a net addition to European ammunition production capacity. In furtherance of this purpose, the Government of Yugoslavia undertakes that it will maintain or cause to be maintained in useable condition a total production capacity for propellants and explosives equal to the sum of (a) existing capacity, (b) capacity being provided under this agreement, and (c) such additional capacity as may now be under construction in Yugoslavia.

3. The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued compliance with this undertaking either unnecessary as a matter of defense or infeasible, the Yugoslav Government, may, after consultation with the United States Government, modify this undertaking to accord with such changed conditions.

4. The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Yugoslavia such production equipment and technical advice as may be mutually arranged as provided in paragraph (5) hereof.

5. In carrying out the facilities assistance program, our two Governments, acting through their appropriate contracting officers, will enter into supplementary arrangements covering the specific projects involved, which will set forth the nature and amounts of the contributions to be made by the Government of the United States and the Government of Yugoslavia, the description and purpose of the facilities to be established, and other appropriate details. Such arrangements may include provisions for the procurement of equipment to be furnished by the United

States Government from the Government of Yugoslavia under the offshore procurement program, and the transfer of such equipment to the Government of Yugoslavia in accordance with the provisions of the Agreement Regarding the Provision of Military Assistance.

I propose that if these understandings meet with the approval of the Government of Yugoslavia, the present letter and your letter in reply shall be considered as constituting a confirmation of these arrangements pursuant to Article I, Paragraph 1 of the Agreement Regarding the Provision of Military Assistance between our two Governments. This arrangement is to be effective on this date.

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

Done at Belgrade this September 30, 1955.

J.S.K.

James S. Killen  
Counsellor for Economic Affairs  
Embassy of the United States of  
America, Beograd

Mr. NENAD POPOVIĆ

Counsellor of State

Secretariat of State for Foreign Affairs,  
Federal People's Republic of Yugoslavia  
Beograd.

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The Yugoslav Counsellor of State, Secretariat of State for Foreign Affairs, to the American Counsellor for Economic Affairs

DEAR SIR,

I have the honor to acknowledge the receipt of your letter dated September 30, 1955 which reads as follows:

"I have the honor to refer to recent discussions between representatives of our two Governments concerning a special program of facilities assistance by the Government of the United States to the Government of the Federal People's Republic of Yugoslavia to be carried out in accordance with the principles and conditions set forth in the Agreement Regarding the Provision of Military Assistance between our two Governments, dated 14 November 1951, and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity of Yugoslavia to produce propellants and explosives, such increased capacity being urgently needed for the

development and maintenance of Yugoslavia's own defensive strength and the promotion of international peace and security.

As a result of these discussions, the following understandings were arrived at:

1. The Government of Yugoslavia undertakes that in connection with the facilities assistance to be furnished by the United States:

a. It will not discriminate in the sale of propellants and explosives against any country receiving economic and military assistance from the United States in terms of the price charged, the quality made available, delivery dates or in other similar terms of sale.

b. It will maintain the additional facilities made available through United States assistance so that they will be in a condition to produce propellants and explosives promptly when these may be required; but pending such time, equipment furnished by the United States and such additional facilities may be used for other purposes, provided such use will not interfere with the ready availability of such equipment and facilities for the production of propellants and explosives.

c. It will furnish all of the land, buildings, equipment, materials, and services required for the additional production facilities, except for the equipment and technical advice to be furnished by the Government of the United States, and will take whatever measures are required to accomplish the increase in production facilities envisaged in the program.

2. It is mutually understood that the appropriation of funds by the United States Congress for the Facilities Assistance Program was for the purpose of assisting in the creation of a net addition to European ammunition production capacity. In furtherance of this purpose, the Government of Yugoslavia undertakes that it will maintain or cause to be maintained in useable condition a total production capacity for propellants and explosives equal to the sum of (a) existing capacity, (b) capacity being provided under this agreement, and (c) such additional capacity as may now be under construction in Yugoslavia.

3. The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued compliance with this undertaking either unnecessary as a matter of defense or infeasible, the Yugoslav Government, may, after consultation with the United States Government, modify this undertaking to accord with such changed conditions.

4. The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Yugoslavia such production equipment and technical advice as may be mutually arranged as provided in paragraph (5) hereof.

5. In carrying out the facilities assistance program, our two Governments, acting through their appropriate contracting officers, will enter into supplementary arrangements covering the specific projects involved, which will set forth the nature and amounts of the contributions to be made by the Government of the United States and the Government of Yugoslavia, the description and purpose of the facilities to be established, and other appropriate details. Such arrangements may include provisions for the procurement of equipment to be furnished by the United States Government from the Government of Yugoslavia under the offshore procurement program, and the transfer of such equipment to the Government of Yugoslavia in accordance with the provisions of the Agreement Regarding the Provision of Military Assistance.

I propose that if these understanding meet with the approval of the Government of Yugoslavia, the present letter and your letter in reply shall be considered as constituting a confirmation of these arrangements pursuant to Article I, Paragraph 1 of the Agreement Regarding the Provision of Military Assistance between our two Governments. This arrangement is to be effective on this date."

I have the honor to inform you of the concurrence of my Government in the foregoing.

Accept, Dear Sir, the assurances of my highest consideration.  
Done at Belgrade this September 30, 1955.

NENAD POPOVIĆ.

Nenad Popović  
*Counsellor of State*  
*Secretariat of State for Foreign*  
*Affairs*  
*Federal People's Republic of Yugoslavia*

Mr. JAMES S. KILLEEN

*Counsellor for Economic Affairs,*  
*Embassy of the United States of America,*  
*Beograd*

# PERU

## Health and Sanitation: Cooperative Program

TIAS 3371  
Feb. 23 and  
Mar. 22, 1955

*Agreement extending the agreement of September 22 and 25, 1950.  
Effectuated by exchange of notes  
Signed at Lima February 23 and March 22, 1955;  
Entered into force April 5, 1955.*

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*The American Ambassador to the Peruvian Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES  
OF AMERICA, LIMA,

No. 256

*February 23, 1955.*

EXCELLENCY:

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955, the cooperative program in health being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative health program effected by an exchange of notes signed at Lima September 22, 1950, and September 25, 1950, be extended through June 30, 1960; provided that the obligations of the two parties with respect to this program after June 30, 1955, shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to Peru and the Minister of Public Health of Peru, or their designees, or by any successor officials or other authorized representatives of the two parties.

If this proposal is acceptable to your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the

TIAS 2162.  
1 UST 841.

extension may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of signature [1] of an operational extension agreement as referred to in the preceding sentence.

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

HAROLD H. TITTMANN

His Excellency

Dr. DAVID AGUILAR CORNEJO,  
*Minister of Foreign Affairs, Lima.*

*The Peruvian Minister of Foreign Affairs to the American  
Ambassador*

MINISTERIO  
DE  
RELACIONES EXTERIORES

Nº (D)6-3/23

LIMA, marzo 22 de 1955.

SEÑOR EMBAJADOR:

Tengo a honra remitir a Vuestra Excelencia una copia de la comunicación Nº 192-55-D., de fecha 15 del mes en curso, del Señor Ministro de Salud Pública y Asistencia Social, por la que el Gobierno del Perú acepta la prórroga, hasta el 30 de junio de 1960, del Convenio que establece el Programa Cooperativo de Salud Pública en nuestro país.

Al comunicar lo que antecede a Vuestra Excelencia, aprovecho la oportunidad para renovarle los sentimientos de mi más alta y distinguida consideración.

D. F. AGUILAR

Al Excelentísimo Señor

HAROLD H. TITTMANN,  
*Embajador Extraordinario y  
Plenipotenciario de los  
Estados Unidos de América.  
Lima.*

<sup>1</sup> Apr. 5, 1955.

*Translation*

MINISTRY  
OF  
FOREIGN AFFAIRS

No. (D) 6-3/23

LIMA, March 22, 1955.

MR. AMBASSADOR:

I have the honor to transmit to Your Excellency a copy of communication No. 192-55-D of the 15th of this month from the Minister of Public Health and Social Welfare, [1] in which the Government of Peru agrees to the extension to June 30, 1960, of the Agreement providing for the Cooperative Public Health Program in our country.

In communicating the foregoing to Your Excellency, I avail myself of the opportunity to renew to you the assurances of my highest and most distinguished consideration.

D. F. AGUILAR

His Excellency

HAROLD H. TITTMANN,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
Lima.*

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<sup>1</sup> Not printed.

# TURKEY

## Defense: Offshore Procurement Program

*Agreement effected by exchanges of notes  
Signed at Ankara June 29, 1955;  
Entered into force June 29, 1955.*

TIAS 3372  
June 29, 1955

*The American Ambassador to the Turkish President of the Council  
of Ministers and Acting Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
*Ankara, June 29, 1955.*

No. 1662

EXCELLENCY:

I have the honor to refer to the conversations held recently between representatives of our two Governments, resulting in the preparation of a "Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Turkey relating to Offshore Procurement" and an attached "Model Contract". These documents, the texts of which are attached, are acceptable to the United States Government.

As soon as the Embassy receives a note from your Government, indicating that the texts of the attached documents are acceptable to the Turkish Government, the United States Government will consider that this note and your reply to it constitute an Agreement between our two Governments concerning offshore procurement, such Agreement to enter into force on the date of your note in reply.

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

A. M. WARREN

His Excellency

ADNAN MENDERES,  
*President of the Council of Ministers and  
Acting Minister of Foreign Affairs,  
Ankara, Turkey.*

3729

**MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT  
OF THE REPUBLIC OF TURKEY RELATING TO OFFSHORE  
PROCUREMENT.**

This memorandum sets forth certain principles and policies which the Government of the United States of America (hereinafter called the United States Government) and the Government of the Republic of Turkey (hereinafter called the Turkish Government) have agreed will govern the United States Offshore Procurement Program in Turkey.

**1. Scope and Purpose of the Offshore Procurement Program**

It is the intent of the United States Government to procure in countries participating in the mutual security program those types of materials, services, supplies, construction and equipment appropriate either for mutual security military aid or for the direct use of United States Forces. The extent of this program in Turkey is dependent upon various considerations, including the ability of the United States Government to place contracts at reasonable prices with satisfactory delivery dates. It is intended that offshore procurement will materially contribute to the combined defense productive capacity of the nations which are members of the North Atlantic Treaty Organization and nations allied or associated with them for common defense, and will at the same time provide a means for increasing the dollar earnings of these countries.

The United States Government will conduct offshore procurement in accordance with the laws of the United States governing military procurement and the mutual security program. It is also the intent of the United States that the offshore procurement program shall be carried out in Turkey in furtherance of the principles set forth in Section 413 of the Mutual Security Act of 1954, the Mutual Defense Assistance Control Act of 1951, and Article II(3) of the Economic Cooperation Agreement between the United States and Turkey of July 4, 1948, as amended.

68 Stat. 846.  
22 U. S. C. § 1933.  
65 Stat. 644.  
22 U. S. C. § 1611  
note.

TIAS 1794.  
62 Stat., pt. 2,  
p. 2569.

**2. Intergovernmental Coordination**

The program of the United States Government for procurement of military end-items in Turkey will be coordinated with the defense program of the Turkish Government. Appropriate officials of the two Governments will consult on a continuing basis to study production problems and the carrying out of recommendations for the procurement of end-items required by the United States Government. The two Governments will exchange information, as needed, and on a continuing basis, with respect to procurement plans, production facilities in Turkey and progress in the achievement of production objectives in Turkey.

**3. Contract Placement by Contracting Officers**

It is understood that offshore procurement contracts will be placed and administered on behalf of the United States Government

by contracting officers of the United States Military Departments.

4. Parties to Contracts

United States contracting officers may contract directly with the Turkish Government or directly with individuals, firms, or other legal entities in Turkey.

5. Contract Assistance

The Turkish Government will, upon request of the contracting officer, provide assistance in the selection of contractors and subcontractors and will assist the United States Government and individual contractors, to the extent necessary and appropriate to facilitate the administering and carrying out of offshore procurement contracts.

6. Supply of Equipment, Materials and Manpower

The Turkish Government will accord to offshore procurement contractors and their subcontractors priorities for securing equipment, materials, manpower and services equal to those which are accorded contractors having similar types of contracts with the Turkish Government.

7. Security

In the case of procurement contracts placed by the United States Government with the Turkish Government, any classified material, including information, delivered by one Government to the other will be given a security classification by the recipient Government which will afford to the material substantially the same degree of security as that afforded by the originating Government and will be treated by the recipient Government as its own classified material of that security grading. The recipient Government will not use such material, or permit it to be used, for other than military purposes and will not disclose such material, or permit it to be disclosed, to another nation without the consent of the originating Government.

In the case of procurement contracts placed by the United States Government with private Turkish contractors, similar security arrangements for classified material will be followed. Classified material of the United States Government needed by a contractor will be delivered to the appropriate Ministry of the Turkish Government. An official of that Ministry will transmit the material to the contractor in such a way as to make the provisions of Turkish security laws and regulations applicable to it. Such material will, prior to transmittal, receive a security classification of the Turkish Government which will afford to the material substantially the same degree of security as that afforded by the United States Government, and, at the time of transmittal, the Turkish Government will notify the contractor that the classified material delivered to him is also classified material of the

Turkish Government and subject to the provisions of Turkish security laws and regulations.

The Turkish Government will, upon request, conduct a security investigation of any prospective Turkish contractor to the United States Government in the same manner as such investigations are conducted in cases of defense procurement by the Turkish Government, and a recommendation resulting from such investigation will be made to the United States Government.

No charges will be made by the Turkish Government for services rendered pursuant to this clause.

#### 8. Inspection

Inspection of all materials, services, supplies, construction and equipment procured by the United States Government in Turkey either from the Turkish Government or Turkish manufacturers and suppliers shall be carried out by representatives of the Turkish Government when requested by the United States Government. In such cases, the Turkish Government will certify to the United States Government that the products meet all specifications and other requirements of the contract. It is not the intention of the United States Government generally to duplicate inspections made by the Turkish Government, but the United States Government shall have the right to make independent inspections and verifications, and to make final decisions as to the acceptability of products. Inspection services (which term includes all materials and components furnished) rendered by the Turkish Government will be free of cost or charge to the United States Government.

#### 9. Credit Arrangements

It is understood that the Turkish Government will assist in providing Turkish contractors producing for the United States offshore procurement program treatment concerning commercial bank priorities equal to that accorded to Turkish business establishments producing for the defense or export program of Turkey.

#### 10. Licenses

The Turkish Government will grant, and facilitate the obtaining of, any necessary licenses, including exchange control, export and import licenses, which may be required in connection with any United States Government offshore procurement contract, whether placed in Turkey, other North Atlantic Treaty Organization countries, or other nations allied or associated with them for common defense, providing that the country concerned grants reciprocal treatment to Turkey in respect to offshore procurement contracts placed in Turkey.

#### 11. Taxes

The provisions of the Tax Relief Agreement between the United States of America and Turkey, dated June 23, 1954, as well as the  
TIAS 2996.  
5 UST, pt. 2, p. 1258.

agreed procedures thereunder, are applicable to contracts and sub-contracts previously let or which may be let under the United States offshore procurement program in Turkey.

#### 12. Standard Contract Clauses

Standard clauses have been approved by the two Governments for use, as appropriate, in contracts between them. Other clauses, including modification of standard clauses, may be included in individual contracts between the two Governments.

#### 13. Protection of United States Property and Personnel

(1) a) It is understood that any interest of the United States Government in property acquired through or used in connection with offshore procurement contracts in Turkey will be immune from legal process or seizure.

b) Likewise, it is understood that the United States Government is protected against suits or other legal action in Turkey as to any matter which may arise out of an offshore procurement contract.

(2) Contracting officers and other authorized procurement personnel of United States nationality who are in Turkey in connection with the offshore procurement program will be considered to enjoy the status of members of the United States Forces and their civilian component under the NATO Status of Forces Agreement signed at London on June 19, 1951, and supplementary arrangements. Such contracting officers and other authorized procurement personnel are also protected from legal suits or process in Turkey as to any matter which may arise out of an offshore procurement contract.

TIAS 2846.  
4 UST 1792.

#### 14. Destination of End-Items

Although the determination of specifications and other requirements of particular offshore procurement contracts may require a tentative identification of the recipient country to which the end-items are to be delivered, it is understood that the United States may subsequently amend any such prior determination and identification as to which country shall be the ultimate recipient of the end-items produced.

#### 15. Contract Terms

Inasmuch as the statutes of the United States prohibit utilization of a contract upon which payment is based on cost plus a percentage of cost, it is understood that such a system of determining payment shall not be employed in contracts entered into between the United States Government and either private contractors or the Turkish Government. Further, the Turkish Government advises that it will not utilize the type of contract in which payment is made on the basis of cost plus a percentage of cost in sub-contracts under any contract between the United States Government and the Turkish Government.

65 Stat. 7.  
50 U. S. C., app.  
§ 1211 *et seq.*

The Turkish Government advises that it does not have any law authorizing the recoupment of excess profits similar to the Renegotiation Act of the United States.

16. Reporting of Subcontracts

On such contracts as are entered into between the United States Government and the Turkish Government, the Turkish Government will furnish to the United States contracting officers such information as may be requested regarding the placement by the Turkish Government of subcontracts and purchase orders under such government-to-government contracts.

17. No Profits Clause

On offshore procurement contracts, it is understood that no profit of any nature, including net gains resulting from fluctuations in exchange rates, will be made by the Turkish Government. The Turkish Government agrees to determine whether it has realized any such profit, in which event, or in the event that the United States Government considers that such profit may have been realized, the Turkish Government agrees that it will immediately enter into conversations with the United States Government for the purpose of determining the existence and the amount of such profit. During these conversations, the Turkish Government shall furnish the United States Government such information as may be necessary to determine the facts. In the computation of profits hereunder, the contracts shall be taken collectively. If, as a result of conversations between the respective Governments, it is established that profit has been realized by the Turkish Government on such contracts, it shall refund the amount of the profit to the United States Government under arrangements and procedures to be agreed upon between the two Governments. At the request of either Government, a refund adjustment will be accomplished on completed contracts at the earliest practicable date, but this adjustment must be effected on or before December 31, 1956, or such later dates as may be mutually agreed upon by the two Governments. This article shall not be construed as affecting in any manner any profit refunding provisions as may be contained in individual contracts.

MODEL CONTRACT

Contract No. \_\_\_\_\_

NEGOTIATED CONTRACT FOR THE PROCUREMENT OF  
SUPPLIES, SERVICES AND MATERIALS IN TURKEY

This contract is entered into pursuant to the provisions of Section 2(c)(1) of the Armed Services Procurement Act of 1947, as amended (41 U.S. Code 151 et seq.) and other applicable law.

Funds Chargeable \_\_\_\_\_

Amount of Contract \_\_\_\_\_

Fiscal Officer \_\_\_\_\_

PAYMENT to be made in United States Dollars

by \_\_\_\_\_

at \_\_\_\_\_

to \_\_\_\_\_

This contract is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by and between the United States of America (hereinafter called the United States Government) represented by the Contracting Officer executing this contract and the Republic of Turkey (hereinafter called the Turkish Government) represented by \_\_\_\_\_.

This contract is executed subject to the agreement and conditions included in the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Turkey relating to procurement of supplies, services and materials, dated \_\_\_\_\_.

The parties hereto agree that the Turkish Government shall furnish and deliver all of the supplies and perform all the services set forth in the Schedule for the consideration stated therein.

Schedule Page 1 of \_\_\_\_\_ pages

SCHEDULE

| Item No. | Supplies or Services | Quantity<br>(Number of Units) | Unit | Unit Price<br>Excl Taxes | Amount<br>Excl Taxes                |
|----------|----------------------|-------------------------------|------|--------------------------|-------------------------------------|
|          |                      |                               |      |                          | TOTAL CONTRACT<br>PRICE EXCL TAXES: |

GENERAL PROVISIONS1. DEFINITIONS

As used throughout this contract the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under-Secretary, or any Assistant Secretary of the United States Military Department concerned; and the term "his duly authorized representative" means any person or persons (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the United States Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) The term "United States Government" means the United States of America.

(d) The term "Turkish Government" means the Republic of Turkey, or any officer duly authorized to act on behalf of the Turkish Government in relation to this contract.

(e) Except as otherwise provided in this contract, the term "subcontracts" means any agreement, contract, subcontract, or purchase order made by the Turkish Government with another party for the purpose of fulfilling the labor and material requirements which are directly attributable to the item to be manufactured or supplied under this contract, and any such agreements, contracts, subcontracts or purchase orders under such subcontract.

2. CHANGES

The Contracting Officer may at any time, by a written notice, make changes, within the general scope of this contract, in any one or more of the following:

- (i) Drawings, designs, or specifications;
- (ii) Method of shipment or packing; and
- (iii) Place of delivery.

If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Turkish Government for adjustment under this clause must be asserted within thirty days from the date of receipt by the Turkish Government of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. The Turkish Government shall proceed

with the contract as changed.

3. EXTRAS

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor has been authorized in writing by the Contracting Officer.

4. VARIATION IN QUANTITY

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

5. INSPECTION

(a) Adequate inspection and test of all supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) to insure conformity with drawings, designs and specifications of the contract shall be effected by the Turkish Government.

(b) The Turkish Government will furnish a certificate or certificates stating that the inspection has been made and that all supplies, services or materials covered by the certificate meet all requirements of the schedules, drawings, designs and specifications of the contract.

(c) United States Government representatives shall have the right to verify the certifications and to verify that (1) the end items conform to standards and to drawings, designs and specifications, and (2) the quantity of end items specified is delivered. United States representatives will notify the appropriate Turkish Government representatives when they intend to conduct inspections and such inspections will, insofar as feasible, be conducted promptly. Representatives of the Turkish Government shall have the right to participate in such verifications.

(d) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the United States Government shall have the right to either reject them (with or without recommendations as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or corrected in place, as requested by the Contracting Officer, by and at the expense of the Turkish Government promptly after notice, and shall not again be tendered for acceptance unless the former tender and either the rejection or requirement for correction is disclosed.

(1) The Turkish Government will provide and require their contractors and subcontractors to provide to the United States Government inspectors, without additional charge to the United States Government, reasonable facilities and assistance for the safety and convenience of the United States Government represen-

tatives in the performance of their duties. Final acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure by the United States Government to inspect and accept or reject supplies shall neither relieve the Turkish Government from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the United States Government therefor. However, if the Turkish Government considers that there is an undue delay by the United States Government in taking action on acceptance or rejection, it will so notify the United States and the two Governments will consult with a view toward amending the contract to provide for an equitable adjustment of the price or delivery schedule.

(2) The inspection and test by the United States Government of any supplies or lots thereof does not relieve the Turkish Government from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to final acceptance. Except as otherwise provided in this contract, final acceptance shall be conclusive except as regards defects which could not have been discovered by normal inspection methods appropriate to the industry concerned.

(e) The Turkish Government shall provide and maintain an inspection system acceptable to the United States Government covering the supplies hereunder. Records of all inspection work by the Turkish Government shall be kept complete and available to the United States Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

#### 6. RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (1) the Turkish Government shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; and (2) the Turkish Government shall bear all risks as to rejected supplies after notice of rejection.

#### 7. TERMINATION

(a) The performance of work under this contract may be terminated by the United States Government in accordance with this clause in whole, or, from time to time, in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the United States Government. Any such termination shall be effected by delivery to the Turkish Government of a Notice of Termination specifying to the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise requested by the Contracting Officer, the Turkish Government shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place

no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the United States Government, in the manner, at the times, and to the extent requested by the Contracting Officer, all of the right, title, and interest of the Turkish Government under the orders and subcontracts so terminated; (5) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer to the extent he may require, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the United States Government, in the manner, at the times, and to the extent requested by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the United States Government; (7) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices requested or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph; provided, however, that the Turkish Government (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer; and provided further that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the United States Government to the Turkish Government under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may request; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may request, for the protection and preservation of the property related to this contract which is in the possession of the Turkish Government and in which the United States Government has or may acquire an interest. Within sixty (60) days following the receipt by the Contracting Officer of acceptable inventory schedules covering all items of a particular property classification, such as raw materials, purchased parts and work in process, of the termination inventory at any one plant or location, or by such later date as may be agreed to by the Contracting Officer, the Turkish Government may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been requested or authorized by the Contracting Officer, and may request the United States Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the United States Government will accept title to such items and remove them or enter into a storage agreement covering the same, provided that the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored,

within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Turkish Government shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than two years from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Turkish Government made in writing within such two-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such two-year period or any extension thereof. If no such claim is submitted within said period of two years plus any extensions, the Contracting Officer may determine the amount due and the amount so determined shall be paid to the Turkish Government in full settlement of the termination; ~~provided~~ that the Contracting Officer shall first give the Turkish Government written notice of the amount thus determined and the Turkish Government shall have ninety (90) days from receipt of such notice within which to protest the amount of the determination. If the Turkish Government does make such a protest to the United States Government, the two Governments shall, as promptly as possible, consult with each other with a view toward settling the amount due.

(d) In mutually arriving at a settlement hereunder, the Turkish Government and the Contracting Officer may agree upon the amount to be paid to the Turkish Government as fair compensation for the work under the terminated contract, or, if the contract is only partially terminated, as fair compensation for the terminated part thereof.

(e) In arriving at a determination of the amount of compensation to be paid to the Turkish Government in the event of the omission of the Turkish Government to file a termination claim within the required time, the Contracting Officer may be guided to the extent applicable by the "Statement of Principles for Determination of Costs" set forth in Part 4 of Section VIII of the Armed Services Procurement Regulation as in effect on the date of this contract, or by any other sound principles of cost determination; it being understood by both Governments that although the Contracting Officer is not required to be guided by the "Statement of Principles" in making such determination, he will ordinarily be so guided.

32 CFR, 1954 Rev.  
§ 8.402.

(f) In arriving at the amount due the Turkish Government under this clause there shall be deducted (1) all unliquidated payments on account theretofore made to the Turkish Government, (2) any claim which the United States Government may have against the Turkish Government in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Turkish Government or sold, pursuant to the provisions of this clause, and not otherwise

recovered by or credited to the United States Government.

(g) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Turkish Government may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination) and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(h) Upon notification to the United States Government by the Turkish Government that the Turkish Government is precluded from performing the contract in accordance with its terms and conditions due to circumstances beyond its control, the two Governments will consult with a view toward negotiating an amendment to this contract. If the two Governments cannot agree to an amendment extending the time of performance or otherwise modifying the contract so as to enable the Turkish Government to perform it, the United States Government may terminate this contract. Any such termination shall be without cost to the United States Government and without liability of either Government to the other; provided that the parties hereto may agree upon the transfer to the United States Government of any or all of the property of the types described in paragraph (b)(6) above, in which event the United States Government will pay to the Turkish Government (i) the price provided in the contract for items completed in accordance with the contract requirements, and (ii) a price mutually agreed upon for other items.

(i) Unless otherwise provided for in this contract, the Turkish Government, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the United States Government at all reasonable times at the office of the Turkish Government but without direct charge to the United States Government, all its books, records, documents, and other evidence bearing on the costs and expenses of the Turkish Government under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, micro-photographs, or other authentic reproductions thereof.

#### 8. TAXES

(a) The contract prices, including the prices in sub-contracts hereunder, do not include any tax or duty, which the United States Government and the Turkish Government have agreed shall not be applicable to expenditures in Turkey by the United States, or any other tax or duty not applicable to this contract under the laws of Turkey. If any such tax or duty has been included in the contract prices through error or otherwise, the contract prices shall be correspondingly reduced.

(b) If, after the contract date, the United States Government and the Turkish Government shall agree that any tax or duty

included in the contract prices shall not be applicable to expenditures in Turkey by the United States, the contract prices shall be reduced accordingly.

#### 9. SUBCONTRACTING

(a) The Turkish Government undertakes that in any subcontract made in connection with this contract they will employ the same procurement methods and procedures as they employ in contracting for their own requirements.

(b) The Turkish Government agrees to indemnify and save harmless the United States Government against all claims and suits of whatsoever nature arising under or incidental to the performance of this contract, by any subcontractor against the Turkish Government or the United States Government.

#### 10. PAYMENTS

The Turkish Government shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the United States Government when the amount due on such deliveries so warrants; or, when requested by the Turkish Government, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either \$1,000 or 50% of the total amount of this contract.

#### 11. UNITED STATES OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress of the United States, or resident commissioner of the United States, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

#### 12. COVENANT AGAINST CONTINGENT FEES

The Turkish Government warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Turkish Government for the purpose of securing business. For breach or violation of this warranty the United States Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

**13. GRATUITIES**

Provisions embodied in United States statutes relating to the action which may be taken in the event it is determined that a gratuity has been offered or given to any officer or employee of the United States Government in connection with a contract shall be applicable to this contract.

**14. FILING OF PATENT APPLICATIONS**

While and so long as the subject matter of this contract is classified security information of the United States Government, the Turkish Government agrees that it will not file, or cause to be filed, an application for patent, or other like statutory protection, disclosing any of said subject matter without referring the proposed application to the Contracting Officer for determination as to whether, for reasons of United States security, such application shall be held in secrecy.

**15. COPYRIGHT**

(a) The Turkish Government agrees to and does hereby grant to the United States Government, and to its officers, agents and employees acting within the scope of their official duties, (i) a royalty-free, non-exclusive and irrevocable license to publish, translate, reproduce, deliver, perform, use, and dispose of, and to authorize, in behalf of the United States Government or in the furtherance of mutual defense, others so to do, all copyrightable material first produced or composed and delivered to the United States Government under this contract by the Turkish Government, its employees or any individual or concern specifically employed or assigned to originate and prepare such material and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the Turkish Government in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent that the Turkish Government now has or prior to completion of final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(b) The Turkish Government agrees that it will exert all reasonable effort to advise the Contracting Officer, at the time of delivering any copyrightable or copyrighted work furnished under this contract, of any adversely held copyrighted or copyrightable material incorporated in any such work and of any invasion of the right of privacy therein contained.

(c) The Turkish Government agrees to report to the Contracting Officer, promptly and in reasonable written detail, any notice or claim of copyright infringement received by the Turkish Government with respect to any material delivered under this contract.

**16. GUARANTY**

The Turkish Government undertakes that the benefit of any

guarantee obtained in respect of any subcontract shall be passed on to the United States Government.

#### 17. SECURITY

Any materials, documents, designs, drawings or specifications delivered by the United States Government to the Turkish Government and any materials, documents, designs, drawings, specifications or supplies delivered by the Turkish Government to the United States Government in the performance of this contract, which are classified by the originating Government as "Top Secret", "Secret" or "Confidential", shall be given a security classification by the recipient Government which will afford to the material substantially the same degree of security as that afforded by the originating Government and shall be treated by the recipient Government as its own classified material of that security grading.

The recipient Government will not use such material including information, or permit it to be used, for other than military purposes and will not disclose such material, or permit it to be disclosed, to another nation without the consent of the originating Government.

The recipient Government will, upon request, give to the originating Government an acknowledgment of receipt in writing for any such classified material.

The recipient Government agrees to include appropriate provisions covering military security material including information in all subcontracts hereunder.

#### 18. TECHNICAL INFORMATION

The Turkish Government agrees that the United States Government shall have the right to duplicate, use and disclose, in behalf of the United States Government or in the furtherance of mutual defense, all or any part of the reports, drawings, blueprints, data and technical information, specified to be delivered by the Turkish Government to the United States Government under this contract, provided that the granting of such rights shall be to the extent that the Turkish Government is able to obtain and grant such rights. Nothing contained in this clause, in itself, shall grant any right or license to use, sell, or reproduce any patented article; it is strictly limited to reports, drawings, blueprints, data and technical information.

#### 19. ASSIGNMENT OF CLAIMS

No claim arising under this contract shall be assigned by the Turkish Government except as follows:

(a) If this contract provides for payments aggregating \$1,000 or more, claims for moneys due or to become due the Turkish Government from the United States Government under this contract

may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret", "Secret", or "Confidential", be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same; provided, that a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed to such assignee upon the prior written authorization of the Contracting Officer.

#### 20. REPORTING OF ROYALTIES

If this contract is in an amount which exceeds \$10,000, the Turkish Government agrees to report in writing to the Contracting Officer during the performance of this contract the amount of royalties paid or to be paid by it directly to others in the performance of this contract. The Turkish Government further agrees (i) to furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer, and (ii) to insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of ten thousand United States dollars.

#### 21. EXAMINATION OF RECORDS

The following clause is applicable to the extent required by the laws of the United States:

(a) The Turkish Government agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Turkish Government involving transactions related to this contract.

(b) The Turkish Government further agrees to include in all its subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract with the United States Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding \$1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

The rights and obligations of the parties to this contract shall be subject to and governed by the Cover Sheet, the Schedule consisting of \_\_\_\_\_ numbered pages, the General Provisions consisting of 10 numbered pages and this Signature Sheet. To the extent of any inconsistency between the Schedule or the General Provisions, and any specifications or other provisions which are made a part of this contract by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control. It is agreed that quotations and/or conversations leading up to and during the negotiations of this contract have been consummated by signing this contract which, together with the Memorandum of Understanding, dated \_\_\_\_\_ constitutes the entire agreement between the parties hereto. While it is intended that the provisions of this contract will be carried out in a spirit of mutual agreement between the two Governments, it is understood that the Contracting Officer and other United States personnel concerned with the administration or interpretation of this contract will be guided by rules and principles which are applicable generally to procurement contracts of the United States Government.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE REPUBLIC OF TURKEY

THE UNITED STATES OF AMERICA

By \_\_\_\_\_ By \_\_\_\_\_

(Authorized Officer)

(Contracting Officer)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Address)

For \_\_\_\_\_

*The Turkish Secretary General of the Ministry of Foreign Affairs  
to the American Ambassador*

TÜRKİYE CUMHURİYETİ  
DİŞİŞLERİ VEKÂLETİ<sup>[1]</sup>

EKO/OS(3)-2881

ANKARA, June 29, 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 1662, of this date, enclosing texts of a "Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Turkey relating to Offshore Procurement" and an attached "Model Contract".

I am pleased to inform you, in accordance with the proposal in your Excellency's note, that the texts of these documents, also attached to this note, <sup>[2]</sup> are acceptable to the Turkish Government. Your note No. 1662 and the present note, accordingly, are considered to constitute an Agreement between our two Governments concerning offshore procurement, which enters into force on this date.

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

M NURI BIRGI

His Excellency

AVRA M. WARREN

*Ambassador of the United States  
of America  
Ankara*

*The American Ambassador to the Turkish President of the Council of  
Ministers and Acting Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,

Ankara, June 29, 1955.

EXCELLENCY:

I have the honor to refer to my note No. 1662 of this date and your reply thereto by note No. EKO/OS(3)2881 of this date,

<sup>1</sup> Republic of Turkey  
Ministry of Foreign Affairs

<sup>2</sup> Attachments not printed; see *ante*, p. 3730.

constituting an Agreement between our two Governments concerning offshore procurement.

In accordance with the understanding that the United States Government intends to conduct the offshore procurement program in accordance with relevant United States legislation and in furtherance of the principles set forth in certain United States statutes, it is understood that, in order to carry out this intention, the United States Embassy in Ankara may from time to time submit the names of certain firms and individuals who in its opinion have acted contrary to the mutual security interest of our two countries. It is further understood that no contract or subcontract will be awarded to these firms and individuals under the offshore procurement program except as mutually agreed by the United States and Turkish Governments.

I would be grateful, Excellency, if you would confirm the agreement of the Turkish Government with respect to the above understanding.

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

A. M. WARREN

His Excellency

ADNAN MENDERES,

*President of the Council of Ministers and  
Acting Minister of Foreign Affairs,  
Ankara, Turkey.*

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*The Turkish Secretary General of the Ministry of Foreign Affairs  
to the American Ambassador*

TÜRKİYE CUMHURİYETİ  
HARİCİYE VEKÂLETİ<sup>1</sup> [1]

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EKO/OS(3)-2882

ANKARA, June 29, 1955

EXCELLENCY:

I have the honor to refer to your note No. 1663 of this date, referring to the Agreement concerning offshore procurement entered into by our Governments on this date, in which you stated:

"In accordance with the understanding that the United States Government intends to conduct the offshore procurement

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<sup>1</sup> Republic of Turkey  
Ministry of Foreign Affairs

program in accordance with relevant United States legislation and in furtherance of the principles set forth in certain United States statutes, it is understood that, in order to carry out this intention, the United States Embassy in Ankara may from time to time submit the names of certain firms and individuals who in its opinion have acted contrary to the mutual security interest of our two countries. It is further understood that no contract or subcontract will be awarded to these firms and individuals under the offshore procurement program except as mutually agreed by the United States and Turkish Governments."

I am pleased to inform you of the agreement of the Turkish Government with respect to the above understanding.

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

M NURI BIRGI

His Excellency

AVRA M. WARREN

*Ambassador of the United States  
of America  
Ankara*

# ECUADOR

## Education: Cooperative Program

*Agreement extending the agreement of September 15, 1950.*

*Effectuated by exchange of notes*

*Signed at Quito March 17 and April 12, 1955;*

*Entered into force April 26, 1955.*

TIAS 3373  
March 17, and  
Apr. 12, 1955

*The American Ambassador to the Ecuadoran Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Quito, March 17, 1955*

No. 154

### EXCELLENCY:

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955 the cooperative program in education being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative education program effected by an exchange of notes signed at Quito September 15, 1950, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative education program pursuant to arrangements entered into by the Director of the United States Operations Mission to Ecuador and the Minister of Education of Ecuador, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2211.  
2 UST 596.

If this proposal is acceptable to Your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the exten-

sion may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of signature [<sup>1</sup>] of an operational extension agreement as referred to in the preceding sentence.

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

SHELDON T. MILLS

His Excellency

Dr. LUIS ANTONIO PEÑAHERRERA,  
Minister of Foreign Affairs,  
Quito.

*The Ecuadoran Acting Minister of Foreign Affairs to the American Ambassador*

REPUBLICA DEL ECUADOR  
MINISTERIO DE RELACIONES EXTERIORES

Nº 34 DDP.

QUITO, a 12 abr 1955

SEÑOR EMBAJADOR:

De conformidad con el ofrecimiento que formulé en mi nota número 26-DDP., de 30 del mes próximo pasado, tengo a honra comunicar a Vuestra Excelencia que el Ministerio de Educación Pública expresa que acepta con todo agrado la propuesta de prórroga hasta el 30 de junio de 1.960 del Convenio referente al Programa Cooperativo de Educación, el mismo que se formalizó mediante el intercambio de notas firmadas en Quito el 15 de setiembre de 1.950.

Mi Gobierno está, pues, dispuesto para suscribir el mencionado Convenio de Prórroga, inmediatamente que, de común acuerdo, se estudien y se acepten los términos para la operación de la citada prórroga.

Me es grato también manifestarle que no existe ningún inconveniente para que tanto la nota número 154, de 17 de

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<sup>1</sup> Apr. 26, 1955.

marzo pasado, de esa Honorable Embajada, así como esta respuesta afirmativa, constituyan parte integrante del Convenio a suscribirse.

Aprovecho de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

ADOLFO JURADO GONZÁLEZ

Adolfo Jurado González,  
Ministro de Educación, Encargado de la  
Cartera de Relaciones Exteriores.

Al Excelentísimo Señor Don SHELDON T. MILLS,  
*Embajador Extraordinario y Plenipotenciario de los*  
*Estados Unidos de América.*  
*Presente.*

*Translation*

REPUBLIC OF ECUADOR  
MINISTRY OF FOREIGN AFFAIRS

No. 34 DDP.

QUITO, April 12, 1955

MR. AMBASSADOR:

Pursuant to the suggestion which I made in my note No. 26-DDP. of March 30, 1955, [¹] I have the honor to inform Your Excellency that the Ministry of Public Education states that it is most happy to accept the proposal for an extension to June 30, 1960, of the agreement relating to the cooperative education program which was formalized through the exchange of notes signed at Quito on September 15, 1950.

My Government is therefore prepared to sign the above-mentioned extension agreement as soon as the terms for the operation of the said extension have, by common accord, been studied and accepted.

I am also pleased to inform you that there is no objection to having both note No. 154 of March 17, 1955, from your Embassy, and this affirmative reply constitute an integral part of the agreement to be signed.

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<sup>1</sup> Not printed.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

ADOLFO JURADO GONZÁLEZ

Adolfo Jurado González

*Minister of Education*

*Acting Minister of Foreign Affairs*

His Excellency

SHELDON T. MILLS,

*Ambassador Extraordinary and Plenipotentiary*

*of the United States of America,*

*City.*

# HONDURAS

## Agriculture: Cooperative Program

*Agreement extending the agreement of January 30, 1951,  
as supplemented.*

TIAS 3374  
Apr. 27, 1955

*Signed at Tegucigalpa April 27, 1955;  
Entered into force April 27, 1955.*

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### SUPPLEMENTAL AGREEMENT

#### COOPERATIVE AGRICULTURE PROGRAM IN HONDURAS

The agreement for a cooperative agriculture program between the Government of the United States and the Government of Honduras signed at Tegucigalpa on January 30, 1951, as supplemented, is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the parties thereunder after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other thirty days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative agriculture program pursuant to arrangements entered into by the Director of the United States Operations Mission to Honduras and the Minister of Natural Resources of Honduras, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2209.  
2 UST 577.

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at  
Tegucigalpa this twentyseventh day of April, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
**WYMBERLEY DE R. COERR**

Wymberley DeR. Coerr  
*Chargé d'Affairs*

**JOHN L. HUMMEL**  
*Director of the United States Operations  
Mission to Honduras*

**WILLIAM B. PACE**  
*Chief of Field Party, Division of Agriculture  
and Natural Resources.  
The Institute of Inter-American Affairs  
of the Foreign Operations Administration.*

FOR THE GOVERNMENT OF HONDURAS

[SEAL] **ESTEBAN MENDOZA**  
*Minister of Foreign Relations*

**ANGEL SEVILLA, Jr.** [SEAL]  
*Minister of Natural Resources*

**CONVENIO SUPLEMENTARIO**  
**PROGRAMA COOPERATIVO DE AGRICULTURA EN**  
**HONDURAS**

El convenio para un programa cooperativo de agricultura entre el Gobierno de Honduras y el Gobierno de los Estados Unidos firmado en Tegucigalpa el día treinta de enero de mil novecientos cincuenta y uno, según suplementado, se extiende por este medio hasta el 30 de Junio de 1960. Las operaciones especificadas en el convenio mencionado arriba se extienden hasta el 30 de Junio de 1960 bajo el conocimiento de que las obligaciones de las partes contratantes después del 30 de Junio de 1955 estarán sujetas a la disponibilidad de fondos. El convenio mencionado arriba puede darse por terminado en cualquier tiempo por cualesquiera de las partes, dando aviso por escrito treinta días antes, de la intención de darlo por terminado. Se entiende que ambas partes pueden hacer contribuciones financieras al programa cooperativo de agricultura de acuerdo con los arreglos hechos por el Ministro de Recursos Naturales de Honduras y el Director de la Misión de Operaciones Exteriores en Honduras, las personas designadas por ellos, o por cualesquiera sucesores oficiales u otros representantes autorizados por ambas partes.

Este convenio entrará en vigor en la misma fecha en que sea firmado.

DADO en duplicado en los idiomas español e inglés en la ciudad de Tegucigalpa, este día veintisiete de abril de mil novecientos cincuenta y cinco.

POR EL GOBIERNO DE HONDURAS

[SEAL] ESTEBAN MENDOZA  
*Ministro de Relaciones Exteriores*

ANGEL SEVILLA, Jr. [SEAL]  
*Ministro de Recursos Naturales*

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA

WYMBERLEY DeR. COERR

Wymberley DeR. Coerr  
*Encargado de Negocios, a. i.*

JOHN L. HUMMEL  
*Director de la Misión de Operaciones  
Exteriores de los EE.UU. en Honduras.*

WILLIAM B. PACE  
*Jefe del Grupo de Técnicos de la División  
de Agricultura y Recursos Naturales  
Instituto de Asuntos Interamericanos de  
la Administración de Operaciones Exteriores.*

# HONDURAS

## Education: Cooperative Program

*Agreement extending the agreement of April 24, 1951,  
as supplemented.*

TIAS 3375  
Apr. 27, 1955

*Signed at Tegucigalpa April 27, 1955;  
Entered into force April 27, 1955.*

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### SUPPLEMENTAL AGREEMENT

### COOPERATIVE EDUCATION PROGRAM IN HONDURAS

The agreement for a cooperative education program between the Government of the United States and the Government of Honduras signed at Tegucigalpa on April 24, 1951, as supplemented, is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the parties thereunder after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other thirty days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative education program pursuant to arrangements entered into by the Director of the United States Operations Mission to Honduras and the Minister of Education of Honduras, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2333.  
2 UST 2042.

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at  
Tegucigalpa this twentyseventh day of April, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
**WYMBERLEY DeR. COERR**

Wymberley DeR. Coerr  
*Charge d'Affairs, a. i.*

**JOHN L. HUMMEL**  
*Director of the United States Operations  
Mission to Honduras*

**CLAIR J. BUTTERFIELD**  
*Chief of Field Party, Education Division  
The Institute of Inter-American Affairs  
of the Foreign Operations Administration*

FOR THE GOVERNMENT OF HONDURAS

[SEAL] **ESTEBAN MENDOZA**  
*Minister of Foreign Relations*

[SEAL] **ENRIQUE ORTES P**  
*Minister of Education*

**CONVENIO SUPLEMENTARIO**  
**PROGRAMA COOPERATIVO DE EDUCACION EN**  
**HONDURAS**

El convenio para un programa cooperativo de educación entre el Gobierno de Honduras y el Gobierno de los Estados Unidos firmado en Tegucigalpa el día veinticuatro de abril de mil novecientos cincuenta y uno, según suplementado, se extiende por este medio hasta el 30 de Junio de 1960. Las operaciones especificadas en el convenio mencionado arriba se extienden hasta el 30 de Junio de 1960 bajo el conocimiento de que las obligaciones de las partes contratantes después del 30 de Junio de 1955 estarán sujetas a la disponibilidad de fondos. El convenio mencionado arriba puede darse por terminado en cualquier tiempo por cualesquiera de las partes, dando aviso por escrito treinta días antes, de la intención de darlo por terminado. Se entiende que ambas partes pueden hacer contribuciones financieras al programa cooperativo de educación de acuerdo con los arreglos hechos por el Ministro de Educación de Honduras y el Director de la Misión de Operaciones Exteriores de los Estados Unidos en Honduras, las personas designadas por ellos, o por cualesquiera sucesores oficiales u otros representantes autorizados por ambas partes.

Este convenio entrará en vigor en la misma fecha en que sea firmado.

DADO en duplicado en los idiomas español e inglés en la ciudad de Tegucigalpa, este día veintisiete de abril de mil novecientos cincuenta y cinco.

POR EL GOBIERNO DE HONDURAS

[SEAL] ESTEBAN MENDOZA  
*Ministro de Relaciones Exteriores*

[SEAL] ENRIQUE ORTES P  
*Ministro de Educación*

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA

WYMBERLEY DeR. COERR

Wymberley DeR. Coerr  
*Encargado de Negocios, a. i.*

JOHN L. HUMMEL  
*Director de la Misión de Operaciones  
Exteriores de los EE.UU. en Honduras.*

CLAIR J. BUTTERFIELD  
*Jefe del Grupo de Técnicos de la  
División de Educación  
Instituto de Asuntos Interamericanos de  
la Administración de Operaciones Ex-  
teriores*

# HONDURAS

## Inter-American Highway

*Agreement amending the agreement of September 9  
and October 26, 1942.*

TIAS 3376  
May 10, 12, 1955

*Effect by exchange of notes  
Signed at Tegucigalpa May 10 and 12, 1955;  
Entered into force May 12, 1955.*

*The Honduran Minister for Foreign Affairs to the American  
Ambassador*

SECRETARIA DE RELACIONES EXTERIORES  
DE LA  
REPUBLICA DE HONDURAS

SECCION DIPLOMATICA:

Nota No. 530.-A. L.

PALACIO NACIONAL:  
Tegucigalpa, D. C., 10 de Mayo de 1955.

SEÑOR EMBAJADOR:

Tengo la honra de referirme al convenio entre nuestros Gobiernos efectuado mediante canje de notas el 9 de Septiembre y 26 de Octubre de 1942 con respecto a la Ley Pública de los Estados Unidos No. 375,55 Estatuto, 860, aprobado el 26 de Diciembre de 1941 que estipula la cooperación de los Estados Unidos de América con las Repúblicas centroamericanas en la construcción de la Carretera Interamericana. Asimismo hago referencia a Ley Pública 769 aprobado el 7 de Septiembre de 1950, enmendando la Ley Pública 375 que contiene ciertas provisiones adicionales con relación a la futura construcción cooperativa de esta carretera.

A este respecto y con autorización específica de mi Gobierno, por la presente solicito formalmente la participación de Honduras en la proyectada continuada cooperación en dicha construcción.

Asimismo estoy facultado para ofrecer las seguridades requeridas en la Sección 11 de la Ley Pública 769, aprobado el 7 de Septiembre de 1950 en el sentido que el Gobierno de Honduras asiente a las provisiones del mismo y que cuenta con un organismo adecuadamente capacitado para administrar las funciones requeridas de Honduras de conformidad con la ley. Mi Gobierno asimismo conviene, como lo especifica la ley, que las solicitudes que éste haga de tiempo en tiempo para obtener fondos de los Estados

Unidos de América de partidos autorizados por la ley, serán para la construcción de tramos de la carretera de conformidad con normas adecuadas para llenar las demandas actuales y futuras del tráfico.

A menos que el Secretario de Estado de los Estados Unidos de América determine lo contrario con referencia a proyectos específicos en Honduras relativos a distintos tramos de la Carretera, es entendido que de conformidad con la ley los desembolsos de fondos de los Estados Unidos de América no se harán en proyecto alguno a menos que Honduras aporte y haga disponibles para su desembolso en relación al mismo una suma igual a por lo menos una tercera parte del desembolso total hecho por ambos Gobiernos.

El Gobierno de Honduras reconoce los requisitos de ley en el sentido de que en dichos proyectos para tramos de la Carretera todos los desembolsos que se hagan para la compra de material, equipo y abastecimientos se harán, siempre que sea práctico, para la compra de productos de los Estados Unidos de América o de Honduras; y la obra de construcción a realizarse bajo contrato, será dada a la publicidad por un tiempo razonable por el Ministro de Fomento de Honduras, otorgándose contratas de conformidad con dichos avisos con la aprobación del Secretario del Comercio de los Estados Unidos de América.

Además y como se convino en recientes conversaciones entre representantes de la Embajada de Honduras en los Estados Unidos y funcionarios del Departamento de Estado de los Estados Unidos de América, el Gobierno de Honduras desea informar al Gobierno de Vuestra Excelencia que específicamente conviene, de conformidad con la ley:

- 1) Que suministrará, sin la participación de fondos de los Estados Unidos, toda la servidumbre de paso que sea necesaria para la construcción de la Carretera Interamericana en Honduras, cual servidumbre de paso será de ancho mínimo en donde sea práctico, de 100 metros en zonas rurales y de 50 metros en municipalidades y que dicha servidumbre de paso por siempre será inviolable como parte de la carretera para uso público;
- 2) Que no impondrá ni permitirá que se cobre portazgo por el uso por parte de vehículos o personas de tramo alguno de la Carretera construida de conformidad con las estipulaciones de la mencionada ley aprobada el 26 de Diciembre de 1941 y enmiendas a la misma;
- 3) Que no gravará ni fijará, directa o indirectamente cuota, tasa u otro cargo por el uso de dicha carretera por parte de

vehículos o personas de los Estados Unidos de América que no sea igualmente aplicable a vehículos o personas de Honduras; y que no impondrá ni gravará, directa o indirectamente, cuotas, tasas u otros cargos por el uso de dicha carretera por parte de vehículos del Gobierno de los Estados Unidos de América;

4) Que continuará otorgando reconocimiento recíproco a la matrícula de vehículos y permisos para conducir de conformidad con las provisiones de la Convención para la Reglamentación del Tráfico Automovilístico interamericano inaugurada para su firma en la Unión Panamericana de Washington el 15 de Diciembre de 1943, y de la cual son firmantes Honduras y los Estados Unidos de América, o de cualquiera otro tratado o convenio internacional que establezca reconocimiento recíproco similar; y

5) Que mantendrá el tramo actualmente terminado de dicha Carretera y toda sección del tramo incompleto de la misma, a medida que cada sección sea terminada, en condición adecuada para llenar las necesidades del tráfico actual y futuro y que, hasta donde sea práctico, suministrará el mantenimiento de todos los tramos parcialmente terminados de dicha carretera que hayan sido o sean inaugurados para el tráfico.

Mi Gobierno asimismo conviene que en reconocimiento del hecho que la Carretera Interamericana es proyecto de inusitada significación de carácter económico y cultural para Honduras, y una obra pública de importancia nacional en el interés colectivo público de Honduras, será tenida por una a la cual las provisiones existentes de leyes obreras nacionales de Honduras, relativas a renuncias y al ejercicio de la discreción ejecutiva, aplicarán en favor del proyecto cooperativo.

Al aceptar las estipulaciones de la Ley Pública 769, aprobado el 7 de Septiembre de 1950, enmendatorio de la Ley Pública 375, aprobado el 26 de Diciembre de 1941, y al convenir en las estipulaciones elaboradas anteriormente, mi Gobierno sugiere que el presente canje de notas constituya una enmienda al convenio original entre nuestros gobiernos contenido en el canje de notas fechadas el 9 de Septiembre y 26 de Octubre de 1942. Asimismo se sugiere que las notas por la presente canjeadas sean tenidas como enmienda formal a la Declaración de Proyecto y Memorandum de Entendimiento efectivo el 21 de Diciembre de 1942 entre el Gobierno de Honduras y el Comisionado de Carreteras Públicas de los Estados Unidos de América y que cualquiera enmienda futura no sea limitada al tema de este canje de notas sino podrá

incluir otros asuntos de carácter técnico como también facilitar la cooperación propuesta.

Acepte, Vuestra Excelencia, las renovadas seguridades de mi más alta y distinguida consideración,

ESTEBAN MENDOZA  
Esteban Mendoza

Excelentísimo Señor WHITING WILLAUER,  
*Embajador Extraordinario y Plenipotenciario*  
*de los Estados Unidos de América.*  
*Embajada Americana.*  
*Ciudad.*

*Translation*

DEPARTMENT OF FOREIGN AFFAIRS  
OF THE  
REPUBLIC OF HONDURAS

DIPLOMATIC SECTION:

Note No. 530-A. L.

NATIONAL PALACE:

Tegucigalpa, D. C., May 10, 1955.

MR. AMBASSADOR:

I have the honor to refer to the agreement between our Governments effected by an exchange of notes on September 9 and October 26, 1942, with respect to U. S. Public Law 375; 55 Stat. 860, approved December 26, 1941, which provides for cooperation by the United States of America with the Central American Republics in the construction of the Inter-American Highway. I also refer to Public Law 769, approved September 7, 1950, amending Public Law 375, which contains certain additional provisions concerning the future cooperative construction of this highway.

In this connection, and with my Government's specific authorization, I hereby formally request the participation of Honduras in the proposed continued cooperation in the said construction.

I am also authorized to offer the assurances required by Section 11 of Public Law 769, approved September 7, 1950, to the effect that the Government of Honduras agrees to the provisions thereof and that it has an agency adequately capable of administering the functions required of Honduras under the said law. My Government likewise agrees, as specified by the law, that the applications which it may make from time to time in order to obtain funds of the United States of America from appropriations authorized by the law, shall be for the construction of sections of the highway in

EAS 296.  
56 Stat. 1848.

64 Stat. 785.

accordance with adequate standards to meet present and future traffic demands.

Unless the Secretary of State of the United States of America should determine otherwise with reference to specific projects in Honduras concerning different sections of the highway, it is understood that in accordance with the law no disbursement of funds of the United States of America shall be made for any project unless Honduras contributes and makes available for disbursement in connection therewith a sum equal to at least one-third of the total disbursement made by both Governments.

The Government of Honduras acknowledges the law's requirements to the effect that in such projects for sections of the highway all disbursements made for the purchase of materials, equipment, and supplies shall, whenever practicable, be for the purchase of products of the United States of America or of Honduras; and the construction work to be done under contract shall be publicly announced for a reasonable time by the Minister of Development of Honduras, contracts being awarded in conformity with such announcements, with the approval of the Secretary of Commerce of the United States of America.

Furthermore, as was agreed in recent conversations between representatives of the Embassy of Honduras in the United States and officials of the Department of State of the United States of America, the Government of Honduras desires to inform Your Excellency's Government that it specifically agrees, in accordance with the law:

- (1) That it will furnish, without participation of United States funds, such right-of-way as may be necessary for the construction of the Inter-American Highway in Honduras, which right-of-way shall be of a minimum width, wherever practicable, of 100 meters in rural zones and of 50 meters in municipalities, and that such right-of-way shall be forever inviolable as part of the highway for public use;
- (2) That it will not levy, nor permit the collection of, any toll for the use by vehicles or persons of any section of the highway constructed in accordance with the provisions of the said law approved December 26, 1941, and amendments thereof;
- (3) That it will not levy or impose, directly or indirectly, any toll, fee, or other charge for the use of the said highway by vehicles or persons from the United States of America that is not likewise applicable to vehicles or persons from Honduras; and that it will not levy or impose, directly or indirectly, tolls,

TIAS 1567.  
61 Stat., pt. 2, p.  
1129.

- fees, or other charges for the use of the highway by vehicles belonging to the Government of the United States of America; (4) That it will continue to grant reciprocal recognition to the registration of vehicles and driving permits in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic opened for signature in the Pan American Union in Washington on December 15, 1943, which has been signed by Honduras and the United States of America, or of any other international treaty or convention establishing similar reciprocal recognition; and (5) That it will maintain the section of the said highway now completed, and all sections of the incompletely part thereof, as each section is completed, in a condition adequate to meet the needs of present and future traffic, and that it will, in so far as practicable, provide maintenance of all the partially completed sections of said highway which have been or may hereafter be opened to traffic.

My Government likewise agrees that in recognition of the fact that the Inter-American Highway is a project of unusual economic and cultural significance for Honduras, and a public work of national importance in the collective public interest of Honduras, it shall be considered one to which existing provisions of the national labor laws of Honduras respecting waivers and the exercise of executive discretion shall apply for the benefit of the cooperative project.

In accepting the provisions of Public Law 769, approved September 7, 1950, amending Public Law 375, approved December 26, 1941, and in agreeing to the stipulations set forth hereinabove, my Government suggests that the present exchange of notes constitutes an amendment to the original agreement between our Governments contained in the exchange of notes dated September 9 and October 26, 1942. It also suggests that the current exchange of notes be regarded as a formal amendment to the Project Statement and Memorandum of Understanding effective December 21, 1942, [<sup>1</sup>] between the Government of Honduras and the Commissioner of Public Roads of the United States of America, and that any further amendment not be limited to the subject matter of this exchange of notes but be permitted to include such other matters of a technical character as will facilitate the proposed cooperation.

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<sup>1</sup> Not printed.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

ESTEBAN MENDOZA

Esteban Mendoza

His Excellency WHITING WILLAUER,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
American Embassy,  
City.*

*The American Ambassador to the Honduran Minister for Foreign  
Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

No. 147

TEGUCIGALPA, D. C. May 12, 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note No. 530-A. L. of May 10, 1955 in which you request the continued cooperation of the Government of the United States in the construction of the Inter-American Highway in Honduras in accordance with the terms and conditions of United States Public Law 769, approved September 7, 1950, as amendatory of Public Law 375, approved December 26, 1941.

I take pleasure in informing Your Excellency that the assurances offered are satisfactory to the Government of the United States. It is consequently the intention of this Government to extend to the Honduran Government the cooperation envisaged in the law and set forth by this exchange of notes, subject to the appropriation of necessary funds by the Congress of the United States.

As suggested by your Government, it is agreed that the current exchange of notes shall be regarded as a formal amendment to the Project Statement and Memorandum of Understanding effective December 21, 1942 between the Government of Honduras and the Commissioner of Public Roads of the United States; and that any further amendment shall not be limited to the subject matter of this exchange of notes, but may include such other matters of a technical character as will facilitate the proposed cooperation. It is further agreed that the current exchange of notes constitutes an amendment to the original agreement between our two Governments contained in the exchange of notes dated September 9 and October 26, 1942.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

WHITING WILLAUE

His Excellency

Dr. ESTEBAN MENDOZA,  
*Minister for Foreign Affairs,*  
*Tegucigalpa, D. C.*

# PERU

## MILITARY ASSISTANCE ADVISORY GROUP

*Agreement effected by exchanges of notes*

*Signed at Lima June 28, July 18, October 20 and 28, 1955;  
Entered into force October 26, 1955.*

TIAS 3377  
June 28, July  
18, Oct. 20 and  
28, 1955

*The American Chargé d'Affaires ad interim to the Peruvian Acting  
Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES  
OF AMERICA,

Lima, June 28, 1955.

No. 464

EXCELLENCY:

I have the honor to refer to the following Agreements between our two Governments: Mutual Defense Assistance Agreement signed at Lima on February 22, 1952; Army Mission Agreement signed at Washington on June 20, 1949; Naval Mission Agreement, as amended and extended, signed at Washington on July 31, 1940; and the Military Aviation Mission Agreement, as extended, signed at Washington on October 7, 1946.

TIAS 2466.  
3 UST, pt. 2, p. 2890.  
TIAS 1937.  
63 Stat., pt. 3, p.  
2522.  
EAS 177.  
54 Stat. 2344.  
TIAS 1562.  
61 Stat., pt. 3, p.  
2388.

It is proposed that, notwithstanding the provisions of Articles 7 and 8 of the Army Mission Agreement, Articles 8 and 9 of the Naval Mission Agreement and Articles 9 and 10 of the Military Aviation Mission Agreement, the members of the Missions provided for under these Agreements may also perform the functions specified in Article V of the Mutual Defense Assistance Agreement of February 22, 1952. The Chief of one of the Missions will be designated as Chief of the Military Assistance Advisory Group, assigned to Peru under Article V of the Mutual Defense Assistance Agreement, as an additional duty. The other two Mission Chiefs will be designated as Chief of the respective Service Sections of the Military Assistance Advisory Group as an additional duty. With the assignment of these functions to the Chiefs of the Missions, Article V of the Mutual Defense Assistance Agreement would apply to them. Personnel of the three Missions, when performing functions of the Military Assistance Advisory Group, will act under the direction and control of the Chief of the Diplo-

matic Mission of the United States of America and will be responsible to him.

Personnel now assigned to the Military Assistance Advisory Group will be reassigned to the respective Service Mission, as necessary, and as agreed to between the two Governments.

If the foregoing proposal is acceptable to Your Excellency's Government, this note and Your Excellency's note in reply, will be considered an agreement between our two Governments on this matter which shall enter into force on the date of receipt [<sup>1</sup>] of Your Excellency's reply.

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

CLARE H. TIMBERLAKE  
*Charge d'Affaires, ad interim*

His Excellency

ALEJANDRO FREUNDT Y ROSELL,  
*Acting Minister of Foreign Affairs of  
Peru.*

*The Peruvian Minister for Foreign Affairs to the American  
Chargé d'Affaires ad interim*

MINISTERIO DE RELACIONES EXTERIORES

NUMERO (D): 6-3/55

LIMA, 18 de Julio de 1955

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo a honra hacer llegar a Vuestra Señoría, adjuntas, copias de los oficios N° 458 GM/2-N, del 13 de los corrientes, y N° G.400-242, del 11 del presente mes, de los Ministerios de Guerra y de Marina, respectivamente, que contienen las respuestas de dichos Ministerios a la propuesta para funciones adicionales para los miembros de las Misiones Militar, Naval y Aérea de los Estados Unidos de América en el Perú a que se contrae la nota de esa Embajada N° 464, del 28 de Junio último.

Tan pronto sea recibida en esta Cancillería la respuesta del Ministerio de Aeronáutica, será trasmisida a esa Misión para los fines del caso.

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<sup>1</sup> Oct. 26, 1955.

Aprovecho la oportunidad para reiterarle, Señor Encargado de Negocios, las seguridades de mi distinguida consideración.

D. F. AGUILAR

Al Honorable Señor CLARE H. TIMBERLAKE

*Encargado de Negocios a.i. de los*

*Estados Unidos de América.*

*Ciudad.—*

MINISTERIO  
DE  
RELACIONES EXTERIORES

MINISTERIO DE GUERRA.

Of. N° 458 GM/2-N

LIMA, 13 de Julio de 1955.

SEÑOR MINISTRO DE ESTADO EN EL  
DESPACHO DE RELACIONES EXTERIORES.

Asunto: Sobre Acuerdos Militares con EE.UU.

Ref.: Su oficio -D- 2-1/189 de 5 Jul 55.

Tengo el agrado de dirigirme a Ud. en relación con su oficio de la referencia, y cúmpleme manifestarle que mi Despacho no tiene ningún inconveniente en aceptar la propuesta sobre funciones adicionales del Jefe de la Misión Militar Americana, al ser designado Jefe del Grupo Consultor de Ayuda Militar, adscrito al Perú de conformidad con el artículo V del Acuerdo de Ayuda para la Defensa Mutua, tan como se subraya en el oficio N° 464 —cuya copia me acompaña— del Encargado de Negocios a.i. de la Embajada de los Estados Unidos de América en el Perú.

Dios guarde a usted.

El Ministro de Guerra.

FDO. GRAL. DIV. CARLOS A. MIÑANO M.

Es copia fiel del original.

jvb.—

-COPIA-

MINISTERIO  
DE  
RELACIONES EXTERIORES

MINISTERIO DE MARINA.

G.400-242

LIMA, 11 de Julio de 1955

**SEÑOR MINISTRO DE ESTADO EN EL  
DESPACHO DE RELACIONES EXTERIORES.**

Tengo el agrado de acusar recibo de su oficio N° (D) 2-2/135, fecha 5 de Julio de 1955, adjuntando copia de la Nota N° 464, de 28 de Junio último, de la Embajada de los Estados Unidos de América en Lima, en la que propone funciones adicionales, de conformidad con el artículo V del Acuerdo de Ayuda para la Defensa Mutua, de 22 de Febrero de 1952, para los miembros de las Misiones Militar, Naval y Aérea de los Estados Unidos de América.

De acuerdo con su petición, comunico a usted que es opinión de este Ministerio, que se acepte la propuesta formulada por la Embajada Americana en Lima.

Dios guarde a Ud.

El Vice-Almirante  
Presidente del Consejo de Ministros  
y Ministro de Marina.

FDO. ROQUE A. SALDIAS.

Es copia fiel del  
original:jvb.-

*Translation*

MINISTRY OF FOREIGN AFFAIRS

Number (D) : 6-3/58

LIMA, July 18, 1955

**MR. CHARGÉ D'AFFAIRES:**

I have the honor to enclose copies of communications No. 458 GM/2-N of the 13th of this month and No. G.400-242 of the 11th of this month, from the Ministries of War and Navy, respectively, which contain the replies of those Ministries to the proposal regarding additional functions for the members of the Military, Naval, and Air Missions of the United States of America in Peru, to which your Embassy's note No. 464 of June 28, 1955, refers.

As soon as the Ministry of Foreign Affairs receives a reply from the Ministry of Aeronautics, it will be transmitted to the Embassy for the pertinent purposes.

I avail myself of this opportunity to renew to you, Mr. Chargé d'Affaires, the assurances of my distinguished consideration.

D. F. AGUILAR

The Honorable CLARE H. TIMBERLAKE,  
*Charge d'Affaires ad interim of the*  
*United States of America,*  
*City.*

MINISTRY  
OF  
FOREIGN AFFAIRS

MINISTRY OF WAR.  
Of. No. 458 GM/2-N

LIMA, July 13, 1955.

THE MINISTER OF STATE IN THE  
OFFICE OF FOREIGN AFFAIRS.

Subject: Military Agreements with the United States.

Ref.: Your communication -D- 2-1/189 of July 5, 1955.

I am pleased to inform you, with reference to your communication mentioned above, that my Ministry has no objection to accepting the proposal on additional functions of the Chief of the United States Military Mission on being appointed Chief of the Military Assistance Advisory Group assigned to Peru in accordance with Article V of the Mutual Defense Assistance Agreement, as indicated in note No. 464—a copy of which you transmitted to me—from the Chargé d'Affaires ad interim of the Embassy of the United States of America in Peru.

God keep you.

/S/ Major General CARLOS A. MIÑANO M.  
*Minister of War.*

This is a true copy of the original.

jvb.

COPY

MINISTRY  
OF  
FOREIGN AFFAIRS

MINISTRY OF THE NAVY.

G.400-242

LIMA, July 11, 1955

THE MINISTER OF STATE IN THE  
OFFICE OF FOREIGN AFFAIRS.

I am pleased to acknowledge receipt of your communication No. (D) 2-2/135 dated July 5, 1955, enclosing a copy of note No. 464 of June 28, 1955, from the Embassy of the United States of America in Lima, in which, pursuant to Article V of the Mutual Defense Assistance Agreement of February 22, 1952, it proposes additional functions for the members of the Military, Naval, and Air Missions of the United States of America.

In accordance with your request, I inform you that this Ministry is of the opinion that the proposal made by the United States Embassy in Lima should be accepted.

God keep you.

/S/ Roque A. SALDIAS.

*Rear Admiral*  
*President of the Council of Ministers*  
*and Minister of the Navy*

This is a true copy of the original:

jvb.

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*The Peruvian Minister for Foreign Affairs to the American Chargé d'Affaires ad interim*

MINISTERIO DE RELACIONES EXTERIORES

NUMERO (D): 6-3/88

LIMA, 20 de Octubre de 1955

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo a honra enviar a Vuestra Señoría, con referencia a mi nota N° (D) 6-3-55 de 18 de Julio del presente año, una copia del oficio N° MM-0193-SGA, del Ministerio de Aeronáutica en el que se dá respuesta favorable a la consulta formulada por esa Misión en su atenta nota N° 464, de 28 de Junio del año en curso,

en el sentido de ampliar las funciones de los miembros de las Misiones Militar, Naval y Aérea de los Estados Unidos de América.

Al comunicar lo que antecede a Vuestra Señoría, aprovecho para reiterarle las seguridades de mi distinguida consideración.

D. F. AGUILAR

Al Honorable Señor CLARE H. TIMBERLAKE,  
*Encargado de Negocios a.i. de los  
Estados Unidos de América.  
Ciudad .-*

C O P I A

MINISTERIO DE AERONAUTICA.

MM-0183-SGA MIRAFLORES, Setiembre de 1955

SEÑOR MINISTRO DE ESTADO EN EL  
DESPACHO DE RELACIONES EXTERIORES.—

Me es grato acusar recibo de su atento Ofc. N° (D)-2-10/98, del 5 de Julio último, así como de la copia de la nota N° 464, de 28 de Junio del año en curso, de la Embajada de los Estados Unidos de América en Lima, proponiendo funciones adicionales, en conformidad con el Art. V del Acuerdo de Ayuda para la Defensa Mutua de 22 de Febrero de 1952, para los miembros de las Misiones Militar, Naval, y Aérea de los Estados Unidos de América.

Estudiado el asunto por los Organismos Técnicos pertinentes, cumple con manifestarle que mi Despacho estima que no hay inconveniente para que los miembros de la Misión de la Fuerza Aérea de los Estados Unidos de América, desempeñen funciones adicionales, de conformidad con los artículos mencionados en el Acuerdo de la Misión Militar de Aviación suscrito en 1946 y con el Acuerdo de Ayuda para la Defensa Mutua de 1952.

Aprovecho de esta oportunidad para renovar a Ud., señor Ministro, el testimonio de mi más alta consideración.

Dios guarde a usted

(Fdo.) El Mayor General F. A. P.

ENRIQUE BERNALES B.

*Ministro de Aeronaútica.*

TÍAS 3377

*Translation*

## MINISTRY OF FOREIGN AFFAIRS

Number (D) : 6-3/88

LIMA, October 20, 1955

MR. CHARGÉ D'AFFAIRES:

With reference to my note No. (D) 6-3-55 of July 18 of this year, I have the honor to enclose a copy of note No. MM-0193-SGA from the Ministry of Aeronautics giving a favorable reply to the inquiry made by your Embassy in its note No. 464 of June 28 of this year, regarding additional functions for the members of the Military, Naval, and Air Missions of the United States of America.

In communicating the foregoing to you, I avail myself of the opportunity to renew to you the assurances of my distinguished consideration.

D. F. AGUILAR

The Honorable CLARE H. TIMBERLAKE,  
*Chargé d'Affaires ad interim of  
the United States of America,  
City.*

COPY

MINISTRY OF AERONAUTICS.

MM-0193-SGA

MIRAFLORES, September 1955

THE MINISTER OF STATE IN THE  
OFFICE OF FOREIGN AFFAIRS.

I take pleasure in acknowledging receipt of your communication No. (D) - 2-10/98 of July 5, 1955, and the copy of note No. 464 of June 28 of this year from the Embassy of the United States of America in Lima, proposing additional functions for the members of the Military, Naval, and Air Missions of the United States of America, pursuant to Article V of the Mutual Defense Assistance Agreement of February 22, 1952.

The matter has been studied by the appropriate technical agencies, and I am pleased to inform you that my Ministry believes that there is no objection to the performance of additional functions by the members of the Air Force Mission of the United States of America, under the cited Articles of the Military Avia-

tion Mission Agreement signed in 1946 and the Mutual Defense Assistance Agreement of 1952.

I avail myself of this opportunity to renew to you, Mr. Minister, the assurance of my highest consideration.

God keep you

/S/ Major General ENRIQUE BERNALES B., *Peruvian Air Force*  
*Minister of Aeronautics.*

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*The American Chargé d'Affaires ad interim to the Peruvian Minister  
for Foreign Affairs*

EMBASSY OF THE UNITED STATES  
OF AMERICA,

Lima, October 28; 1955.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note No. (D) 6-3/88 of October 20, 1955 enclosing a copy of Note No. MM-0193-SGA from the Ministry of Aeronautics granting final approval for the amalgamation of the Military Assistance Advisory Group with the Army, Navy and Military Aviation Missions.

This agreement shall, therefore, be considered effective as of October 26, 1955, the date on which Your Excellency's Note was received at this Embassy, in accordance with the provisions of Embassy Note No. 464 of June 28, 1955.

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

CLARE H. TIMBERLAKE  
*Chargé d'Affaires ad interim*

His Excellency

Dr. DAVID AGUILAR CORNEJO,  
*Minister for Foreign Affairs of  
Peru.*



# UNION OF SOVIET SOCIALIST REPUBLICS

## Germany: Boundary Between the U.S. Sector of Berlin and the Soviet Zone of Occupation

*Agreement signed at Berlin June 25, 1955;  
Entered into force June 25, 1955.*

TIAS 3378  
June 25, 1955

### A G R E E M E N T

25 June 1955

Berlin

We, the undersigned, the representative of the Soviet authorities Colonel I. A. Kotsiuba, on the one hand, and the representative of the American authorities Colonel Ben Harrell, on the other hand, after examination of documents and cadastral archives have agreed on the location of the boundary of Greater Berlin along the southern side of Koenigs Weg from the Autobahn (Avus Zubringer) southwesterly to Kurfuersten Weg (with the inclusion of the roadway in the American Sector). Boundary markers are to be established at a distance of 30 centimeters from the roadway of Koenigs Weg. The above boundary is shown on a map dated 2 October 1945 (which is based on the official map of 1944), attached hereto as Annex A and signed by the signatories of this Protocol.

The fence presently standing along Koenigs Weg at a distance of 1 to 1.5 meters south of the line of boundary markers will remain in place.

The American authorities may carry out minor repairs to the above-mentioned fence but will not restore it or construct a new one. A new fence may be erected between the boundary markers and the roadway of Koenigs Weg.

Copies of this Protocol have been executed in the English language and the Russian language. Both texts are equally authentic.

*I. A. Kotsiuba*  
*/M.D. Borutskaya/*  
Representative of the  
Soviet Authorities

*Ben Harrell*  
Representative of the  
American Authorities

А К Т

25-го июня 1955 года

город Берлин

Мы, нижеподписавшиеся, представитель Советских властей, полковник И. А. Родионов, с одной стороны, и представитель американских властей, полковник Вен Харрелл, с другой стороны, составили настоящий акт в том, что на основании документов и кадастровых книг установили границу Большого Берлина по линии южной стороны улицы Кёнигс Вег, от Автострады (Авус Цубрицгер) в юго-западном направлении к Курфюрстен Вег (с включением проезжей части в американский сектор). Пограничные столбы должны быть поставлены на удалении 30 сантиметров от проезжей части улицы Кёнигс Вег. Вышеупомянутая граница показана на карте от 2-го октября 1945 года, основанный на официальной карте 1944 года, приложенной при сем как Приложение А и подписанный представителями, подписавшими настоящий Акт.

Изгородь, стоящая в настоящее время вдоль улицы Кёнигс Вег на удалении от 1 до 1,5 метра на юг от линии пограничных столбов остается на месте.

Американские власти могут производить мелкий ремонт указанной изгороди, но не будут её восстанавливать или строить новую. Новая изгородь может быть построена между пограничными столбами и проезжей частью улицы Кёнигс Вег.

Настоящий акт составлен на английском и на русском языках. Оба текста имеют одинаковую силу.

Представитель  
Советских Властей

И. А. Родионов  
(И. А. Родионов)

Представитель  
Американских Властей

Вен Харрелл

**PARCELA "B"**

~~CARRETERA~~

INTERAMERICANA  
MEXICO

## EAR ALLOON

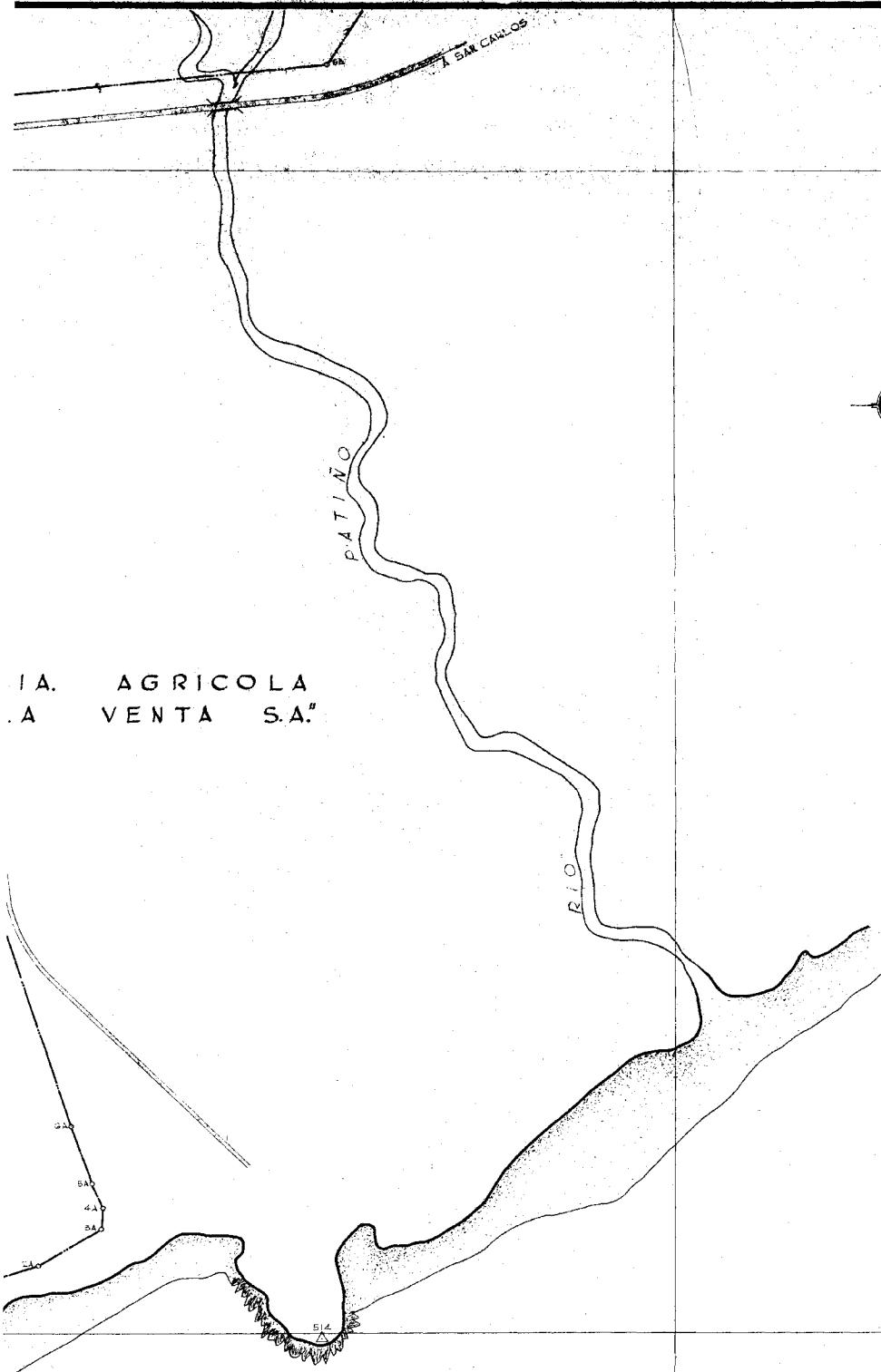
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800



I.A. AGRICOLA  
A VENTA S.A."

| EST    | DIST     | RUMBO           | LATITUD           | LONGITUD            |
|--------|----------|-----------------|-------------------|---------------------|
| RETROS |          |                 | N 74° 25'         | W 80° 06' + 148.798 |
| △ 51B  | 1635.196 | N 38° 01' 50" W | 8° 21' + 623.763  |                     |
| △ 51A  | 552.614  | N 38° 05' 40" W | + 1833.011        | 80° 07' 45.876      |
| 1A     | 103.820  | N 72° 58' 02" E | 8° 22' + 75.848   | + 106.778           |
| 2A     | 114.628  | N 59° 46' 52" E | + 106.416         | + 100.518           |
| 3A     | 31.600   | N 07° 01' 52" E | + 164.135         | + 902.466           |
| AA     | 45.466   | N 24° 11' 43" W | + 195.587         | + 902.007           |
| 5A     | 06.681   | N 10° 59' 48" W | + 237.050         | + 923.241           |
| 6A     | 385.214  | N 19° 00' 23" W | + 328.478         | + 954.710           |
| 7A     | 105.148  | N 19° 01' 03" W | + 792.688         | + 1080.164          |
| 8A     | 116.692  | N 30° 07' 23" W | + 792.376         | + 1114.523          |
| 9A     | 160.814  | N 30° 12' 23" W | + 893.309         | + 1173.086          |
| 10A    | 819.778  | N 10° 21' 42" W | + 1032.287        | + 1253.994          |
| 11A    | 1315.380 | S 84° 16' 47" W | + 1818.862        | + 1284.925          |
| 12A    | 160.998  | S 77° 16' 44" W | + 1688.267        | 80° 08' + 953.124   |
| 13A    | 160.998  | S 70° 52' 09" W | + 1682.804        | + 1110.170          |
| 14A    | 168.810  | S 64° 38' 52" W | + 1600.041        | + 1262.275          |
| 15A    | 4.210    | FARALLON        | + 1527.974        | + 1414.376          |
| 16A    | 34.419   | S 78° 57' 58" E | 8° 21' + 1060.752 | 80° 08' + 755.600   |
| 17A    | 42.516   | S 76° 39' 23" E | + 1054.168        | + 721.817           |
| 18A    | 121.058  | N 28° 12' 17" E | + 1044.353        | + 680.450           |
| 19A    | 88.612   | N 23° 27' 57" E | + 1098.924        | + 572.955           |
| 20A    | 66.706   | N 23° 06' 07" E | + 1138.512        | + 493.113           |
| 21A    | 133.414  | N 56° 40' 07" E | + 1168.748        | + 433.552           |
| 22A    | 92.998   | N 69° 03' 57" E | + 1242.056        | + 322.084           |
| 23A    | 90.338   | N 44° 06' 59" E | + 1275.261        | + 235.283           |
| 24A    | 89.670   | N 50° 46' 22" E | + 1340.119        | + 172.399           |
| 25A    | 75.403   | N 56° 51' 32" E | + 1398.826        | + 102.937           |
| 26A    | 125.853  | N 60° 03' 17" E | + 1439.257        | + 40.364            |
| 27A    | 120.126  | N 59° 59' 32" E | + 1501.930        | 80° 07' + 727.402   |
| 28A    | 141.198  | N 59° 39' 47" E | + 1562.007        | + 163.162           |
| 29A    | 56.362   | N 49° 09' 27" E | + 1633.324        | + 1541.298          |
| 30A    | 101.515  | N 58° 51' 02" E | + 1670.186        | + 1298.657          |
| 31A    | 126.847  | N 53° 01' 50" E | + 1727.172        | + 144.646           |
| 32A    | 19.440   | N 53° E7' 52" E | + 1803.456        | + 1318.301          |
| 33A    | 181.090  | N 62° 07' 32" E | + 1814.692        | + 1297.581          |
| 34A    | 36.374   | N 57° 38' 12" E | + 1822.456        | + 1197.502          |
| 1A     |          |                 | + 75.848          | + 1106.778          |

SUPERFICIE SEGUN PLANIMETRO 321 Has.

REPÚBLICA DE PANAMA  
MINISTERIO DE HACIENDA Y TESORO

### COMISION CATASTRAL

PLANO DEL AREA RESERVADA POR EL  
GOBIERNO DE PANAMA PARA ENTRENAMIENTO  
Y MANIOBRAS MILITARES.

### PARCELA "A"

| LEVANTADO   | APROBADO   | VERIFICADO     |
|---|--|----------------|
| G.A. RILEY  | <i>Bult de Leon</i><br>ING. JEFE DE LA SECCION DE CAMPO    | H. BARRIOS JR. |
| CALCULOS:   | APROBADO   | ESCALA         |
| G.A. RILEY & A. DE LEON J.                                | <i>Leonardo Lopez</i><br>ING. JEFE DE LA SECCION DE DIBUJO | 1:5000         |
| DIBUJO:   | APROBADO   | FECHA          |
| H.GARUZ M.  | <i>C. G. 6</i>   | NOV. 17-1954   |
| PLANO NO.<br>S.G.N.-7-54                                  |  |                |
| MARCO A. RODRIGUEZ<br>PRESIDENTE DE LA COMISION CATASTRAL |  |                |

# UNITED KINGDOM

## Bahamas Long Range Proving Ground: Use of Certain Facilities by Civil Aircraft

*Agreement effected by exchange of notes  
Signed at Washington July 11 and 22, 1955;  
Entered into force July 22, 1955.*

TIAS 3379  
July 11, 22,  
1955

*The British Ambassador to the Secretary of State*

BRITISH EMBASSY,  
WASHINGTON, D. C.,  
*July 11, 1955.*

11015/3/10/55

No. 345

SIR,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at Washington on the 21st of July, 1950, for the establishment in the Bahama Islands of a long range proving ground for guided missiles. Paragraph 3 of Article XI of that Agreement provides that:

TIAS 2099.  
1 UST 545.

"Commercial aircraft shall not be authorised to operate from any of the Sites (save in case of emergency or for strictly military purposes under supervision of the Army, Navy or Air Force Departments) except by agreement between the Government of the United Kingdom and the Government of the United States of America".

2. I now have the honour to propose that certain facilities at the Sites at Governor's Harbour (Eleuthera), Mayaguana, and San Salvador shall be open for regular use by civil aircraft in accordance with the following provisions:

(a) Licensed civil air carriers who offer scheduled civil air services within the territory of the Bahama Islands and who are designated by the Government of the Bahama Islands to operate at one or more of the Sites, will be authorized, for the purpose of inter island air services within the Bahamas only, to use the runways, taxiways, parking areas, and necessary access ways at the Sites concerned for landing, taking off and taking on or discharging

passengers, mail or cargo in accordance with the provisions herein set forth.

(b) The frequency and time-schedules of civil air operations will be in accordance with schedules approved by the United States Air Force.

Advance notice of cancellations of scheduled flights will be given to the United States Air Force. No other changes of agreed schedules will be made without the approval of the United States Air Force.

(c) Administrative and operational control of the Sites for civil aviation purposes will be exercised by the United States Air Force.

(d) Civil air carriers authorized to use the Sites will comply with applicable United States Air Force Regulations, including the regulations prescribing landing and parking fees and agreements regarding liability.

(e) The United States Air Force may, for military or security purposes, limit or suspend civil air operations at the Sites.

(f) The Government of the Bahama Islands will establish and maintain at the Sites such lights, aids to landing and navigation and safety devices as may be agreed to be necessary and suitable by the United States Air Force and the appropriate authorities of the Government of the Bahama Islands.

3. If the foregoing proposal is acceptable to the Government of the United States of America, I suggest that the present Note and your reply in that sense should be regarded as constituting an agreement between the two Governments in this matter, which shall enter into force immediately and shall remain in force until six months after either Government shall have given written notice to the other of its intention to terminate it.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

ROGER MAKINS

Roger Makins.

The Honourable

JOHN FOSTER DULLES,

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

*The Acting Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

*July 22 1955*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 345 dated July 11, 1955, referring to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America signed at Washington on July 21, 1950, for the establishment in the Bahama Islands of a long range proving ground for guided missiles. Paragraph 3 of Article XI of that Agreement provides that:

“Commercial aircraft shall not be authorised to operate from any of the Sites (save in case of emergency or for strictly military purposes under supervision of the Army, Navy or Air Force Departments) except by agreement between the Government of the United Kingdom and the Government of the United States of America.”

You propose that certain facilities at the Sites at Governor's Harbour (Eleuthera), Mayaguana, and San Salvador shall be open for regular use by civil aircraft in accordance with the following provisions:

“(a) Licensed civil air carriers who offer scheduled civil air services within the territory of the Bahama Islands and who are designated by the Government of the Bahama Islands to operate at one or more of the Sites, will be authorized, for the purpose of inter-island air services within the Bahamas only, to use the runways, taxiways, parking areas, and necessary access ways at the Sites concerned for landing, taking off and taking on or discharging passengers, mail or cargo in accordance with the provisions herein set forth.

“(b) The frequency and time-schedules of civil air operations will be in accordance with schedules approved by the United States Air Force.

Advance notice of cancellations of scheduled flights will be given to the United States Air Force. No other changes of agreed schedules will be made without the approval of the United States Air Force.

“(c) Administrative and operational control of the Sites for civil aviation purposes will be exercised by the United States Air Force.

"(d) Civil air carriers authorized to use the Sites will comply with applicable United States Air Force Regulations, including the regulations prescribing landing and parking fees and agreements regarding liability.

"(e) The United States Air Force may, for military or security purposes, limit or suspend civil air operations at the Sites.

"(f) The Government of the Bahama Islands will establish and maintain at the Sites such lights, aids to landing and navigation and safety devices as may be agreed to be necessary and suitable by the United States Air Force and the appropriate authorities of the Government of the Bahama Islands."

Your proposal is acceptable to the Government of the United States, and your note of July 11, 1955, and this reply shall be regarded as constituting an agreement between the Government of the United States and the Government of the United Kingdom concerning this matter, which shall enter into force immediately and shall remain in force until six months after either Government shall have given written notice to the other of its intention to terminate it.

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

For the Acting Secretary of State:

WALWORTH BARBOUR

Walworth Barbour

*Acting Assistant Secretary  
for European Affairs*

His Excellency

Sir ROGER MAKINS, G. C. M. G., K. C. B.,  
*British Ambassador.*

# FRANCE

## United States Forces: Death of Members in France

*Agreement signed at Paris July 1, 1955;  
Entered into force July 1, 1955.*

TIAS 3380  
July 1, 1955

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### A G R E E M E N T

Between the United States of America and the French Republic  
Regarding the Transport, Burial and Embalming  
of Bodies of Members of the United States Forces  
Dying in France

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The Government of the United States of America  
and the Government of the French Republic

desiring to regulate certain problems regarding the transport, burial and embalming of bodies of members of the United States Forces dying in France, have agreed to the following:

ARTICLE 1

The provisions of this agreement are applicable in the case of death in French Metropolitan Territory of a member of the United States Forces or of the civilian component or of a dependent, such as they are defined by the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951.

TIAS 2846.  
4 UST 1792.

ARTICLE 2

In case of death of a person coming under the categories mentioned in Article 1, the duly authorized doctor certifies the death and prepares a certificate, a sample of which is given as annex to this agreement. A duplicate of this certificate, drawn up in French and containing all the details concerning the civil status of the deceased, is immediately sent to the mayor of the town where the death occurred.

ARTICLE 3

When the French judicial authority prescribes an autopsy of the deceased, this autopsy is conducted jointly by a French doctor designated by the judicial authority and an American military doctor designated by the American command and at the time and place fixed by the judicial authority.

ARTICLE 4

Subject to the provisions of Article 3, the body of the deceased is taken without delay to the nearest medical center of the United States Forces by the service designated by the competent American military authorities.

The body is transported under the exclusive care of convoy personnel designated by the competent American military authorities. Whenever requested by the police or gendarme

authorities, such convoying personnel must present personal identity cards bearing their photographs and a copy of the death certificate.

Transport in a hermetically-sealed coffin is obligatory in case of death resulting from one of the following sicknesses:

- a) smallpox, cholera, carbuncle;
- b) typhoparatyphoidic infections, dysentery.

#### ARTICLE 5

The competent services of the United States Forces may carry out operations for the preservation of bodies by embalming or by any other means complying only with the regulations applicable to the United States Armed Forces.

However, when burial is to take place in France, the use of arsenic and mercury in the embalming process is prohibited. Moreover, two samples of the materials used in these operations are taken and placed under seal by the competent services of the United States Forces: one of the samples is retained by these services; the other, which must weigh at least 125 grams, is sent to the Prefecture, together with a note giving the name and address of the person embalmed, the name of the service and persons responsible for the embalming, as well as the place and date of embalming.

#### ARTICLE 6

The Government of the United States of America may establish and maintain in France permanent or temporary cemeteries in locations previously approved by the French Government. It may also repatriate the remains to the United States or to other countries. Subject to the provisions of Article 2, this is not subject to the laws and regulations applicable in the matter of permits for burial, exhumation and transfer of remains.

#### ARTICLE 7

The Government of the United States of America agrees to have the operations provided for in this agreement performed in such a manner that they may not constitute a danger to public health and to have all necessary sanitary measures taken to this end.

#### ARTICLE 8

The Government of the United States of America agrees to furnish to the French authorities, at their request, all information concerning the operations of transport, embalming, and burial

or exhumation in or out of France, regarding the persons coming in the categories mentioned in Article 1 who have died in France. It furthermore agrees to furnish any other information which might be requested by the French authorities in behalf of the families.

ARTICLE 9

The Contracting Parties agree to render assistance to each other in the conduct of judicial investigations resulting from the death of a person coming under the categories mentioned in Article 1.

ARTICLE 10

No provision of this agreement exempts compliance with the requirements of the French Civil Code on civil status.

ARTICLE 11

This agreement will go into effect on the date of signature.

Done at Paris, in duplicate, in English and in French, both texts being equally valid,  
July 1, 1955.

DOUGLAS DILLON

[SEAL]

R MASSIGLI

[SEAL]

A N N E X

## DEATH CERTIFICATE

The undersigned doctor:

Name . . . . .

Grade . . . . .

Function . . . . .

Address . . . . .

Certifies that:

Last Name . . . . .

First and middle names . . . . .

Grade or functions . . . . .

Serial number . . . . .

Born on (date) . . . . .

at (place) . . . . .

Son of (father's name) . . . . .

and of (mother's name) . . . . .

(1) Spouse

Son

Daughter of

Name . . . . .

Grade or functions . . . . .

Address . . . . .

Died

on (date) . . . . .

at (place) . . . . .

Cause of death . . . . .

Certified correct:

---

Signature of Doctor

Seal:

(1) For dependents

**A C C O R D**

entre la République française et les Etats-Unis d'Amérique  
relatif au transport, à l'inhumation et l'embaumement  
des corps des membres des Forces des Etats-Unis  
décédés en France

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**Le Gouvernement de la République française  
et le Gouvernement des Etats-Unis d'Amérique**

désireux de régler certains problèmes relatifs au transport, à l'inhumation et à l'embaumement des corps des membres des Forces des Etats-Unis décédés en France, sont convenus de ce qui suit:

**ARTICLE 1er**

Les dispositions du présent accord s'appliquent en cas de décès sur le territoire français métropolitain d'un membre des forces des Etats-Unis ou de l'élément civil ou d'une personne à charge, tels qu'ils sont définis par la Convention entre les Etats Parties au Traité de l'Atlantique Nord sur le statut de leurs forces, signée à Londres le 19 juin 1951.

**ARTICLE 2**

En cas de décès d'une personne entrant dans les catégories visées à l'article 1er, le médecin habilité à cet effet constate le décès et établit un certificat dont le modèle figure en annexe au présent accord. Un double de ce certificat, rédigé en français, contenant tous les renseignements d'état-civil du défunt est immédiatement adressé au maire de la commune où le décès a eu lieu.

**ARTICLE 3**

Lorsque l'autorité judiciaire française ordonne l'autopsie du défunt, celle-ci est effectuée conjointement par un médecin français désigné par l'autorité judiciaire et un médecin militaire américain désigné par le commandement américain, au moment et au lieu fixés par l'autorité judiciaire.

**ARTICLE 4**

Sous réserve des dispositions de l'article 3, le corps du défunt est acheminé sans délai vers le plus proche centre médical des forces des Etats-Unis par les soins du service désigné par les autorités militaires américaines compétentes.

Le corps est transporté sous la garde exclusive de convoyeurs désignés par les autorités militaires américaines compétentes. A toute réquisition des autorités de police ou de gendarmerie, ces

convoyeurs doivent présenter leur carte d'identité personnelle comportant leur photographie, et une copie du certificat de décès.

Le transport en cercueil hermétique est obligatoire en cas de décès des suites de l'une des maladies ci-après:

- a) variole, choléra, charbon;
- b) infections typhoparatyphoïdiques, dysenteries.

#### ARTICLE 5

Les services compétents des forces des Etats-Unis peuvent procéder aux opérations tendant à la conservation des corps par l'embaumement ou par tout autre moyen en se conformant uniquement aux règlementations applicables aux forces armées des Etats-Unis.

Toutefois, lorsque l'inhumation doit avoir lieu en France, l'emploi de l'arsenic et du mercure est interdit dans les opérations d'embaumement. En outre, deux échantillons des substances employées pour ces opérations sont prélevés et mis sous scellés par les services compétents des forces des Etats-Unis: l'un des échantillons est conservé par ces services; l'autre, qui doit peser au moins 125 grammes, est envoyé à la Préfecture, accompagné d'une note indiquant le nom et l'adresse de la personne embaumée, le nom du service et des personnes responsables de l'embaumement ainsi que le lieu et la date de l'embaumement.

#### ARTICLE 6

Le Gouvernement des Etats-Unis d'Amérique peut créer et entretenir en France, en des emplacements soumis à l'agrément préalable du Gouvernement français, des cimetières permanents ou provisoires. Il peut également rapatrier les restes aux Etats-Unis ou dans d'autres pays. Sous réserve des dispositions de l'article 2, il n'est pas soumis aux lois et règlements applicables en matière de permis d'inhumation, d'exhumation et de transfert des dépouilles.

#### ARTICLE 7

Le Gouvernement des Etats-Unis d'Amérique s'engage à faire exécuter les opérations prévues au présent accord de telle manière qu'elles ne puissent constituer un danger pour la santé publique et à faire prendre toutes dispositions d'ordre sanitaire nécessaires à cette fin.

#### ARTICLE 8

Le Gouvernement des Etats-Unis d'Amérique s'engage à fournir aux autorités françaises, à la demande de celles-ci, toutes indica-

tions sur les opérations de transport, d'embaumement et d'inhumation ou d'exhumation en France ou hors de France dont ont fait l'objet les personnes entrant dans les catégories visées à l'article 1er décédées en France. Il s'engage en outre à donner tout autre renseignement qui lui serait demandé par les autorités françaises dans l'intérêt des familles.

#### ARTICLE 9

Les Parties Contractantes s'engagent à se prêter mutuellement assistance pour la conduite des enquêtes judiciaires consécutives au décès d'une personne entrant dans les catégories visées à l'article 1er.

#### ARTICLE 10

Aucune disposition du présent accord ne dispense de l'observation des prescriptions du Code civil français sur l'état civil.

#### ARTICLE 11

Le présent accord entrera en vigueur au jour de sa signature.

Fait à Paris, en double exemplaire, en français et en anglais, les deux textes faisant également foi,

le 1er Juillet 1955

R MASSIGLI

[SEAL]

DOUGLAS DILLON

[SEAL]

ANNEXE

## CERTIFICAT DE DECES

Le Médecin soussigné:

Nom . . . . .  
Grade . . . . .  
Qualité . . . . .  
Adresse . . . . .

Certifie que:

Nom . . . . .  
Prénoms . . . . .  
Grade ou fonctions . . . . .  
Matricule . . . . .  
Né le . . . . .  
à . . . . .  
Fils de . . . . .  
et de . . . . .

(1) Conjoint

Fils  
Fille de      Nom . . . . .  
                  Grade ou fonctions . . . . .  
                  Adresse . . . . .

Est décédé le . . . . .  
à . . . . .  
Cause du décès . . . . .

Certifié exact

---

Signature du médecin

Cachet:

- 1) pour les personnes  
à charge

# **ITALY**

**Defense**

*Agreement signed at Rome July 8, 1955;  
Entered into force July 8, 1955.*

**TIAS 3381  
July 8, 1955**

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF ITALY  
CONCERNING FACILITIES FOR OVERHAUL AND REPAIR OF JET ENGINES  
IN TORINO, ITALY

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF ITALY  
CONCERNING FACILITIES FOR OVERHAUL AND REPAIR OF JET ENGINES  
IN TORINO, ITALY

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The Government of the United States of America and the  
Government of Italy,

Being among the parties to the North Atlantic Treaty,  
TIAS 1964.  
63 Stat., pt. 2,  
p. 2241.  
signed at Washington on the 4th April, 1949; and having concluded at Washington on the 27th January, 1950 a Mutual Defense Assistance Agreement,

TIAS 2013.  
1 UST 50.

Desiring to establish certain facilities for the major overhaul and (or) repair of J-47 type jet engines of the North Atlantic Treaty countries and certain other countries, pursuant to Article I of the Mutual Defense Assistance Agreement of 27th January, 1950,

Agree as follows :

ARTICLE I

The United States Government, in addition to those items which it has already provided to the Italian Government, proposes to provide under the Mutual Security Act certain special tools (jigs, dies, and fixtures) peculiar to the J-47 engine which are not presently available in Italy, and which are of a nature necessary to establish a facility in Torino, Italy, capable of the major overhaul and (or) repair of J-47 type jet engines in accordance with standards outlined in applicable United States Air Force Technical Orders. As hereinafter used in this

68 Stat. 832.  
22 U. S. C. § 1751  
note.

agreement, the term "engines" or "jet engines" means only J-47 jet engines.

The United States Government also proposes to provide to the Italian Government an initial bin-stockage of spare parts for jet engines under its end-item program. Subsequent replacement of spare parts consumed from the bin-stockage will be furnished only until such time as European sources are developed. The transfer of the items which are mentioned in this paragraph shall commence at such time as the Italian Government has made arrangements which will assure the fulfillment of the objective of this agreement.

The United States Government will provide the necessary technical assistance as determined by the United States Air Force for installing the J-47 overhaul equipment and during the initial operations of the facility.

The United States Government intends that this facility will be the European center for the major overhaul and (or) repair of J-47 type engines. However, this intention is without prejudice to the right of any country receiving J-47 type engines under the Mutual Defense Assistance Program to effect its own minor repairs to J-47 type engines. The United States Air Force in Europe proposes to make use of the facility for the major overhaul and (or) repair of J-47 type engines required by its own aircraft, provided the standard of overhaul meets USAF specifications and to the extent such use is considered to be technically and economically feasible. Moreover, the United States Government through its various defense assistance programs will encourage other governments which are recipients of these engines to utilize this facility. However, the United States Government does not guarantee the Government of Italy any minimum workload with respect to the overhaul or repair of J-47 type jet engines either from the United States Air Force in Europe or

from other countries which are recipients of these engines under the Mutual Defense Assistance Program.

#### ARTICLE II

The Italian Government agrees that :

1. The tools, production equipment and spare parts received from the United States will be used in the establishment and operation of a facility, which will be located in an establishment designated by the Italian Government in Torino, for the major overhaul and (or) repair of jet engines. The Italian Government agrees to furnish all items not furnished by the U.S., such as machine tools, production and processing equipment, buildings, utilities, engineering services, etc., needed to complete and establish this facility as a going operation.

2. As regards prices charged, quantities, and delivery schedules, it will make available on a non-discriminatory basis to the U.S. and friendly foreign countries the end products and services of those facilities in which the U.S. Government has provided assistance.

3. The repair or overhaul of engines sent to the facility by any of the said countries will be performed under ordinary conditions in the order of receipt <sup>except where</sup> efficiency of operation requires other treatment. Unless a country which has sent to the facility jet engines for major overhaul shall assent to receive back an overhauled engine which is not necessarily the same engine which it has delivered to the facility, the facility will return the identical engine which was received. In emergency or extraordinary conditions, however, reallocation of engines may be made according to a precedence other than that of their receipt; this will be based on the decisions of an appropriate internatio-

nal committee, formed by representatives of the countries concerned.

4. Unit costs will be established for all overhaul work. To assist in the establishment of such unit costs, the United States Government agrees to make available to the Italian Government the results of its own experience in this connection in the establishment and maintenance of comparable facilities in the United States. The Italian Government will review unit costs every six months after the date they are first established for the purpose of taking account of the operating experience of those six months in determining the unit costs thereafter to be charged.

5. No charge of any kind for the use of the facility will be made at any time which is attributable in any way to the initial cost of the items provided by the United States Government. When the spare parts which, in accordance with Article I hereof, the United States Government will supply to the Italian Government are used in the repair and overhaul of engines, no charges will be made for them to the country which receives the benefit thereof. It is understood that no spare parts supplied under grant aid by the United States Government will be used for the major overhaul and (or) repair of engines of a country not eligible to receive Mutual Defense Assistance Program assistance at the time such major overhaul and (or) repairs are effected.

6. It will assure that the facility makes the necessary arrangements to secure and have on hand at such time as the U.S. ceases to furnish any particular parts as end-item aid under the MDAP, an adequate supply of such spare parts. The changeover will be effected in such a manner as to assure continuous operation of the facility. For such spare parts as are procured by the facility appropriate charges may be made to the ultimate consumer.

7. It will maintain this facility to which the U.S. has given assistance so that it will be in a condition to maintain

or repair J-47 engines and components promptly. This facility may be used for purposes other than that described herein only when such use will not interfere with the ready availability of this facility for mutual defense purposes.

8. Title to any scrap which contains critical materials or used parts (which contain critical materials) developed out of equipment supplied under the Mutual Defense Assistance Program resulting from major overhaul and (or) repair of engines by the facility, which is needed by the United States, shall revert to the United States. Scrap as used in this paragraph means any non-reparable component of any engine. Such scrap will be delivered to a designated U.S. representative, free alongside ship in case ocean shipment is required or delivered free on board inland carrier or aircraft at ports or shipping points designated by agreement between the appropriate U.S. and Italian Government representatives. Any scrap resulting from the major overhaul and (or) repair of engines, which does not come within the definition of scrap in this paragraph, will be disposed of in such manner by the Italian Government as shall preclude direct or indirect export to the Union of Soviet Socialist Republics or any of its satellite countries, including Communist China and Communist North Korea. Any scrap, disposition of which is made in Italy, will be channeled to support the defense program of that country or friendly countries.

9. The Italian Government will permit the importation, under customs surveillance and free from custom duties, of the engines which are to be repaired and overhauled, and also of the spare parts, special tooling and other equipment furnished by the U.S. or delivered by the U.S. for the establishment and operation of the overhaul facility.

The engines, imported as stated above, will be exported duty-free after repair or overhaul.

ARTICLE III

The Italian Government agrees that all J-33 type and J-65 type jet engines belonging to or under the control of the Italian Air Force requiring major overhaul will be sent to such sites as may be selected by the U.S. Commander-in-Chief, Europe. Since the Atalier Industrial de l'Air (AIA) facility in Casablanca, French Morocco, is the currently designated site for this work, the Italian Government further agrees to commence negotiations immediately with the French Government for the use of that facility.

ARTICLE IV

The Italian Government agrees to use all diligence to make contractual arrangements with countries other than the United States to which the United States has furnished military assistance. Such individual arrangements with the participating countries shall not provide a price for similar services to be rendered higher than the price which the Italian Government is obliged to pay.

ARTICLE V

This Agreement shall enter into force on the date of signature.

The terms of this Agreement may be reviewed at any time at the request of either Government.

This Agreement shall terminate on the date when the Mutual Defense Assistance Agreement terminates and without prejudice to obligations and liabilities which have then accrued pursuant to the terms of this Agreement.

IN FAITH WHEREOF, the undersigned representatives, duly authorized for that purpose, have signed the present Agreement.

Done at Rome, Italy, in duplicate, in the English and Italian languages; both texts being equally authentic, this 8 day of July, 1955.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

ELBRIDGE DURBROW

FOR THE GOVERNMENT OF ITALY:

Gen. S. A. MARIO PEZZI

[SEAL]

[SEAL]

ACCORDO TRA IL GOVERNO DEGLI S. U. D'AMERICA ED IL GOVERNO ITALIANO  
SUGLI IMPIANTI PER LA REVISIONE E RIPARAZIONE DI  
MOTORI A REAZIONE IN TORINO, ITALIA

TIAS 3381

ACCORDO TRA IL GOVERNO DEGLI S.U. D'AMERICA ED IL GOVERNO ITALIANO  
SUGLI IMPIANTI PER LA REVISIONE E RIPARAZIONE DI  
MOTORI A REAZIONE IN TORINO, ITALIA

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Il Governo degli S.U. d'America ed il Governo d'Italia quali membri del Trattato Atlantico, firmato a Washington il 4 aprile 1949 ed avendo concluso il 27 gennaio 1950 a Washington un Accordo di Assistenza per la Mutua Difesa,

Nell'intento di stabilire determinati impianti per grandi revisioni e (o) riparazioni di motori a reazione tipo J-47 per i Paesi del Trattato Nord-Atlantico e per determinati altri paesi, ai sensi dell'articolo I dell'Accordo di Assistenza per la Mutua Difesa del 27 gennaio 1950,

Convengono quanto segue :

ARTICOLO I

Il Governo degli S.U., oltre agli articoli già forniti al Governo Italiano, intende fornire in base al Mutual Security Act speciali attrezzature (dime, stampi ed impianti di montaggio) specifiche dei motori J-47, attualmente non disponibili in Italia e che per la loro natura sono necessarie per la costituzione a Torino, Italia, di un impianto atto alle grandi revisioni e (o) riparazioni dei motori a reazione tipo J-47 secondo gli standards di cui ai pertinenti bollettini tecnici delle Forze Aeree degli S.U.

I termini "motori" o "motori a reazione" in seguito usati nel presente accordo stanno ad indicare solo motori a reazione del tipo J-47.

Il Governo degli S.U. intende altresì fornire al Governo Italiano una scorta iniziale ("bin-stockage") di parti di ricambio per motori a reazione a mezzo del suo programma "end-items". Il succes-

sivo rimpiazzo sulla scorta suddetta delle parti di ricambio consumate sarà provveduto solo fino a quando saranno sviluppate fonti di produzione europee. Il trasferimento degli articoli menzionati nel presente paragrafo avrà inizio quando il Governo Italiano avrà preso quei provvedimenti che assicurino il raggiungimento dell'obiettivo del presente accordo.

Il Governo degli S.U. fornirà la necessaria assistenza tecnica quale stabilità dell'Aviazione statunitense per la installazione delle attrezzature per le revisioni dei J-47 e nel periodo iniziale del funzionamento dell'impianto.

E' intendimento del Governo degli S.U. che questo impianto costituisca il centro europeo per le grandi revisioni e (o) riparazioni dei motori del tipo J-47. Questo intendimento non deve comunque pregiudicare il diritto di una qualsiasi nazione che riceva motori del tipo J-47, a norma del Programma di aiuti per la Difesa Reciproca (MDAP), di effettuare in proprio piccole riparazioni ai motori del tipo J-47. L'Aviazione statunitense in Europa si propone di servirsi dell'impianto per le grandi revisioni e (o) riparazioni dei motori del tipo J-47 occorrenti ai propri aerei purché lo standard di revisione soddisfi le specificazioni USAF e nei limiti dei quali si ritenga tecnicamente ed economicamente attuabile tale uso. Inoltre il Governo degli S.U., a mezzo dei suoi programmi di assistenza per la difesa, incoraggerà gli altri Governi cui sono destinati tali motori a servirsi di tale impianto.

Però il Governo S.U. non garantisce al Governo Italiano nessun carico minimo di lavoro di revisione o di riparazione di motori a reazione del tipo J-47 né da parte dell'Aviazione S.U. in Europa né dà quella di paesi che ricevano tali motori in base al Programma di Assistenza per la Mutua Difesa.

#### ARTICOLO II

Il Governo Italiano conviene che :

1. Le attrezzature, gli equipaggiamenti di produzione e le parti di ricambio avuti dagli S.U. saranno impiegati per la costituzione e funzionamento di un impianto situato a Torino in uno stabilimento designato dal Governo Italiano per le grandi revisioni e (o) riparazioni dei motori a reazione.

Il Governo Italiano conviene di fornire tutte quelle parti che non vengono fornite dagli S.U., come macchine utensili, attrezzature di produzione e lavorazione, fabbricati, impianti, servizi tecnici, ecc. occorrenti al completamento ed alla costituzione funzionale di tale impianto.

2. Metterà a disposizione degli S.U. e dei paesi esteri amici, su basi non discriminatorie, per quanto riguarda condizioni di prezzo, quantità e termini di consegna, i prodotti finiti ed i servizi forniti da quegli impianti per i quali il Governo S.U. ha dato l'assistenza.

3. Le riparazioni e revisioni di motori inviati all'impianto da qualunque dei suddetti paesi saranno normalmente effettuate secondo l'ordine di ricezione tranne quando l'efficienza del lavoro richieda diversamente. L'impianto restituirà lo stesso motore ricevuto a meno che il paese che ha inviato motori a reazione per grandi revisioni non consenta ad avere in restituzione un motore revisionato che non sia necessariamente lo stesso di quello consegnato all'impianto. Tuttavia in casi di emergenza o straordinari, la restituzione dei motori potrà essere effettuata secondo un ordine di priorità diverso da quello della ricezione; ciò in base alle decisioni di un apposito comitato internazionale, composto dai rappresentanti dei paesi interessati.

4. Per tutti i lavori di revisione saranno stabiliti costi unitari. Allo scopo di facilitare la determinazione di tali costi unitari, il Governo S.U. conviene di mettere a disposizione del Governo Italiano i risultati della propria esperienza ottenuta in materia per la costituzione e il mantenimento di analoghi impianti

negli S.U. - Il Governo Italiano riesaminerà i costi unitari ogni semestre dalla data in cui vengono inizialmente fissati onde tener conto dell'esperienza di lavoro del semestre precedente nel determinare i costi unitari da imporre successivamente.

5. Nelle spese generali relative all'uso dell'impianto non dovranno mai essere incluse quelle in qualsiasi modo attribuibili al costo iniziale degli articoli forniti dal Governo S.U. - Quando nella riparazione o revisione di motori saranno impiegate parti di ricambio che, in base al precedente Articolo I, il Governo S.U. fornirà al Governo Italiano, non sarà fatto per esse nessun addebito al paese che ne beneficia. Rimane inteso che nessuna parte di ricambio fornita dal Governo S.U., sotto forma di concessione di aiuti, verrà utilizzata per effettuare le grandi revisioni e (o) riparazioni di motori di una nazione che, nel periodo in cui vengono eseguite tali grandi revisioni e (e) riparazioni, non sia qualificata a ricevere aiuti MDAP.

6. Alerché gli S.U. cesseranno di fornire qualsiasi parti di ricambio come aiuto end-item in base allo MDAP, il Governo Italiano assicurerà che l'impianto prenda le misure necessarie per provvedersi ad avere a disposizione un adeguato rifornimento di tali parti di ricambio. Il passaggio avrà luogo in modo tale da assicurare il funzionamento ininterrotto dell'impianto. Le parti di ricambio che verranno procurate a cura dell'impianto potranno essere appropriatamente addebitate al consumatore definitivo.

7. Il Governo Italiano manterrà questo impianto per cui gli S.U. hanno dato assistenza, in modo che esso sia in condizione di fare prontamente manutenzioni e riparazioni ai motori J-47 e parti relative. L'impianto potrà essere utilizzato per scopi diversi da quelli qui descritti solo quando tale uso non interferisca con la sollecita disponibilità dell'impianto stesso per scopi di mutua difesa.

8. Gli S.U. avranno diritto di proprietà su tutti i rottami con

tenenti materie prime critiche e sulle parti usate (che contengano materie critiche) che necessitano agli S.U. e che siano provenienti da materiali forniti in base al Programma Assistenza Mutua Difesa come residuo di grandi revisioni e (o) riparazioni dei motori da parte dell'impianto. Il termine rottame, come qui usato, indica qualsiasi componente non riparabile di motori. Tali rottami saranno consegnati ad un rappresentante S.U. designato, franco lungo bordo (F.A.S.) qualora sia richiesto il trasporto via mare o consegnate franco a bordo (F.O.B.) di trasporti interni od aerei ai porti o posti di carico designati in base ad accordi fra competenti rappresentanti dei Governi S.U. e Italiano.

Ogni rottame residuato da grandi revisioni e (o) riparazioni di motori che non rientri nella definizione di rottame del presente paragrafo, sarà utilizzato dal Governo Italiano in maniera tale da impedire l'esportazione diretta o indiretta nell'Unione delle Repubbliche Socialiste Sovietiche o suoi paesi satelliti, Cina comunista e Nord Corea comunista comprese. Qualsiasi rottame che venga lasciato disponibile in Italia sarà utilizzato a vantaggio del suo programma di difesa o di quello di paesi amici.

9. Il Governo Italiano consentirà la introduzione, sotto vigilanza doganale e senza pagamento dei relativi oneri, dei motori destinati alle riparazioni e revisioni, nonché delle parti di ricambio, delle attrezzature speciali e degli altri materiali forniti dagli Stati Uniti o consegnati dai medesimi per la costituzione ed il funzionamento dell'impianto per revisioni.

I motori revisionati, come sopra introdotti, verranno riestinati in franchigia.

### ARTICOLO III

Il Governo Italiano conviene che tutti i motori a reazione del tipo J-33 e J-65 appartenenti all'Aeronautica Italiana o sotto il controllo di questa e abbisognevoli di grandi revisioni, saranno in

vianti nelle località che potranno essere scelte dall'U.S. Commander-in-Chief, Europa. Dato che per tali lavori il posto presentemente designato è l'impianto dell'"Atelier Industriel de l'Air" (AIA) a Casablanca, Marocco francese, il Governo Italiano conviene altresì di iniziare immediatamente trattative con il Governo francese per l'uso di tale impianto.

#### ARTICOLO IV

Il Governo Italiano conviene di adoperarsi al massimo per concludere accordi contrattuali con paesi diversi dagli S.U. ed ai quali questi ultimi hanno fornito assistenza militare.

Questi accordi singoli con i paesi partecipanti non stabiliranno, per servizi analoghi da rendere, prezzi superiori a quelli che il Governo Italiano è obbligato a pagare.

#### ARTICOLO V

Il presente Accordo entrerà in vigore alla data della sua firma.

I termini del presente Accordo potranno essere riesaminati in qualsiasi momento su richiesta di uno dei due Governi.

Il presente Accordo cesserà alla data in cui cesserà l'Accordo Assistenza Mutua Difesa e senza pregiudizio per gli impegni e possibilità che siano a quel momento maturati in conseguenza dei termini del presente Accordo.

In fede di cui sopra i sottosignati rappresentanti, debitamente autorizzati allo scopo, hanno firmato il presente Accordo.

Fatto a Roma, Italia, in duplice copia, in lingua inglese ed italiana, ambedue i testi in forma identica, oggi 8 Luglio, 1955.

Per il Governo d'Italia  
[SEAL] Gen. S. A. MARIO PEZZI

Per il Governo degli S.U. d'America  
[SEAL] ELBRIDGE DURBROW



# LIBYA

## Economic Assistance

*Agreement effected by exchange of notes  
Signed at Tripoli May 6 and 30, 1955;  
Entered into force May 30, 1955.*

TIAS 3382  
May 6, 1955

*The American Ambassador to the Libyan Prime Minister and  
Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
*Tripoli, May 6, 1955.*

EXCELLENCY:

I have the honor to refer to the economic assistance agreement concluded between the Government of the United States of America and the Government of the United Kingdom of Libya on September 9, 1954. You will recall that this agreement stated, inter alia, that three million dollars (\$3,000,000) of assistance by the United States Government for economic development in Libya would be available for commitment during the United States fiscal year ending on June 30, 1955. You will recall that provision of assistance under the proposals contained in the agreement was to be subject to the conclusion of such additional agreements as might be necessary to meet the requirements of applicable United States legislation and procedures.

TIAS 3105.  
5 UST, pt. 3,  
p. 2434.

I am pleased to inform Your Excellency that in accordance with the above provisions of the September 9 agreement the United States Operations Mission to Libya is prepared to transfer to the Libyan-American Reconstruction Commission the sum of three million dollars (\$3,000,000).

Upon receipt of notification from Your Excellency that the Libyan-American Reconstruction Commission is prepared to accept these funds for the purposes agreed upon herein, as the appropriately designated agency of your government, the specified funds will be transferred as directed by the Commission and will

be subject to instructions on their custody and disposition from a duly authorized officer or officers of the Commission in accordance with its enabling legislation or rules of procedure.

It is understood that these funds will be devoted to the furtherance of the economic development of Libya and that the duly designated representative of the United States Government will be provided access to such information concerning projects to be financed from these funds as may in its judgment be considered necessary to satisfy the requirements of applicable United States legislation and administrative regulations.

Your Excellency is requested to confirm that, in addition to the funds specified in this note, the Libyan Government is prepared to place all United States funds made available under the terms of the September 9, 1954 agreement under the control of the Libyan American Reconstruction Commission.

JOHN L. TAPPIN

His Excellency

MUSTAFA BEN HALIM,

*Prime Minister and Minister of Foreign Affairs of the  
United Kingdom of Libya,  
Tripoli.*

*The Libyan Deputy Prime Minister and Acting Minister of Foreign Affairs to the American Ambassador*

UNITED KINGDOM OF LIBYA  
MINISTRY OF FOREIGN AFFAIRS



الملكية الليبية المتحدة

وزارة الخارجية

طرابلس في ١٥ مايو ١٩٥٥  
رقم ٤٦٧٧٢

صاحب السعادة

انشرف بان اشير الى رسالة سعادتكم المورثة في ٦ ماي ١٩٥٥ والتي اطمعون فيها انه بنا على احكام الاتفاقية المعقودة بين حكومة المملكة الليبية المتحدة وحكومة الولايات المتحدة الأمريكية في ٩ سبتمبر ١٩٥٤ تهدى بعثة العمليات الأمريكية في ليبيا استعدادها لتحويل مبلغ ملايين دولار الى الجنة الليبية الأمريكية للادخار.

وادر ان احيط سعادتكم علما بان هذه اللجنة مستعدة لقبول هذا المبلغ للاغراض المتفق عليها كما ورد ذكرها في رسالة سعادتكم المشار إليها اعلاه.

هذا ومن العلوم بان هذا المبلغ سيخصص لتمويل المشاريع الجديدة للتقدم الاقتصادي في ليبيا، وبيان المطل المعن من قبل الولايات المتحدة سيرور بالمعلومات المتعلقة بالمشاريع التي ستقبل من المبلغ المذكور وذلك حسبما يراه ضروري للتفاوض مع قوانين الولايات المتحدة وانضتها الادارية.

ويسري ان اذكر بان الحكومة الليبية مستعدة بان تضع تحت اشراف لجنة الادخار الليبية الأمريكية جميع المالك التي ستقدمها الولايات المتحدة بموجب احكام اتفاقية ٩ سبتمبر ١٩٥٤ وذلك بالإضافة إلى المالك المبين في رسالة سعادتكم.

انته هذه الفرصة لاعرب لسعادتكم عن شعور  
الاحترام والتقدير.

(عبد الصمد كعبان)

نائب رئيس الوزراء ووزير الخارجية  
بالوكالة

صاحب السعادة جون ل. طابعين

سفير الولايات المتحدة الأمريكية في ليبيا

طرابلس

*Translation*

UNITED KINGDOM OF LIBYA  
MINISTRY OF FOREIGN AFFAIRS

No. 2331/7/28

TRIPOLI, May 30, 1955

EXCELLENCY:

I have the honor to refer to your note of May 6, 1955, in which you informed me that, under the terms of the agreement concluded between the Government of the United Kingdom of Libya and the Government of the United States of America on September 9, 1954, the American Operations Mission in Libya is prepared to transfer the sum of three million dollars to the Libyan-American Reconstruction Commission.

I am pleased to inform you that this Commission is prepared to accept this sum for the agreed purposes as mentioned in Your Excellency's note referred to above.

It is also understood that this sum will be earmarked for financing new projects for economic development in Libya and that the representative designated by the United States will be provided with such information regarding the projects to be financed by the above-mentioned sum as he considers necessary to satisfy United States legislation and administration regulations.

I have the pleasure to confirm that the Libyan Government is ready to put at the disposal of the Libyan-American Reconstruction Commission all the funds made available by the United States under the terms of the agreement of September 9, 1954, in addition to the funds indicated in Your Excellency's note.

I avail myself of this occasion to express to Your Excellency my highest respect and consideration.

ABDUL MAJID KUBAAR  
*Deputy Prime Minister and  
Acting Minister of Foreign  
Affairs*

His Excellency

JOHN L. TAPPIN,  
*Ambassador of the United States of  
America in Libya,  
Tripoli.*

# JAPAN

## Mutual Defense Assistance: Assembly and Manufacture of Airplanes in Japan

*Agreement effected by exchange of notes  
Signed at Tokyo June 3, 1955;  
Entered into force June 3, 1955.*

TIAS 3383  
June 3, 1955

*The American Ambassador to the Japanese Minister for Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
*Tokyo, June 3, 1955.*

Note No. 2122

EXCELLENCY:

I have the honor to refer to Article I of the Mutual Defense Assistance Agreement between the United States of America and Japan signed at Tokyo on March 8, 1954, which provides, *inter alia*, that each Government will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them. In pursuance of this provision representatives of our respective Governments have held discussions and views have been exchanged concerning a program for the assembly or manufacture in Japan of F-86F and T-33A airplanes by Japanese industry utilizing certain equipment, materials, services or other assistance to be made available by the Government of the United States of America to the Government of Japan under the terms and provisions of the said Agreement.

TIAS 2957.  
5 UST 663.

As a result of such discussions and exchange of views, I should like to state my Government's understandings in the matter as follows:

- a. The Government of the United States of America, subject to the terms and provisions of the said Mutual Defense Assistance

Agreement and in a manner not inconsistent with our previous exchange of views, is prepared to furnish to the Government of Japan, pursuant to the detailed arrangements to be concluded by representatives of our respective Governments, certain equipment, materials, services and other assistance to be utilized for the assembly in Japan of F-86F airplanes and for the manufacture and assembly in Japan of T-33A airplanes.

b. The Government of Japan is desirous of obtaining such equipment, materials, services and other assistance in order to improve the capability of Japanese industry to assemble or manufacture such airplanes as a means of developing Japan's defense capacity.

c. Necessary steps will be taken to share, as agreed upon by both sides, the costs in connection with the assembly and manufacture program as contemplated herein. Such program will be completed at a mutually agreeable date.

d. Detailed arrangements, based on these understandings, and in pursuance of the said Agreement, to implement the said program, shall be concluded by representatives of our respective Governments. Such arrangements will, subject to the approval of necessary budgets pursuant to the legislative procedures of our respective countries, be carried out in accordance with the constitutional provisions of our two countries.

I should appreciate it if Your Excellency would inform me whether the above understandings of my Government are also the understandings of your Government.

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

JOHN M. ALLISON

His Excellency,  
MAMORU SHIGEMITSU,  
*Minister for Foreign Affairs,*  
*Tokyo.*

昭和三十年六月三日

日本国駐在アメリカ合衆国特命全権大使 ジョーン・M・アリソン閣下

重光葵

な予算上の承認を受けることを条件として、両国の憲法上の規定に従つて実施されるものとする。

本使は、閣下が、前記の本国政府の了解が貴国政府の了解でもあることを本使に通報されれば幸であります。

本大臣は、以上に述べられた貴国政府の了解が日本国政府の了解であることを閣下に通報する光榮を有します。

本大臣は、以上を申し進めるに際し、ここに重ねて閣下に向つて敬意を表します。

b

日本国政府は、日本国の防衛能力を増強するための一手段として、前記の航空機を組み立て又は製造する日本国産業の能力を改善するため、前記の装備、資材、役務その他の援助を受けることを希望している。

c

両国政府は、その合意するところに従い、この書簡で企図された組立及び製造の計画に関連する経費を分担するために必要な措置を執るものとする。この計画は、相互に合意する日に完了するものとする。

d

これらの了解に基き、かつ、前記の協定に従う前記の計画実施のための細目取極は、両政府の代表者により締結されるものとする。これらの取極は、それぞれの国の立法上の手続に従つて必要

本国の産業によりF-186F航空機及びT-133A航空機を日本国において組み立て又は製造する計画について、討議を行い、かつ、意見を交換しました。

本使は、前記の討議及び意見の交換の結果、この問題についての本国政府の了解を次のとおり申し述べたいと思います。

a アメリカ合衆国政府は、前記の相互防衛援助協定の条項に従い、かつ、さきに行われた意見交換に反しないような方法で、日本国政府に対し、F-186F航空機の日本国における組立並びにT-133A航空機の日本国における製造及び組立に使用される一定の装備、資材、役務その他の援助を両政府の代表者が締結する細目取極に従つて、供与する用意がある。

*The Japanese Minister for Foreign Affairs to the American Ambassador*

下の書簡を受領したことを確認する光榮を有します。

本使は、千九百五十四年三月八日に東京で署名されたアメリカ合衆国と日本国との間の相互防衛援助協定の第一条に言及する光榮を有します。同条は、その中で、各政府が、他方の政府に対し、援助を供与する政府が承認することがある装備、資材、役務その他の援助を、両政府の間で行うべき細目取極に従つて、使用に供するものとすることを規定しています。この規定に従つて、両政府の代表者は、前記の協定の条項に基いてアメリカ合衆国政府が日本国政府の使用に供する一定の装備、資材、役務その他の援助を使用して、日

*Translation*

TOKYO, June 3, 1955

Mr. AMBASSADOR,

I have the honor to acknowledge receipt of Your Excellency's note of this date reading as follows:

[For the English language text of the note, see *ante*, p. 3817.]

I have the honor to inform Your Excellency that the understandings of your Government as expressed above are also the understandings of my Government.

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

MAMORU SHIGEMITSU

His Excellency

The Honorable JOHN M. ALLISON

*Ambassador Extraordinary  
and Plenipotentiary of  
the United States of America  
to Japan*

# UNION OF SOVIET SOCIALIST REPUBLICS

## Lend Lease Settlement: Return of Certain United States Naval Vessels

*Agreement signed at Washington May 26, 1955;  
Entered into force May 26, 1955.*

TIAS 3384  
May 26, 1955

AGREEMENT ON DATES AND PROCEDURES  
FOR THE RETURN OF 4 SUBCHASERS TYPE SC, 2  
SUBCHASERS TYPE RPC AND 56 TORPEDO BOATS  
TYPE PT OF THE UNITED STATES NAVY RECEIVED  
BY THE UNION OF SOVIET SOCIALIST REPUBLICS  
UNDER THE LEND-LEASE ACT

55 Stat. 31.  
22 U. S. C. §§ 411-  
419.

1. The return of the vessels to the representatives of the United States will be effected by the Soviet Government using its own crews, not later than September 1, 1955.

2. The vessels will be returned and transferred to the representatives of the United States in the port of Kiel, Germany. They will be delivered during the period 1 July to 1 September, 1955 under their own power, in tow, and on board transports in 4-6 groups of 10-15 vessels in each group. The towing will be effected by vessels (auxiliary) of the naval forces of the Union of Soviet Socialist Republics. The Soviet Government shall notify the Department of State of the United States at least 30 days in advance concerning the expected date of arrival of each group and the number and method of delivery of each type of vessel included in a group.

3. The vessels will be returned with their equipment, spare parts and ammunition with the exception of that which has been consumed, destroyed, or lost during the period of the war

4. The actual transfer of the vessels will be effected by exchange of a deed of delivery and receipt for each vessel (Exhibit A attached hereto) executed in duplicate both in the English and Russian languages by the Soviet officer delivering the vessel and by the receiving United States officer, one copy of the deed in each language to be retained by each country

5. Two vessels of the naval forces of the Union of Soviet Socialist Republics will accompany each group and after transfer of the vessels will take on board in the port of Kiel the crews of these vessels

6. The Senior Officer of a group of vessels will make application by radio on international wave lengths to the appropriate German authorities, in the port not less than 24 hours before the expected time of arrival, for definite instructions as to pilotage, anchorage, etc

7. The following normal procedure will constitute delivery of the vessels

(a) Each vessel will proceed to a designated berth and a watch will be maintained by Soviet personnel in order to take such action as may be necessary to provide for the safety of each vessel until it is transferred to the personnel of the United States

(b) The Soviet crew will remove personal effects and Soviet property. Boating assistance will be arranged for by the United States if required.

- (c) The United States personnel will begin the reception of each vessel upon arrival at berth. It is understood that the transfer of each group of vessels must be completed within three days after the arrival of the group in the port of Kiel
- (d) The deed of delivery and receipt of the vessel, equipment and stores, including a statement of abandonment by the Soviet Government of any Soviet property left on board will be executed by the receiving United States officer and the Soviet officer delivering the vessel
- (e) The Soviet crew will depart the vessel and the United States personnel will assume responsibility

8. No gun salutes will be given.

9. The transfers will be made in the simplest and most expeditious manner

10 Payment of charges for pilotage, towing and docking or anchorage at buoy in connection with delivery of vessels shall be borne by the Soviet Government if such charges are incurred before the signing of the deed of delivery and receipt for each vessel Payment of charges for pilotage, towing and docking or anchorage at buoy incurred after the signing of the deed of delivery and receipt for each vessel shall be borne by the Government of the United States.

11 A representative of the senior United States naval commander present will call upon the senior Soviet officer upon arrival of the vessels. Otherwise all official calls will be considered as having been made and returned.

The present agreement is executed in the English and  
Russian languages and both texts are equally authentic

Washington, May 26, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:  
THORSTEN V KALIJARVI

FOR THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST  
REPUBLICS:

G. ZAROUBIN

## Exhibit A

DEED OF DELIVERY AND RECEIPT

We, the undersigned, authorized representatives of the Ministry of Defense of the Union of Soviet Socialist Republics, party of the first part, and of the Department of the Navy of the United States of America, party of the second part, respectively, hereby execute this deed to evidence the fact that the party of the first part has returned and the party of the second part has received and accepted on behalf of the Government of the United States

complete with all machinery, equipment, and stores then on board, all right, title and interest in such machinery, equipment and stores being hereby expressly abandoned by the Government of the Union of Soviet Socialist Republics

This transfer has been accomplished this \_\_\_\_\_ day of \_\_\_\_\_ 1955 at Kiel, Germany

The present deed is executed in the English and Russian languages and both texts are authentic.

Authorized representative of  
the Department of the Navy  
of the United States of  
America

Authorized representative of  
the Ministry of Defense of  
the Union of Soviet Socialist  
Republics

## С О Г Л А Ш Е Н И Е

О СРОКАХ И ПОРЯДКЕ ВОЗВРАЩЕНИЯ 4 ОХОТНИКОВ ЗА ПОЛВОДНЫМИ ЛОДКАМИ ТИПА СЦ, 2 ОХОТНИКОВ ЗА ПОЛВОДНЫМИ ЛОДКАМИ ТИПА РЩ И 56 ТОРПЕЛЬНЫХ КАТЕРОВ ТИПА ПТ ВОЕННО-МОРСКОГО ФЛОТА СОЕДИНЕННЫХ ШТАТОВ, ПОЛУЧЕННЫХ СОЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК ПО ЛЕНД-ЛИЗУ

I Возвращение кораблей представителям Соединенных Штатов будет произведено Советским Правительством с использованием своих собственных команд не позднее I сентября 1955 года.

2. Корабли будут возвращены и переданы представителям Соединенных Штатов в порту Киль, Германия. Они будут доставлены в период с I июля по I сентября 1955 года своим ходом, на буксире и на борту транспортов 4-6 группами по 10-15 кораблей в каждой группе Суда /вспомогательные/ военно-морских сил Союза Советских Социалистических Республик будут осуществлять буксировку Советское Правительство уведомит Государственный Департамент Соединенных Штатов заранее, по крайней мере за тридцать дней, о предполагаемой дате прибытия каждой группы и о количестве и способе доставки кораблей каждого типа, включенных в группу..

3. Корабли будут возвращены с их оборудованием, запасными частями и боеприпасами, за исключением того, что было потреблено, разрушено или утеряно во время войны.

4 Действительная передача кораблей будет завершена обменом актами о передаче и приемке по каждому кораблю /приложение А, прилагаемое к настоящему Соглашению/, составленными в двух экземплярах, каждый на английском и русском языках, советским офицером, передающим корабль, и получающим его американским офицером, причем один экземпляр акта на обоих языках будет оставлен в каждой стране

5 Два корабля военно-морских сил Союза Советских Социалистических Республик будут сопровождать каждую группу и после передачи кораблей возьмут на борт в порту Киль команды этих кораблей.

6 Старший офицер группы кораблей оповещает по радио на международных длинах волн соответствующие германские власти в порту не менее, чем за 24 часа до предполагаемой даты прибытия, для получения определенных инструкций в отношении провода кораблей, якорной стоянки и т.д

7 Передача кораблей будет произведена в следующем порядке

а/ Каждый корабль будет доставлен в указанное место стоянки и будет осуществлено наблюдение советским персоналом с тем, чтобы предпринять такие меры, которые могут оказаться необходимыми в целях обеспечения сохранности каждого корабля до передачи его персоналу Соединенных Штатов.

б/ Советская команда возьмет с собой личное имущество и советскую собственность Помощь пловучими средствами

будет предоставлена Соединенными Штатами, если потребуется.

в/ Персонал Соединенных Штатов начнет приемку каждого корабля по его прибытии на место стоянки. Причем подразумевается, что передача каждой группы кораблей должна быть закончена в течение трех дней после прибытия группы в порт Киль.

г/ Акт о передаче и приемке корабля, оборудования и заласов, включая заявление об отказе Советского Правительства от любого советского имущества, оставленного на борту, будет составлен принимающим корабль американским офицером и сдающим его советским офицером.

д/ Советская команда покинет корабль, а американский персонал примет его под свою ответственность.

8 Никаких орудийных салютов произведено не будет.

9 Передача будет осуществлена наиболее простым и быстрым образом.

10 Оплата расходов по лоцманской проводке, буксировке и стоянке у причалов или на бочке в связи с доставкой кораблей возлагается на Советское Правительство, если такие расходы имели место до подписания акта о передаче и приемке каждого корабля. Оплата расходов по лоцманской проводке, буксировке и стоянке у причалов или на бочке, произведенных после подписания акта о передаче и приемке каждого корабля, возлагается на Правительство Соединенных Штатов.

II Представитель присутствующего в порту старшего военно-морского командира флота Соединенных Штатов нанесет визит старшему советскому офицеру по прибытии кораблей В других случаях все официальные визиты будут рассматриваться как нанесенные и ответные

Настоящее соглашение составлено на английском и русском языках Оба текста являются аутентичными

Вашингтон

26 мая 1955 года

От имени Правительства Соединенных Штатов Америки

*Thorsten V. Kalyan'*

От имени Правительства Союза Советских Социалистических Республик

*Борис Бондарев*

## Приложение А

A K T  
о передаче и приемке

Мы, нижеподписавшиеся, уполномоченные представители Министерства Обороны Союза Советских Социалистических Республик и Военно-Морского Министерства Соединенных Штатов, соответственно первая и вторая стороны, составили настоящий акт в подтверждение того факта, что первая сторона сдала, а вторая сторона получила и от имени Правительства Соединенных Штатов приняла

полностью со всеми механизмами, оборудованием и находившимися в то время на борту запасами Советское Правительство ясно отказывается от всех прав и интересов на эти механизмы, оборудование и запасы.

Эта передача была завершена \_\_\_\_\_ 1955 года в Киле, Германия.

Настоящий акт составлен на английском и русском языках. Оба текста являются аутентичными

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Уполномоченный представитель  
Военно-Морского Министерства  
Соединенных Штатов Америки

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Уполномоченный представитель  
Министерства Обороны Союза  
Советских Социалистических  
Республик

# BRAZIL

## Uranium Reconnaissance

*Agreement effected by exchange of notes  
Signed at Rio de Janeiro August 3, 1955;  
Entered into force August 3, 1955.*

TIAS 3385  
Aug. 3, 1955

*The American Ambassador to the Brazilian Minister of  
Foreign Affairs*

AMERICAN EMBASSY,  
RIO DE JANEIRO, BRAZIL,  
*August 3, 1955.*

EXCELLENCY:

I have the honor to refer to the attached document dated August 3, 1955 setting forth a cooperative program for the reconnaissance of the uranium resources of Brazil by appropriate agencies of our two Governments.

If the program as set forth therein meets with the approval of Your Excellency's Government, Your Excellency's note expressing such approval, together with the present note, shall constitute an agreement between our two Governments effective as of the date of Your Excellency's reply.

Accept, Excellency, the assurances of my highest esteem and consideration.

JAMES CLEMENT DUNN

His Excellency

Dr. RAUL FERNANDES,  
*Minister of Foreign Affairs,  
Rio de Janeiro, Brazil.*

AUGUST 3, 1955

JOINT COOPERATIVE PROGRAM FOR THE  
RECONNAISSANCE OF THE URANIUM RESOURCES  
OF BRAZIL

1. General Purpose

*Article I.* The Government of the United States of America and the Government of the United States of Brazil, through their respective responsible agencies, herewith agree to co-operate in a program of general geological and mineralogical investigations of the uranium resources of Brazil, for the purpose of discovering, appraising and evaluating such uranium resources. The investigations shall be carried out in those areas of Brazil mutually considered to be most geologically favorable for uranium.

*Article II.* Detailed physical exploration and development of specific uranium deposits, preliminary to the mining, concentration, extraction or disposal of ores, concentrates, metals or compounds shall not be a function of the appraisal program. The Government of the United States of Brazil assures the Government of the United States of America that it is favorably disposed to supplying uranium to the United States of America under terms to be mutually agreed to and under conditions consistent with its own internal requirements for uranium for nuclear energy purposes. In the event uranium deposits capable of commercial production are found, the two Governments, through their respective responsible agencies, will undertake to negotiate a mutually satisfactory contract covering the development, production and sale of uranium to the United States.

*Article III.* Both Governments may, through periodic consultations and by mutual agreement, extend, restrict and/or modify the objectives of this program.

2. Organization and Operation of Program

*Article IV.* Such entity as shall be authorized by the Government of the United States of Brazil, shall have general administrative and technical responsibility for the program.

*Article V.* The United States Atomic Energy Commission, through authority granted by the Government of the United States of America, shall have general responsibility for the participation of the United States of America in the program, but may designate the United States Geological Survey, or, subject to the

consent of the Government of Brazil, another agency or contractor to carry out that part of such a program which is the responsibility of the United States Atomic Energy Commission.

*Article VI.* The Government of the United States of America, through the United States Atomic Energy Commission or its designees, shall undertake:

(a) To assign to the program geologists or other specialized personnel technically trained in the field of radioactive mineral investigations. Their number will be determined by mutual agreement.

(b) To furnish technical information for the reconnaissance and investigation program.

(c) To provide, at its expense, such specialized equipment, supplies and spare parts, not available in Brazil, as may be required for effectively carrying out the field reconnaissance. The categories, quantities and utilization of such equipment shall be determined by mutual agreement.

(d) To assist, as may be mutually agreed to be necessary and appropriate, in the establishment of facilities for the repair, maintenance, and calibration of field and radiometric equipment used in the program.

*Article VII.* In the event that this program is terminated, the Government of Brazil shall have an option for the purchase, at cost less reasonable depreciation, of such equipment, materials, and instruments as may be supplied by the United States Atomic Energy Commission in relation to subparagraphs (c) and (d) of Article VI. In the event that the Government of Brazil does not exercise its option to purchase, it shall facilitate the exportation at the termination of the program.

*Article VIII.* The Government of the United States of Brazil, through such administrative and technical organizations as shall be designated under Article IV, shall undertake:

(a) To assign to the program an adequate number of geologists and technical personnel, assistants and helpers.

(b) To provide adequate office and laboratory space and related equipment and services and to make available, where feasible, the technical service of pertinent scientific institutions of Brazil.

(c) To provide equipment, supplies, spare parts, and services for field and laboratory operations, insofar as they are available in Brazil, including motor vehicles, beasts of burden, and housing, feeding and general maintenance of field parties.

(d) To provide facilities for the repair and maintenance of field, radiometric, and automotive equipment.

(e) In general, the Government of the United States of America and the Government of the United States of Brazil will take all necessary and appropriate measures, consistent with their respective national legislation, to facilitate the execution of this agreement.

(f) To permit the free exportation of any equipment, materials, and supplies brought into Brazil under the provisions of subparagraphs (c) and (d) of Article VI on which the Government of Brazil has not exercised the option granted to it in Article VII.

*Article IX.* The operating agencies respectively designated by the Government of the United States of America and the Government of the United States of Brazil will each designate one party chief who will constitute the Joint Working Group for the planning and administration of the program herein described.

*Article X.* Periodic inspection of all phases of the program may be made by officially designated representatives of the Government of the United States of America and by officially designated representatives of the Government of Brazil.

*Article XI.* All reports of investigations prepared by the technical staff shall be submitted by the Joint Working Group to both Governments for consideration and shall be for their exclusive use until such time as both Governments give their consent to the publication thereof.

*Article XII.* The Governments will consult with each other from time to time to determine whether information developed by this program requires a security classification. Any information which, by mutual agreement, is classified as security information shall be safeguarded accordingly.

### 3. Financing

*Article XIII.* All purchases, expenses, wages and salaries incurred in connection with responsibilities undertaken by the Government of the United States of America, in accordance with subparagraphs (a), (b), (c) and (d) of Article VI, shall be defrayed by that Government.

*Article XIV.* All purchases, expenses, wages, and salaries incurred in connection with responsibilities undertaken by the Government of the United States of Brazil, in accordance with subparagraphs (a), (b), (c) and (d) of Article VIII, shall be defrayed by that Government.

*Article XV.* It is understood that participation by the Government of the United States of Brazil and the Government of the United States of America in the implementation of this Agreement will depend upon the availability of funds appropriated by

the Congress of the United States of Brazil and the Congress of the United States of America.

**4. Term**

*Article XVI.* (a) This Agreement shall be in force for a period of two years from the effective date unless terminated in accordance with (b) hereof and may be extended for additional periods by mutual accord.

(b) Either Government may terminate the Agreement by giving the other Government six months' advance notice.

*The Brazilian Minister of Foreign Affairs to the American Ambassador*

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

DE/DAI/116/524.28

*Em 3 de agosto de 1955.*

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da nota de 3 do corrente, relativa a um programa conjunto de cooperação para reconhecimento de recursos de urânio no Brasil pelos órgãos competentes de ambos os Governos.

2. Em resposta, levo ao conhecimento de Vossa Excelênciia que o Govêrno brasileiro concorda com os têrmos da referida nota a qual, juntamente com esta constituem um acôrdo entre os dois Governos.

Aproveito a oportunidade para renovar a Vossa Excelênciia os protestos da minha mais alta consideração.

RAUL FERNANDES

A Sua Excelênciia o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

PROGRAMA CONJUNTO DE COOPERAÇÃO PARA O RECONHECIMENTO  
DOS RECURSOS DE URÂNIO NO BRASIL<sup>[1]</sup>

1. - Objetivo Geral

Artigo I - O Governo dos Estados Unidos do Brasil e o Governo dos Estados Unidos da América, através de seus respectivos órgãos responsáveis, concordam em cooperar num programa de investigações gerais, geológicas e mineralógicas, dos recursos uraníferos do Brasil, com a finalidade de descobrir, estimar e avaliar tais recursos. As investigações serão realizadas nas áreas do Brasil consideradas, de comum acordo, como geologicamente mais favoráveis à ocorrência do urânio.

Artigo II - A pesquisa física minuciosa e o desenvolvimento dos depósitos específicos de urânio, que precedem a mineração, concentração, extração ou destino de minérios, concentrados, metais ou compostos, não serão função do programa de estimativa. O Governo dos Estados Unidos do Brasil assegura ao Governo dos Estados Unidos da América que está favoravelmente disposto a fornecer urânio aos Estados Unidos da América em termos a serem mútuamente acordados e sob condições compatíveis com suas próprias necessidades internas de urânio para fins de energia nuclear. Caso sejam encontrados depósitos de urânio comercialmente exploráveis, os dois Governos, através de seus órgãos responsáveis respectivos, empreenderão negociações para a realização de um contrato mútuamente satisfatório que abranja o desenvolvimento, produção e venda do urânio aos Estados Unidos da América.

Artigo III - Ambos os Governos poderão, por meio de consultas periódicas e de comum acordo, ampliar, restringir bem como modificar os objetivos deste programa.

<sup>[1]</sup> For the English language version hereof, see *ante*, p. 3836.

programa.

2. - Organização e execução do programa

Artigo IV - A entidade que fôr autorizada pelo Govêrno dos Estados Unidos do Brasil terá a responsabilidade geral, administrativa e técnica, pela execução do programa.

Artigo V - A Comissão de Energia Atômica dos Estados Unidos da América, através dos poderes concedidos pelo Govêrno dos Estados Unidos da América, terá a responsabilidade geral pela participação dos Estados Unidos da América na execução do programa mas poderá designar o Serviço Geológico dos Estados Unidos da América, ou, sujeito ao consentimento do Govêrno do Brasil, outro órgão ou contratante, para executar a parte do programa que fôr de responsabilidade da Comissão de Energia Atômica dos Estados Unidos da América.

Artigo VI - O Govêrno dos Estados Unidos da América, através da Comissão de Energia Atômica dos Estados Unidos da América ou de quem esta designar, comprometer-se-á a:

a) - designar, para execução do programa, geólogos, ou outro pessoal especializado, tecnicamente treinados no campo da investigação de minerais radioativos. Seu número será determinado de comum acôrdo.

b) - fornecer informações técnicas para o programa de reconhecimento e investigação.

c) - fornecer, à sua custa, o equipamento especializado, suprimentos e sobressalentes, não disponíveis no Brasil, que possam ser necessários à realização efetiva do reconhecimento de campo. As categorias, quantidades e utilização desse equipamento serão estabelecidas de comum acôrdo.

acôrdo.

d) - dar a assistência julgada necessária e adequada por ambas as partes, para o estabelecimento de facilidades para o conserto, manutenção e calibragem do equipamento de campo e radiométrico utilizado no programa.

Artigo VII - Na eventualidade de terminar êste programa, o Govêrno do Brasil terá opção para comprar, ao preço de custo, menos uma depreciação razoável, o equipamento, materiais e instrumentos fornecidos pela Comissão de Energia Atômica dos Estados Unidos da América, constantes dos subparágrafos (c) e (d) do Art. VI. Na hipótese de não utilizar sua opção de compra, o Govêrno do Brasil deverá facilitar a exporação quando terminado o programa.

Artigo VIII - O Govêrno dos Estados Unidos do Brasil, pelos órgãos administrativos e técnicos que forem designados de acôrdo com o Art. IV, comprometer-se-á a:

a) - designar um número adequado de geólogos e pessoal técnico, assistentes e auxiliares para execução do programa.

b) - fornecer espaço adequado para escritórios e laboratórios e equipamento e serviços relacionados com os mesmos e, quando possível, tornar disponíveis os serviços técnicos de instituições científicas pertinentes do Brasil.

c) - fornecer equipamento, suprimentos, sobressalentes e serviços para as operações de campo e laboratório, até onde disponíveis no Brasil, inclusive veículos a motor, animais de carga, alojamento, alimentação e manutenção geral das equipes de campo.

d) - dar facilidades para o conserto e manu-

manutenção do equipamento radiométrico de campo e dos veículos a motor.

e) - tomar, em geral, juntamento com o Governo dos Estados Unidos da América, todas as medidas necessárias e apropriadas, compatíveis com as respectivas legislações nacionais, a fim de facilitarem a execução deste ajuste.

f) - permitir a livre exportação de qualquer e equipamento, materiais e suprimentos trazidos para o Brasil, de acordo com o estabelecido nos subparágrafos (c) e (d) do Art. VI, em relação aos quais o Governo do Brasil não tenha exercido o direito de opção que lhe é assegurado no Art. VII.

Artigo IX - Cada um dos órgãos executores, credenciados respectivamente pelo Governo dos Estados Unidos do Brasil e pelo Governo dos Estados Unidos da América, designará um Chefe de Grupo para constituir o Grupo Misto de Trabalho incumbido do planejamento e administração do programa aqui exposto.

Artigo X - Inspeções periódicas de todas as fases do programa poderão ser feitas por representantes oficialmente designados pelo Governo dos Estados Unidos do Brasil e por representantes oficialmente designados pelo Governo dos Estados Unidos da América.

Artigo XI - Todos os relatórios de investigações elaborados pelo corpo técnico serão submetidos, pelo Grupo Misto de Trabalho, à consideração de ambos os Governos para seu uso exclusivo, até que os mesmos autorizem sua publicação.

Artigo XII - Os Governos consultar-se-ão, de tempos em tempos, a fim de determinar se às informações resultantes da execução deste programa se deve emprestar caráter si-

sigiloso. Qualquer informação que, de comum acordo, for classificada como sigilosa deverá ser protegida como tal.

#### 3. - Financiamento

Artigo XIII - Todas as aquisições, despesas, ordenados e salários, decorrentes das responsabilidades assumidas pelo Governo dos Estados Unidos da América em virtude dos subparágrafos (a), (b), (c) e (d) do Art.VI, serão pagos por esse Governo.

Artigo XIV - Todas as aquisições, despesas, ordenados e salários, decorrentes das responsabilidades assumidas pelo Governo dos Estados Unidos do Brasil em virtude dos subparágrafos (a), (b), (c) e (d) do Art.VIII, serão pagos por esse Governo.

Artigo XV - Fica entendido que a participação do Governo dos Estados Unidos do Brasil e do Governo dos Estados Unidos da América, na implementação deste Programa, estará na dependência da existência de verbas votadas pelo Congresso dos Estados Unidos do Brasil e pelo Congresso dos Estados Unidos da América.

#### 4. - Vigência

Artigo XVI - (a) - Este Programa terá a duração de dois (2) anos, a partir da data de sua entrada em vigor, a menos que seja dado por terminado conforme o que dispõe o subparágrafo (b) deste artigo, e poderá ser prorrogado, de comum acordo, por períodos adicionais.

(b) - Qualquer dos dois Governos poderá pôr termo ao presente Programa mediante aviso prévio de seis (6) meses ao outro Governo.

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DE/DAI/116/524.26

*August 3, 1955.*

MR. AMBASSADOR,

I have the honor to acknowledge receipt of the note of the 3d of this month, relating to a joint cooperative program for the reconnaissance of uranium resources in Brazil by appropriate agencies of both Governments.

2. In reply, I inform Your Excellency that the Brazilian Government concurs in the terms of the aforesaid note which, together with this one, constitutes an agreement between the two Governments.

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

RAUL FERNANDES

His Excellency

JAMES CLEMENT DUNN,

*Ambassador of the United States of America.*

# HAITI

## Mutual Defense Assistance

*Agreement signed at Washington January 28, 1955;  
Entered into force September 12, 1955.*

TIAS 3386  
Jan. 28, 1955  
*Post*, p. 3867.

MILITARY ASSISTANCE AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE REPUBLIC OF HAITI

The Governments of the United States of America and of the Republic of Haiti:

Conscious of their pledges under the Inter-American Treaty of Reciprocal Assistance and other international instruments to assist any American State subjected to an armed attack and to act together for the common defense and for the maintenance of the peace and security of the Western Hemisphere;

TIAS 1838.  
62 Stat., pt. 2, p.  
1681.

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles;

TS 993.  
59 Stat. 1031.

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting legislation which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements;

Desiring to set forth the conditions which will govern the furnishing of such assistance by one Government to the other;

Have agreed as follows:

#### ARTICLE I

1. Each Government will make or continue to make available to the other, and to such additional governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with such terms and conditions as may be agreed. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations. Such assistance shall be so designed as to promote the defense of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense of the Western Hemisphere. Assistance made available by the Government of the United States of America

pursuant to this Agreement will be furnished under the provisions, and subject to all the terms, conditions and termination provisions of applicable United States legislation. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Republic of Haiti undertakes to make effective use of assistance received from the Government of the United States of America pursuant to this Agreement for the purpose of implementing defense plans, accepted by the two Governments, under which the two Governments will participate in missions important to the defense of the Western Hemisphere, and will not, without the prior agreement of the Government of the United States of America, devote such assistance to purposes other than those for which it was furnished. It is understood that the Government of the Republic of Haiti will not undertake any act of aggression against any nation.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required for the purposes for which it was originally made available (except equipment and materials furnished under terms requiring reimbursement) will be returned to the Government which furnished such assistance for appropriate disposition.

4. In the common security interest of both Governments, the Government of the Republic of Haiti undertakes not to transfer to any person not an officer or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished to it by the Government of the

United States of America under this Agreement, without the prior agreement of the Government of the United States of America.

5. The two Governments will establish procedures whereby the Government of the Republic of Haiti will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States of America any such legal process would interfere with the attainment of the objectives of the said program of assistance.

6. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

#### ARTICLE II

Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

#### ARTICLE III

The two Governments will, upon request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense in order to expedite such exchanges and at the same time protect private interests and maintain security safeguards.

**ARTICLE IV**

1. The Government of the Republic of Haiti will from time to time make available to the Government of the United States of America Haitian gourdes in amounts to be agreed for the use of the latter Government for its administrative and operating expenditures in connection with carrying out the purposes of the Mutual Security Act of 1954.

68 Stat. 882.  
22 U.S.C. §1751 note

The two Governments will forthwith initiate discussions with a view to determining the amount of such Haitian gourdes and to agreeing upon arrangements for the furnishing of such Haitian gourdes.

2. The Government of the Republic of Haiti will, except as may otherwise be agreed, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials, or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.

3. The operations and expenditures effected in Haiti by or on behalf of the Government of the United States of America for the common defense effort including those carried out as a consequence of any other foreign aid program will be relieved from all taxation. To this end the Government of the Republic of Haiti will prescribe pertinent procedures satisfactory to both Governments.

**ARTICLE V**

1. The Government of the Republic of Haiti will receive personnel of the Government of the United States of America who

will discharge responsibilities of the Government of the United States of America in connection with the implementation of this Agreement. Such personnel will be accorded facilities for continuous observation and review of programs of assistance under this Agreement, including the utilization of any such assistance. Such personnel who are nationals of the United States of America, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of the United States of America, and shall be accorded all privileges and immunities conferred by international custom to Embassy personnel of corresponding rank. Privileges and courtesies incident to diplomatic status, such as diplomatic automobile license plates, inclusion on the "diplomatic list", and social courtesies may be waived by the sending Government for its personnel other than the senior military member and the senior Army, Navy and Air Force officer and their respective immediate deputies.

2. The two Governments will negotiate arrangements for classification of personnel and for appropriate notification thereof to the host Government.

3. The Government of the Republic of Haiti will grant, upon request of the Chief of the Diplomatic Mission of the Government of the United States of America, exemption from import and export duties on articles imported for the personal use of such personnel and of members of their families and will take adequate administrative measures to facilitate and expedite the

importation and exportation of the personal property of such individuals and their families.

#### ARTICLE VI

Existing arrangements relating to Armed Forces missions of the United States of America established under other instruments are not affected by this Agreement and will remain in full force.

#### ARTICLE VII

In conformity with the principle of mutual aid, under which the two Governments have agreed as provided in Article I, to furnish assistance to each other, the Government of the Republic of Haiti will facilitate the production and transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Haiti and in territories under its sovereignty. Arrangements for such transfer shall give due regard to reasonable requirements for domestic use and commercial export of Haiti.

#### ARTICLE VIII

In the interest of their mutual security, the Government of the Republic of Haiti will cooperate with the Government of the United States of America in measures designed to control trade with nations which threaten the security of the Western Hemisphere.

## ARTICLE IX

The two Governments reaffirm their determination to join in promoting international understanding and goodwill and maintaining world peace, to take such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations assumed under multilateral or bilateral agreements and treaties to which both are parties. The Government of the Republic of Haiti will, consistent with its political and economic stability make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

## ARTICLE X

Whereas this Agreement has been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other American Republic, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that its provisions may conform, in whole or in part, to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with an American Republic.

## ARTICLE XI

1. This Agreement shall enter into force when the Government of the Republic of Haiti shall have notified the Government of the United States of America<sup>[1]</sup> of its ratification and shall continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and arrangements made pursuant to the provisions of Article I, paragraphs 3, 5 and 6 and of Article III shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any matter relating to the application or amendment of this Agreement.

3. This Agreement shall be registered with the Secretary General of the United Nations.

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<sup>[1]</sup> Sept. 12, 1955.

ACCORD ENTRE  
LES ETATS-UNIS D'AMERIQUE  
ET  
LA REPUBLIQUE D'HAITI  
RELATIF A L'AIDE MILITAIRE

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République d'Haïti:

Conscients des engagements qu'ils ont pris, aux termes du Traité Interaméricain d'Aide Réciproque et d'autres instruments internationaux, de prêter assistance à tout Etat Américain exposé à une attaque armée et d'agir ensemble pour la défense commune et pour le maintien de la paix et de la sécurité de l'Hémisphère Occidental;

Désireux de favoriser la paix et la sécurité internationales, dans le cadre de la Charte des Nations Unies, par des mesures qui accroîtront la capacité des nations fidèles aux buts et aux principes de la Charte de participer efficacement à des accords de légitime défense individuelle et collective à l'appui de ces buts et principes;

Réaffirmant leur résolution de coopérer pleinement aux efforts entrepris pour doter les Nations Unies de forces armées, ainsi que le prévoit la Charte, et pour parvenir à un accord sur une réglementation générale et une réduction des armements moyen-nant des garanties adéquates contre toute violation;

Prenant en considération la contribution que le Gouvernement des Etats-Unis d'Amérique a apportée à ces principes en promulgant des lois qui prévoient la fourniture d'assistance militaire aux nations qui sont liées aux Etats-Unis par des accords de sécurité collective;

Désireux d'établir les conditions qui régiront la fourniture de cette aide par un Gouvernement à l'autre;

Sont convenus de ce qui suit:

#### ARTICLE I

1. Chaque Gouvernement mettra ou continuera à mettre à la disposition de l'autre et de tout autre Gouvernement dont ils pourraient convenir dans chaque cas, les équipements, les matériels, les services ou telle autre assistance militaire que le Gouvernement prêtant cette assistance pourrait autoriser aux termes et conditions dont il serait convenu. Toute assistance qui pourrait être autorisée par l'une ou l'autre Partie devra être octroyée en accord avec la Charte des Nations Unies. Cette assistance sera conçue de manière à contribuer à la défense de l'Hémisphère Occidental et à cadrer avec les plans de défense en vertu desquels les deux Gouvernements prendront part à des missions importantes pour la défense de l'Hémisphère Occidental. L'aide donnée par le Gouvernement des Etats-Unis d'Amérique en application du présent Accord le sera conformément aux dispositions

des lois applicables des Etats-Unis et sera soumise à tous les termes, à toutes les conditions et à toutes les clauses d'expiration de ces lois. Les deux Gouvernements négocieront, lorsqu'ils le jugeront utile, les arrangements de détail nécessaires pour l'application des dispositions du présent paragraphe.

2. Le Gouvernement de la République d'Haïti s'engage à mettre effectivement en usage l'aide reçue du Gouvernement des Etats-Unis d'Amérique, en application du présent Accord, dans le but de mettre en œuvre les plans de défense acceptés par les deux Gouvernements et en vertu desquels les deux Gouvernements prendront part à des missions importantes pour la défense de l'Hémisphère Occidental, et n'utilisera pas cette aide, sans le consentement préalable du Gouvernement des Etats-Unis d'Amérique, à des buts autres que ceux pour lesquels elle aura été fournie. Il est entendu que le Gouvernement de la République d'Haïti ne se livrera à aucun acte d'agression contre une nation quelconque.

3. Des arrangements seront conclus en vertu desquels les équipements et les matériels fournis en application du présent Accord et qui ne seront plus nécessaires aux fins pour lesquelles ils avaient été fournis à l'origine (sauf les équipements et les matériels fournis en vertu de termes prescrivant remboursement) seront retournés au Gouvernement qui aura donné cette aide pour qu'il en dispose comme il le jugera à propos.

4. Dans l'intérêt de la sécurité commune des deux Gouvernements, le Gouvernement de la République d'Haïti s'engage à ne transférer à aucune personne qui n'est pas fonctionnaire ou agent dudit Gouvernement, ni à aucun Gouvernement tiers, la propriété ou la possession de tous équipements, matériels ou services qui

lui auront été fournis par le Gouvernement des Etats-Unis d'Amérique en vertu du présent Accord, sans le consentement préalable du Gouvernement des Etats-Unis d'Amérique.

5. Les deux Gouvernements établiront des procédures par lesquelles le Gouvernement de la République d'Haïti déposera ou mettra à part tous les fonds attribués à tout programme d'assistance entrepris par le Gouvernement des Etats-Unis d'Amérique ou provenant d'un tel programme, ou préservera le titre de propriété de ces fonds, de telle sorte qu'ils ne soient soumis à aucune saisie, saisie-arrêt, opposition ou à aucune autre action judiciaire de la part d'une personne, firme, agence, société, organisation ou d'un gouvernement quelconque, lorsque, de l'avis du Gouvernement des Etats-Unis d'Amérique, une telle action judiciaire irait à l'encontre de la réalisation des desseins dudit programme d'assistance.

6. Chaque Gouvernement prendra les mesures de sécurité dont les deux Gouvernements conviendront, dans chaque cas, afin d'éviter de dévoiler ou de compromettre le secret du matériel, des services et des renseignements militaires fournis par l'autre Gouvernement conformément au présent Accord.

#### ARTICLE II

Chaque Gouvernement prendra, dans la mesure compatible avec la sécurité, les dispositions propres à tenir le public informé du fonctionnement du présent Accord.

#### ARTICLE III

A la demande de l'un d'eux, les deux Gouvernements négocieront des arrangements appropriés en ce qui concerne les

échanges de brevets d'invention et de renseignements techniques pour la défense, en vue d'activer de tels échanges tout en protégeant les intérêts privés et en assurant la sauvegarde de la sécurité.

#### ARTICLE IV

1. Le Gouvernement de la République d'Haïti mettra de temps à autre à la disposition du Gouvernement des Etats-Unis d'Amérique des gourdes dont le montant est à convenir et qui seront utilisées par ce dernier Gouvernement pour ses dépenses administratives et de fonctionnement relativement à la réalisation des desseins de la Loi de Sécurité Mutuelle de 1954.

Les deux Gouvernements entameront immédiatement des conversations en vue de fixer le montant de ces gourdes et de préciser les arrangements selon lesquels elles seront fournies.

2. Le Gouvernement de la République d'Haïti accordera, à moins qu'il n'en soit convenu autrement, l'entrée en franchise douanière et l'exemption des taxes intérieures à l'importation et à l'exportation des produits, biens, matériels et équipements importés sur son territoire dans le cadre du présent accord ou de tout accord similaire conclu entre les Etats-Unis d'Amérique et tout autre pays bénéficiaire de l'aide militaire.

3. Les opérations et les dépenses effectuées en Haïti par le Gouvernement des Etats-Unis d'Amérique ou en son nom en vue de la défense commune, y compris celles qui seront effectuées en application de tout autre programme d'aide étranger, seront exemptées de toutes taxes. A cette fin, le Gouvernement de la République d'Haïti prescrira les procédures pertinentes devant donner satisfaction aux deux Gouvernements.

## ARTICLE V

Le Gouvernement de la République d'Haiti recevra le personnel envoyé par le Gouvernement des Etats-Unis d'Amérique pour s'acquitter des obligations qui incombent au Gouvernement des Etats-Unis d'Amérique quant à la mise en oeuvre du présent Accord. Des facilités seront accordées à ce personnel pour observer et revoir de façon continue les programmes relatifs à l'assistance fournie en application du présent Accord, y compris l'utilisation de cette assistance. Dans leurs relations avec le Gouvernement du pays où ils sont envoyée, les membres de ce personnel, nationaux des Etats-Unis d'Amérique, y compris le personnel affecté temporairement, exercent leurs fonctions dans le cadre de l'Ambassade, sous la direction et le contrôle du Chef de la Mission Diplomatique du pays envoyeur, et il leur sera octroyé tous les priviléges et immunités accordés par la coutume internationale au personnel de l'Ambassade de rang correspondant. Le Gouvernement envoyeur peut renoncer, pour son personnel autre que le chef de ce personnel et que les trois officiers commandant les bureaux de l'Armée, de la Marine et de l'Armée de l'Air, ainsi que leur adjoint respectif direct, aux priviléges et faveurs résultant du statut diplomatique tels que plaques d'automobiles spéciales, inscription sur la "liste diplomatique" et autres courtoisies.

2. Les deux Gouvernements négocieront des arrangements en vue de la classification du personnel et de la notification appropriée de cette classification au Gouvernement hôte.

3. Le Gouvernement de la République d'Haiti accordera, à la requête du Chef de la Mission Diplomatique du Gouvernement des Etats-Unis d'Amérique, l'exemption des droits d'importation et

d'exportation sur les articles importés pour le propre usage des membres de ce personnel et de leurs familles et prendra les mesures administratives adéquates en vue de faciliter et d'activer l'importation et l'exportation des biens personnels de ces personnes et de leurs familles.

#### ARTICLE VI

Les arrangements en vigueur relatifs aux missions des Forces Armées des Etats-Unis d'Amérique et conclus en vertu d'autres instruments ne sont pas visés par le présent Accord et resteront pleinement en vigueur.

#### ARTICLE VII

Conformément au principe de l'aide mutuelle en vertu duquel les deux Gouvernements ont convenu, suivant les dispositions de l'Article I, de se prêter assistance, le Gouvernement de la République d'Haïti facilitera la production et le transfert au Gouvernement des Etats-Unis d'Amérique, pendant la durée, pour les quantités et aux termes et conditions dont il serait convenu, des matières premières et produits semi-ouvrés dont les Etats-Unis d'Amérique auraient besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources et qui pourraient être disponibles en Haïti et dans les territoires placés sous sa souveraineté. Les arrangements pour ces transferts prendront en due considération les besoins raisonnables de la consommation intérieure et du commerce d'exportation d'Haïti.

#### ARTICLE VIII

Dans l'intérêt de leur sécurité mutuelle, le Gouvernement de

la République d'<sup>Y</sup>Haiti coopérera avec le Gouvernement des Etats-Unis d'Amérique à l'application des mesures destinées à contrôler le commerce avec les nations qui menacent la sécurité de l'Hémisphère Occidental.

#### ARTICLE IX

Les deux Gouvernements réaffirment leur résolution de participer au développement de la compréhension et de la bonne volonté internationales et au maintien de la paix mondiale, de prendre telles mesures dont il serait mutuellement convenu pour éliminer les causes de tension internationale et de s'acquitter des obligations militaires qu'ils ont assumées conformément aux termes des accords et traités multilatéraux ou bilatéraux auxquels ils sont tous les deux parties. Compte tenu de sa stabilité politique et économique, le Gouvernement de la République d'<sup>Y</sup>Haiti contribuera dans toute la mesure permise par son capital humain, ses ressources, ses facilités et sa condition économique générale à l'expansion et au maintien de sa propre force défensive et de la force défensive du monde libre, et prendra toutes les mesures raisonnables qui pourront être nécessaires pour réaliser l'expansion de ses moyens de défense.

#### ARTICLE X

Alors que le présent Accord a été négocié et conclu d'après le principe que le Gouvernement des Etats-Unis d'Amérique fera bénéficier l'autre Partie au dit Accord des avantages des dispositions de tout accord similaire conclu par le Gouvernement des Etats-Unis avec une autre République Américaine, il est entendu que le Gouvernement des Etats-Unis d'Amérique n'opposera aucune

objection à ce que soit amendé le présent Accord en vue de rendre ses dispositions conformes, en totalité ou en partie, aux dispositions correspondantes de tout Accord d'Assistance Militaire semblable, ou d'accords destinés à l'amender, conclus avec une République Américaine.

#### ARTICLE XI

1. Le présent accord entrera en vigueur au moment où le Gouvernement de la République d'Haïti aura donné notification au Gouvernement des Etats-Unis d'Amérique de sa ratification en Haïti et restera en application pendant une année après que l'une des Parties aura reçu notification par écrit de l'intention de l'autre d'y mettre fin, sauf que les dispositions de l'Article I, paragraphes 2 et 4, et les arrangements conclus en application des dispositions de l'Article I, paragraphes 3, 5 et 6, et de l'Article III resteront en application à moins que les deux Gouvernements n'en conviennent autrement.

2. Les deux Gouvernements se consulteront, à la requête de l'un d'eux, sur toute question relative au champ d'application ou à l'amendement du présent Accord.

3. Le présent accord sera enregistré au Secrétariat Général des Nations Unies.

DONE at Washington in  
duplicate in English and  
French languages, both texts  
equally authentic, on the  
twenty-eighth day of January  
1955.

FAIT à Washington en deux  
exemplaires en anglais et en  
français, les deux textes fai-  
sant également foi, le vingt-  
huit Janvier 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:  
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

**JOHN FOSTER DULLES**

FOR THE GOVERNMENT OF THE REPUBLIC OF HAITI:  
POUR LE GOUVERNEMENT DE LA REPUBLIQUE D'HAITI:

**MAUCLAIR ZEPHIRIN**



# HAITI

## Mutual Defense Assistance: Disposition of Surplus Equipment and Materials

*Agreement effected by exchange of notes  
Dated at Port-au-Prince March 21 and April 5, 1955;  
Entered into force April 5, 1955.*

TIAS 3387  
Mar. 21 and  
Apr. 5, 1955

*The American Embassy to the Haitian Ministry of State for Foreign Relations*

No. 170

The Embassy of the United States of America presents its compliments to the Secretariat of State for Foreign Relations and has the honor to propose the following arrangements under Article I, paragraph 3 of the Military Assistance Agreement between our two Governments dated January 28, 1955, respecting the disposition of equipment and materials furnished by the United States under that Agreement, and no longer required for the purposes for which originally made available.

TIAS 3386.  
*Ante*, p. 3847.

1. The Government of Haiti will report to United States personnel discharging United States responsibilities in Haiti under the Military Assistance Agreement such equipment and materials furnished under end item programs as are no longer required for the purposes for which originally made available. It is understood that such personnel of the Government of the United States may also inform the Government of Haiti of any such equipment and materials which may come to the attention of the Government of the United States, and when so informed the Government of Haiti will enter into consultation with the Government of the United States with a view to disposing of any such items in accordance with the procedures set out in the following paragraphs.

2. The United States Government may accept title to such equipment and materials in Haiti for transfer to a third country or for such other disposition as may be made by the United States Government.

3. When title is accepted by the United States Government, such equipment and materials will be delivered free alongside ship

in case ocean shipment is required, or delivered free on board inland carrier at a shipping point in Haiti designated by the Government of the United States in the event ocean shipping is not required, or, in the case of flight-delivered aircraft, at such airfield in Haiti as may be designated by the Government of the United States.

4. Such property reported no longer required in the Military Assistance Program of the Government of Haiti and not accepted by the Government of the United States for redistribution or return will be disposed of as agreed between the Governments of Haiti and the United States.

5. Any salvage or scrap from property furnished under the Military Assistance Agreement shall be reported to the Government of the United States in accordance with paragraph 1 and shall be disposed of in accordance with paragraphs 2, 3, and 4, of these arrangements. Salvage or scrap which is not accepted by the Government of the United States will be used to support the defense effort of Haiti or of other countries to which military assistance is being furnished by the Government of the United States.

The Embassy of the United States of America avails itself of this occasion to renew to the Secretariat of State for Foreign Relations the assurances of its highest consideration.

R. T. D.

**AMERICAN EMBASSY, PORT-AU-PRINCE,**  
**March 21, 1955.**

*The Haitian Ministry of State for Foreign Relations to the American Embassy*

SECRÉTAIRERIE D'ETAT  
DES  
RELATIONS EXTÉRIEURES  
SG/OG/554

RÉPUBLIQUE D'HAÏTI

La Secrétairerie d'Etat des Relations Extérieures présente ses compliments à l'Ambassade des Etats-Unis d'Amérique et a l'honneur de lui accuser réception de sa Note No-170 en date du 21 Mars écoulé contenant les arrangements prévus à l'Article I paragraphe 3 de l'Accord d'Assistance Militaire entre les Gouvernements Haïtien et Américain signé le 28 Janvier 1955 et dont les termes en français sont les suivants:

"L'Ambassade des Etats-Unis d'Amérique présente ses compliments à la Secrétairerie d'Etat des Relations Extérieures et a l'honneur de proposer les arrangements suivants, aux termes de l'Article I, paragraphe 3 de l'Accord d'Assistance

Militaire entre nos deux Gouvernements en date du 28 Janvier 1955, concernant l'affectation des équipements et des matériels fournis par les Etats-Unis en application de cet Accord et qui ne sont plus nécessaires aux fins pour lesquelles ils avaient été fournis à l'origine.

"1- Le Gouvernement d'Haiti indiquera au personnel des Etats-Unis chargé d'exécuter en Haïti les obligations incombant aux Etats-Unis aux termes de l'Accord d'Assistance Militaire, les équipements et les matériels fournis en vertu de programmes de fournitures de produits finis, qui ne sont plus nécessaires aux fins pour lesquelles ils avaient été fournis à l'origine. Il demeure entendu que ledit Personnel du Gouvernement des Etats-Unis pourra également signaler au Gouvernement d'Haiti tous équipements et matériels qui pourront retenir l'attention du Gouvernement des Etats-Unis en vue de leur affectation conformément à la procédure décrite dans les paragraphes suivants.

"2- Le Gouvernement des Etats-Unis pourra accepter la propriété de ces équipements et matériels pour les céder à un tiers pays pour toute autre affectation qu'il pourra en faire.

"3- Quand le Gouvernement des Etats-Unis accepte la propriété de ces équipements et matériels, ceux-ci seront livrés en Haïti franco le long du navire en cas de transport par mer, ou franco à bord d'un véhicule de transport terrestre à un point d'expédition désigné par le Gouvernement des Etats-Unis dans le cas où ces équipements et matériels ne sont pas expédiés par mer, ou dans le cas de transport par avion, à tel aéroport en Haïti que pourra désigner le Gouvernement des Etats-Unis.

"4- Les articles signalés comme n'étant plus nécessaires au Programme d'Assistance Militaire du Gouvernement d'Haiti et qui ne sont pas acceptés par le Gouvernement des Etats-Unis en vue de leur redistribution ou retour recevront telle affectation qui sera convenue entre les Gouvernements d'Haiti et des Etats-Unis.

"5- Tout déchet ou résidu des biens fournis en vertu de l'Accord d'Assistance Militaire sera signalé au Gouvernement des Etats-Unis conformément au paragraphe I et sera affecté d'accord avec les dispositions des paragraphes 2, 3 et 4 des présents arrangements. Les résidus ou déchets qui ne sont pas acceptés par le Gouvernement des Etats-Unis seront utilisés pour renforcer l'effort de défense d'Haiti ou d'autres pays auxquels le Gouvernement des Etats-Unis fournit une assistance militaire.

"L'Ambassade des Etats-Unis d'Amérique profite de cette occasion pour renouveler à la Secrétairerie d'Etat des Relations Extérieures les assurances de sa haute considération.

**Ambassade Américaine,  
Port-au-Prince, le 21 Mars 1955.**

R. T. D."

En réponse à cette communication, la Secrétairerie d'Etat des Relations Extérieures a l'honneur d'informer l'Ambassade des Etats-Unis d'Amérique que le Gouvernement d'Haiti accepte les arrangements contenus dans la note susmentionnée laquelle constitue avec la présente réponse un Accord entre les Gouvernements d'Haiti et des Etats-Unis d'Amérique.

La Secrétairerie d'Etat des Relations Extérieures saisit cette occasion pour renouveler à l'Ambassade des Etats-Unis d'Amérique l'assurance de sa haute considération.

C. J

**PORT-AU-PRINCE, le 5 Avril 1955.**

*Translation*

MINISTRY OF STATE  
FOR  
FOREIGN RELATIONS  
SG/CG/554.

REPUBLIC OF HAITI

The Ministry of State for Foreign Relations presents its compliments to the Embassy of the United States of America and has the honor to acknowledge the receipt of its note No. 170, dated March 21, 1955, containing the arrangements provided for in Article I, paragraph 3, of the Military Assistance Agreement between the Haitian and American Governments, signed on January 28, 1955, the terms of which, in French, are as follows:

[For the English language text of the note, see *ante*, p. 3867.]

In reply to that communication, the Ministry of State for Foreign Relations has the honor to inform the Embassy of the United States of America that the Government of Haiti accepts the arrangements contained in the above-mentioned note which, together with this reply, constitutes an agreement between the Governments of Haiti and the United States of America.

The Ministry of State for Foreign Relations avails itself of this occasion to renew to the Embassy of the United States of America the assurance of its high consideration.

C. J

**PORT-AU-PRINCE, April 5, 1955.**

# ECUADOR

## Relief Supplies and Equipment: Duty-Free Entry and Exemption From Internal Taxation

*Agreement effected by exchange of notes  
Signed at Quito September 6, 1955;  
Entered into force September 6, 1955.*

TIAS 3388  
Sept. 6, 1955

*The American Ambassador to the Ecuadoran Minister of Foreign Affairs*

No. 44

AMERICAN EMBASSY,  
Quito, September 6, 1955.

### EXCELLENCY:

I have the honor to refer to the conversations between representatives of the Government of the United States of America and the Government of Ecuador in connection with the distribution of supplies by American voluntary relief and rehabilitation agencies in accordance with the authority provided for in Section 409 of the Mutual Security Act of 1954, as amended.

The conversations to which I have referred have disclosed a mutual understanding which is as follows:

1. The Government of Ecuador shall accord duty-free entry into the Republic of Ecuador, as well as exemption from internal taxation, of supplies of goods approved by the Government of the United States, donated to or purchased by United States voluntary, non-profit relief and rehabilitation agencies qualified under United States Government regulations, and consigned to such organizations, including branches of these agencies in Ecuador which have been or hereafter shall be approved by the Government of Ecuador. The Government of Ecuador will approve in each case the introduction of said articles.

2. Such supplies may include goods of types qualified for ocean freight subsidy under applicable United States Government Regulations, such as basic necessities of food, clothing and medicines, and other relief and rehabilitation supplies and equipment in support of projects of health, sanitation, education and recreation, agriculture and promotion of small self-help industries, but shall

68 Stat. 845.  
22 U. S. O. § 1929.

not include tobacco, cigars, cigarettes, alcoholic beverages, or items for the personal use of agencies' field representatives.

3. Duty-free treatment on importation and exportation, as well as exemption from internal taxation, shall also be accorded to supplies and equipment imported by organizations approved by both governments for the purpose of carrying out operations under this agreement. Such supplies and equipment shall not include items for the personal use of agencies' field representatives.

4. The cost of transporting such supplies and equipment (including port, handling, storage, and similar charges, as well as transportation) within the Republic of Ecuador to the ultimate beneficiary will be borne by the Government of Ecuador.

5. The supplies furnished by the voluntary agencies shall be considered supplementary to rations to which individuals would otherwise have been entitled.

6. Individual organizations carrying out operations under this agreement may enter into additional arrangements with the Government of Ecuador, and this agreement shall not be construed to derogate from any benefits secured by any such organizations in existing agreements with the Government of Ecuador.

I have the honor to propose that, if these understandings meet with the approval of the Government of Ecuador, this note and Your Excellency's note in reply constitute an agreement between our two Governments, effective the date of Your Excellency's note, to remain in force until six months after the receipt by either Government of written notice of the intention of the other government to terminate it.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

SHELDON T. MILLS

The Honorable  
LUIS ANTONIO PEÑAHERRERA,  
*Minister of Foreign Affairs,*  
*Quito.*

*The Ecuadoran Minister of Foreign Affairs to the American Ambassador*

REPUBLICA DEL ECUADOR  
MINISTERIO DE RELACIONES EXTERIORES

No. 96-DDP

QUITO, a 6 de septiembre de 1955

SEÑOR EMBAJADOR:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia, número 44, de 6 de septiembre del presente año, que trata sobre las conversaciones mantenidas entre representantes del Gobierno del Ecuador y del de los Estados Unidos de América con respecto a la celebración de un Acuerdo para la distribución, en el Ecuador, de suministros provenientes de organismos norteamericanos de ayuda y rehabilitación voluntaria, de conformidad con lo dispuesto en la Sección 409 de la reformada Ley de Seguridad Mutua de 1.954.

Para un mayor entendimiento, me permito transcribir la nota de Vuestra Excelencia, la misma que, debidamente traducida al español, dice lo siguiente:

"Embajada Americana.— Número 44.— Quito, septiembre 6 de 1955.— Excelencia:— Tengo el honor de referirme a las conversaciones sostenidas entre representantes del Gobierno de los Estados Unidos de América y del Gobierno del Ecuador, relacionadas con la distribución de suministros de los organismos americanos voluntarios de ayuda y rehabilitación, de conformidad con lo dispuesto en la Sección 409 de la Ley de Seguridad Mutua de 1.954, reformada.— Las conversaciones a las que me he referido han dado como resultado un entendimiento mutuo que se puede concretar en los términos siguientes:— 1) El Gobierno del Ecuador concederá la entrada libre en su territorio, así como la exención de tasas internas, a los artículos suministrados con la aprobación del Gobierno de los Estados Unidos de América, donados a o comprados por los organismos norteamericanos voluntarios de ayuda y rehabilitación sin fines lucrativos y que sean consignados a tales organismos, siempre que éstos fueren calificados de acuerdo con las reglamentaciones del Gobierno de los Estados Unidos de América, incluyendo a las ramas de estos organismos que operan en el Ecuador, que hayan sido o sean aprobados posteriormente por el Gobierno ecuatoriano. El Gobierno del Ecuador aprobará en cada caso la introducción de dichos artículos.— 2) Tales suministros pueden comprender bienes de las clases calificadas para subsidio de flete marítimo de acuerdo con las reglamentaciones aplicables

TIAS 3388

del Gobierno de los Estados Unidos de América, tales como artículos de primera necesidad, vestuario y medicinas y otros suministros de ayuda y rehabilitación y equipos que sirvan de sustentación para proyectos relativos a la salud, estado sanitario, educación y recreación, agricultura y fomento de pequeñas industrias autónomas, excluyéndose tabaco, cigarros, cigarrillos, bebidas alcohólicas u objetos para el uso personal de los representantes de dichos organismos en el Ecuador.- 3) El trato de importación y exportación libres como el de la exención de gravámenes internos, será también concedido a artículos y equipos importados por organismos aprobados por ambos Gobiernos, con la finalidad de llevar a cabo las actuaciones comprendidas en este Convenio. Tales suministros y equipos no comprenderán artículos de uso personal para los representantes de dichos organismos en el Ecuador.- 4) El costo del transporte de tales artículos y equipos (inclusive gastos portuarios, manipulaciones, almacenaje y otros cargos similares, como también la transportación) dentro de la República del Ecuador hasta el último beneficiario será de cuenta del Gobierno del Ecuador.- 5) Los suministros proporcionados por los organismos voluntarios serán considerados como suplementarios de las raciones asignadas a los individuos en otra forma.- 6) Los organismos que en forma particular realizan trabajos de acuerdo con este Convenio, pueden entrar en arreglos adicionales con el Gobierno del Ecuador, y el presente Convenio no será interpretado en forma que derogue ningún beneficio obtenido por cualquiera de dichos organismos en los convenios existentes con el Gobierno del Ecuador.- Tengo el honor de proponer que, si este entendimiento al que hemos llegado, es aprobado por parte del Gobierno del Ecuador, la presente nota y la nota de Vuestra Excelencia dada en contestación a ella, constituyan un Acuerdo entre nuestros dos Gobiernos que entre en vigencia en la fecha de la nota de Vuestra Excelencia, y que permanezca en vigencia hasta después de seis meses de recibida por parte de cualquiera de los Gobiernos una notificación escrita, en que se manifieste la intención del otro Gobierno de darlo por terminado.- Acepte, Excelencia, las seguridades de mi muy alta y muy distinguida consideración.- f) Sheldon T. Mills.- Al Excelentísimo señor don Luis Antonio Peñaherrera,- Ministro de Relaciones Exteriores,- Quito".

En vista de la conformidad a la que se ha llegado para aceptar las estipulaciones constantes en la nota preinserta, agradeceré a Vuestra Excelencia se sirva considerar la presente comunicación.

como una respuesta favorable a la misma, debiendo ser estimada, en consecuencia, como un Acuerdo entre los Gobiernos de nuestros respectivos países.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

LUIS ANT. PEÑAHERRERA

Luis Antonio Peñaherrera,  
*Ministro de Relaciones Exteriores.*

Al Excelentísimo señor don SHELDON T. MILLS,  
*Embajador Extraordinario y Plenipotenciario de los  
Estados Unidos de América,  
Presente.*

*Translation*

REPUBLIC OF ECUADOR  
MINISTRY OF FOREIGN AFFAIRS

No. 90-DDP

QUITO, September 6, 1955

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note No. 44, dated September 6 of this year, concerning the conversations held between representatives of the Government of Ecuador and that of the United States of America with respect to the conclusion of an agreement for the distribution in Ecuador of supplies coming from American voluntary relief and rehabilitation agencies in accordance with the provisions of Section 409 of the Mutual Security Act of 1954, as amended.

For the purpose of better understanding, I take the liberty of transcribing Your Excellency's note which, duly translated into Spanish, states as follows:

[For the English language text of the note, see *ante*, p. 3871.]

In view of the agreement that has been reached to accept the provisions contained in the note inserted above, I shall be grateful if Your Excellency will be good enough to consider the present communication as a favorable reply thereto, and it shall therefore be considered as an agreement between the Governments of our respective countries.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

LUIS ANT. PEÑAHERRERA

Luis Antonio Peñaherrera  
Minister of Foreign Affairs

His Excellency

SHELDON T. MILLS,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

# UNITED KINGDOM

## WEATHER STATIONS: BETIO ISLAND

*Agreement effected by exchange of notes  
Signed at Washington November 15, 1955;  
Entered into force November 15, 1955.*

TIAS 3389  
Nov. 15, 1955

*The Acting Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
November 15 1955

EXCELLENCY:

I have the honor to refer to negotiations which have taken place between the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning the desire of the United States Government to establish a weather station at Betio Island for a period of nine months. It is noted that the Government of the United Kingdom approves the request of the United States Government to construct and operate a weather station on Betio Island for a period of nine months on the following conditions:

(i) The United States forces and any other United States nationals present on Betio Island by reason of service or employment in connection with the United States weather station will observe the laws and regulations of the Gilbert and Ellice Islands Colony and United States military Courts will be granted concurrent jurisdiction over persons subject to the United States uniform code of military justice. It is understood that the Government of the Gilbert and Ellice Islands Colony will waive its right to exercise jurisdiction in all cases other than those of comparatively trivial offenses against the local laws, but that in case of disagreement, the Colonial Government will be regarded as having the primary right to exercise jurisdiction.

(ii) No wireless station, submarine cable, land line or other installations will be established by the United States authorities

otherwise than strictly for the operational purposes of the weather station. Any wireless station, submarine cable, land line or other installation so established shall be sited and operated in such a way that it will not cause interference with established civil communications.

(iii) The use of radio frequencies, powers and band-widths for radio services, including radar, shall be subject to the prior concurrence of the Resident Commissioner. Any radio station set up in connection with the weather station may have to be licensed by the appropriate authority of the Gilbert and Ellice Islands Colony in accordance with the normal procedures.

(iv) The United States Government will make available to Her Majesty's Governments in the United Kingdom, Australia and New Zealand all the meteorological data collected by the station.

The United States Government agrees to these conditions.

The United States Government and the Government of the United Kingdom shall mutually decide upon the ultimate disposal of the weather station before it is evacuated by the United States Air Force.

The United States Government confirms that the results of observations will be made available to other interested governments, and will specifically provide the New Zealand Government with:

- (a) upper air synoptic reports to be forwarded to Nadi for forecasting and inclusion in collective broadcasts, and
- (b) copies of upper air records for preparation of climatological data.

If the foregoing provisions are acceptable to the Government of the United Kingdom, I propose that this note and your reply to that effect shall constitute an agreement between the two Governments in this matter, the agreement to enter into force on the date of your note in reply.

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

For the Acting Secretary of State:

WALWORTH BARBOUR

Walworth Barbour

His Excellency

Sir ROGER MAKINS, G.C.M.G., K.C.B.,  
*British Ambassador.*

*The British Ambassador to the Acting Secretary of State*

Ref: 2101/17/55  
No. 643

BRITISH EMBASSY,  
WASHINGTON, D.C.  
*November 15, 1955.*

SIR,

I have the honour to acknowledge your Note of today's date in the following terms:-

"I refer to negotiations which have taken place between the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning the desire of the United States Government to establish a weather station at Betio Island for a period of nine months. It is noted that the Government of the United Kingdom approves the request of the United States Government to construct and operate a weather station on Betio Island for a period of nine months on the following conditions:

- (i) The United States forces and any other United States nationals present on Betio Island by reason of service or employment in connexion with the United States weather station will observe the laws and regulations of the Gilbert and Ellice Islands Colony and United States military Courts will be granted concurrent jurisdiction over persons subject to the United States uniform code of military justice. It is understood that the Government of the Gilbert and Ellice Islands Colony will waive its right to exercise jurisdiction in all cases other than those of comparatively trivial offences against the local laws, but that in case of disagreement, the Colonial Government will be regarded as having the primary right to exercise jurisdiction.
- (ii) No wireless station, submarine cable, land line or other installations will be established by the United States authorities otherwise than strictly for the operational purposes of the weather station. Any wireless station, submarine cable, land line or other installation so established shall be sited and operated in such a way that it will not cause interference with established civil communications.
- (iii) The use of radio frequencies, powers and band-widths for radio services, including radar, shall be subject to the prior concurrence of the Resident Commissioner. Any radio station set up in connexion with the weather

station may have to be licensed by the appropriate authority of the Gilbert and Ellice Islands Colony in accordance with the normal procedures.

- (iv) The United States Government will make available to Her Majesty's Governments in the United Kingdom, Australia and New Zealand all the meteorological data collected by the station.

The United States Government agrees to these conditions.

The United States Government and the Government of the United Kingdom shall mutually decide upon the ultimate disposal of the weather station before it is evacuated by the United States Air Force.

The United States Government confirms that the results of observations will be made available to other interested governments, and will specifically provide the New Zealand Government with:

- (a) upper air synoptic reports to be forwarded to Nadi for forecasting and inclusion in collective broadcasts, and
- (b) copies of upper air records for preparation of climatological data.

If the foregoing provisions are acceptable to the Government of the United Kingdom, I propose that this Note and your reply to that effect shall constitute an agreement between the two Governments in this matter, the agreement to enter into force on the date of your Note in reply.

Accept, Excellency, the renewed assurances of my highest consideration."

2. Her Majesty's Government agree that your Note under reference and this reply shall constitute an agreement between the United States and Her Majesty's Government on the subject and that the agreement shall enter into force today.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

ROGER MAKINS

Roger Makins.

The Honourable

HERBERT HOOVER Jr.

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

# COLOMBIA

## Technical Cooperation: Medical Education

*Agreement effected by exchange of notes  
Signed at Bogotá May 10 and June 14, 1955;  
Entered into force June 14, 1955.*

TIAS 3390  
May 10 and  
June 14, 1955

*The American Ambassador to the Colombian Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Bogotá, May 10th., 1955*

No. 280

### EXCELLENCY:

I have the honor to refer to the General Agreement for Technical Cooperation between the Government of Colombia and the Government of the United States of America effected by an exchange of notes signed at Bogotá, Colombia on March 9, 1951,<sup>[1]</sup> and to the request of your Government contained in the letter <sup>[2]</sup> from the Rector of the National University dated June 25, 1954, for the initiation of a technical cooperation project with the National University in the field of Medical Education to be carried out through a contract with a United States college or university.

I am pleased to inform Your Excellency that my Government is prepared to cooperate in initiating and carrying out the proposed project. Accordingly, I am authorized by my Government to propose that our two Governments agree upon the following terms and conditions for conducting the project:

1. The project will be carried out in accordance with the above-mentioned 1951 General Agreement for Technical Cooperation. The objectives, scope and duration of the project will be as follows:

a) The Institute of Inter-American Affairs of the Foreign Operations Administration (hereinafter referred to as

<sup>1</sup> The notes were dated Mar. 5 and 9, 1951, respectively. Treaties and Other International Acts Series 2231; 2 UST 799.

<sup>2</sup> Not printed.

IIAA/FOA) will furnish a group of technicians and specialists to collaborate with the National University in carrying out a cooperative program of Medical Education in Colombia.

- b) The cooperative program will include, to the extent that the parties from time to time agree thereon, operations of the following type:

(1) Technical assistance in a program of Medical Education to the various Faculties of Medicine in Colombia in the fields of medical school administration, preparation of curriculum, instruction in pre-clinical and clinical years and post-graduate training.

(2) Related training activities, both within and outside of Colombia.

- c) The program will be effective as of the date of signature of this agreement through June 30, 1957, unless modified, extended or terminated by mutual agreement.

2. For purposes of carrying out this cooperative project, it is proposed that the IIAA/FOA enter into a contract, in an amount not to exceed \$125,000.00 (ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS) with a United States college or university for the provision of the requested technical assistance. In consideration of this contract, the Colombian Government will furnish or arrange to have furnished through the National University and other Faculties of Medicine, office space and secretarial help and other facilities or assistance necessary in carrying out this project. In addition the Government of Colombia will make available or arrange to make available funds to meet the costs of travel within Colombia for technicians engaged in this project and for use in meeting other costs of the project which may subsequently be agreed upon by representatives of Your Excellency's Government and of the IIAA/FOA.

The Government of the United States will consider the funds already expended by the National University of Colombia in connection with the initial studies and preparation of the report "A Survey of Medical Education in Colombia—1953" as a contribution on the part of the Colombian Government to the costs of this project.

The selection of a contracting college or university will be subject to the approval of Your Excellency's Government. The contract will contain a specific program of work to be undertaken in order to achieve the objectives of the project as set forth in paragraph 1 above. The operations of the contracting United States college

or university in connection with this project, constituting a part of the technical cooperation program of the Government of the United States of America in Colombia, shall be under the general direction of the Director of the United States Operations Mission in Colombia as may be specified in the contract.

3.

- a) The Government of Colombia shall make such arrangements as may be necessary so that the Government of the United States of America shall incur no expense for customs duties or import taxes on supplies, equipment and material introduced into Colombia for the purpose of this project by the Government of the United States of America or by the IIAA/FOA or by any public or private organization under contract to it.
  - b) The Government of Colombia shall make such arrangements as may be necessary so that, in connection with activities under this agreement, the Government of the United States of America, and such personnel of the United States who are assigned in Colombia for the purpose of this agreement, whether employed by the Government of the United States, by the IIAA/FOA, or working under contract, shall incur no expense for income or social security taxes levied under the law of Colombia with respect to income upon which they are obliged to pay income or social security taxes to the Government of the United States; for property taxes on personal property intended for their own use, or for payment of any tariff or duty upon personal or household goods brought into the country for the personal use of themselves and members of their families.
4. This agreement shall remain in force through June 30, 1957, or until ninety days after either party shall have given written notice to the other of intention to terminate it, whichever is earlier. It is specifically understood that the obligations of the two Governments hereunder after June 30, 1955, be in amounts mutually agreed upon and be subject to the availability of appropriated funds of our respective Governments for that purpose. It is further understood that the obligations specified herein shall be effective only if the contract referred to above is entered into within six months from the date this agreement is concluded.

The Government of the United States of America will consider this note and your reply concurring therein as constituting an agreement between Your Excellency's Government and the Government of the United States of America on the terms and

conditions enumerated which shall enter into force on the date of Your Excellency's concurring note in reply.

I avail myself of this opportunity to convey to Your Excellency the renewed assurance of my highest and most distinguished consideration.

PHILIP W. BONSAL

His Excellency

Señor Doctor Don EVARISTO SOURDIS  
*Minister of Foreign Affairs*  
Bogotá

*The Secretary General of the Colombian Ministry of Foreign Affairs  
to the American Ambassador*

MINISTERIO DE  
RELACIONES EXTERIORES

A/E.-1667

BOGOTÁ, junio 14 de 1955

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la muy atenta comunicación número 260, de fecha 10 del pasado mes de mayo, por medio de la cual Vuestra Excelencia transmite a esta Cancillería el Proyecto de Acuerdo sobre Cooperación Técnica en el campo de la educación médica que el Gobierno Norteamericano estaría dispuesto a celebrar con la Universidad Nacional, en desarrollo del Acuerdo General sobre aquella materia suscrito entre Colombia y los Estados Unidos de América el 9 de marzo de 1951.

Sobre dicho particular me permito informar a Vuestra Excelencia, que este Ministerio dió translado de la referida comunicación para su conocimiento y fines consiguientes al señor Rector de la Universidad Nacional, et cual ha dado la correspondiente respuesta, cuya copia remito a Vuestra Excelencia.

Me valgo de esta ocasión para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

JOAQUIN PIÑEROS CORPAS

A Su Excelencia

el señor PHILIP W. BONSAL,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América,  
La Ciudad.*

UNIVERSIDAD NACIONAL  
Rectoría

BOGOTÁ, mayo 31 de 1955

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Señor Doctor

PEDRO RUEDA MARTÍNEZ

*Subsecretario de Asuntos Económicos**Ministerio de Relaciones Exteriores*

E.\_\_\_\_S.\_\_\_\_D.

He recibido su atenta comunicación No. A. E. 1478, con la cual me envía copia de la nota número 260 de la Embajada de los Estados Unidos en esta ciudad, en relación con el convenio que el Gobierno Norteamericano está dispuesto a suscribir sobre Cooperación Técnica con la Universidad Nacional en al campo de Educación Médica.

Al respecto me permito manifestarle que dicho convenio es muy favorable para la Universidad y urgente desde el punto de vista Académico.

De la manera más atenta ruego a usted hacer conocer nuestro concepto en favor de la mencionada propuesta, a la Embajada de los Estados Unidos en esta ciudad.

Agradeciendole por anticipado su atención, me es muy grato suscribirme de usted con los sentimientos de la más alta consideración, atento y seguro servidor,

(fdo) JORGE VERGARA DELGADO  
*Rector*

ES COPIA.

*Translation*MINISTRY OF  
FOREIGN AFFAIRS

A/E.-1687

BOGOTÁ, June 14, 1955

## MR. AMBASSADOR:

I have the honor to refer to the courteous communication, Number 260 dated the 10th of last May, with which Your Excellency transmitted to this Foreign Office the Draft Agreement for Technical Cooperation in the Field of Medical Education which the Government of the United States would be prepared to conclude with the National University in carrying out the General Agreement on that subject signed between Colombia and the United States of America on March 9, 1951.

With regard to this matter I take the liberty of informing Your Excellency that this Ministry transmitted the aforesaid communication, for his information and pertinent purposes, to the Rector of the National University, who made the necessary reply, a copy of which I transmit to Your Excellency.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest and most distinguished consideration.

JOAQUIN PIÑEROS CORPAS

His Excellency

PHILIP W. BONSAL,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

NATIONAL UNIVERSITY  
Office of the Rector

BOGOTÁ, May 31, 1955

139

Dr. PEDRO RUEDA MARTÍNEZ

*Assistant Secretary of Economic Affairs  
Ministry of Foreign Affairs*

I have received your courteous communication No. A.E.1478, with which you sent me a copy of note No. 260 of the Embassy of the United States in this city, relating to the agreement which the Government of the United States is prepared to sign for technical cooperation with the National University in the field of medical education.

With respect to this matter I take the liberty of informing you that the said agreement is very favorable to the University and urgent from the academic point of view.

I respectfully request you to communicate to the Embassy of the United States in this city our opinion in favor of the aforesaid proposal.

Thanking you in advance for your kindness, I am

Very truly yours,

(Sgd.) JORGE VERGARA DELGADO  
*Rector*

COPY.

# ECUADOR

## Surplus Agricultural Commodities

*Agreement signed at Washington October 7, 1955;  
Entered into force October 7, 1955.  
With related note signed at Washington October 7, 1955.*

TIAS 3391  
Oct. 7, 1955

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AGRICULTURAL COMMODITIES AGREEMENT  
BETWEEN THE UNITED STATES OF AMERICA AND ECUADOR  
UNDER TITLE I OF THE  
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT

The Government of the United States of America and the Government of  
Ecuador:

Recognizing the desirability of expanding trade in agricultural commodities  
between their two countries and with other friendly nations in a manner which  
would not displace usual marketings of the United States in these commodities  
or unduly disrupt world prices of agricultural commodities;

Considering that the purchase for sucres of agricultural commodities  
produced in the United States will assist in achieving such an expansion of  
trade;

Considering that the sucres accruing from such purchases will be  
utilized in a manner beneficial to both countries;

Desiring to set forth the understanding which will govern the sales of  
agricultural commodities to Ecuador pursuant to Title I of the Agricultural  
Trade Development and Assistance Act of 1954, and the measures which the two  
Governments will take individually and collectively in furthering the expansion  
of trade in such commodities;

68 Stat. 455.  
7 U. S. C. §§ 1701-  
1709.

Have agreed as follows:

ARTICLE I  
SALES FOR SUCRES

1. Subject to the issuance and acceptance of purchase authorizations referred to in paragraph 2 of this Article, the Government of the United States of America

undertakes to finance on or before June 30, 1956, the sale for sures of certain agricultural commodities determined to be surplus pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 to purchasers authorized by the Government of Ecuador.

2. The United States Government will issue purchase authorizations which shall include provisions relating to the sale and delivery of commodities, the time and circumstances of deposit of the sures accruing from such sales, and other relevant matters, and which shall be subject to acceptance by the Government of Ecuador. Certain commodities, and amounts, with respect to which tentative agreement has been reached by the two Governments, are listed in paragraph 3 of this Article.

3. The United States Government undertakes to finance the sale to Ecuador of the following commodities, in the values indicated, during the United States fiscal year 1956, under the terms of Title I of the said Act and of this Agreement:

| <u>Commodity</u>                | <u>Value</u><br>(Thousands of dollars) |
|---------------------------------|--|
| Wheat                           | 1,100                                  |
| Cotton                          | 925                                    |
| Tobacco                         | 210                                    |
| Cottonseed oil                  | 1,375                                  |
| Soyabean oil                    | 140                                    |
| Ocean transportation (estimate) | <u>250</u>                             |
| <b>TOTAL</b>                    | <b>4,000</b>                           |

#### ARTICLE II

##### USES OF SUCRES

1. The two Governments agree that sures accruing to the Government of the United States as a consequence of sales made pursuant to this Agreement will be used by the Government of the United States for the following purposes in the amounts shown:

- (a) To help develop new markets for United States agricultural commodities, to finance international educational exchange activities in Ecuador and for other U. S. expenditures in Ecuador

- under subsections (a), (f) and (h) of Section 104 of the Act,  
the sucre equivalent of \$900,000;
- (b) For loans to the Government of Ecuador to promote the economic development of Ecuador under section 104(g) of the Act, the sucre equivalent of \$3,100,000, subject to supplemental agreement between the two Governments. In the event that sucores set aside for loans to the Government of Ecuador are not advanced within three years from the date of this Agreement as a result of failure of the two Governments to reach agreement on uses of the sucores for loan purposes or for any other purpose, the Government of the United States may use the sucores for any other purpose authorized by Section 104 of the Act.
2. The sucores accruing under this Agreement shall be expended by the Government of the United States for the purposes stated in paragraph 1 of this Article, in such manner and order of priority as the Government of the United States shall determine.

ARTICLE III  
DEPOSITS OF SUCRES

1. The amount of sucores to be deposited to the account of the United States in the Central Bank of Ecuador shall be the equivalent of the dollar sales value of the commodities reimbursed or financed by the Government of the United States converted into sucores at the rate of exchange generally applicable to import transactions (excluding imports granted a preferential rate) on the dates of dollar disbursement by the United States. Such dollar sales value shall include ocean freight and handling reimbursed or financed by the Government of the United States, except that it shall not include any extra cost of ocean freight resulting from a United States requirement that the commodities be transported on United States flag vessels.
2. The two Governments agree that the following procedures shall apply with respect to the sucores deposited to the account of the United States under this

Agreement.

- (a) On the date of deposit of such sures to the account of the United States, they shall, at the same rate of exchange at which they were deposited, be converted and transferred to a special dollar denominated account to the credit of the United States Government in the Central Bank of Ecuador.
- (b) Drawings on such special account by the United States for the uses specified in paragraph 1(a) of Article II of this Agreement shall be paid by the Central Bank of Ecuador in sures at the rate of exchange generally applicable to import transactions (excluding imports granted a preferential rate) on the date on which each drawing is made.
- (c) Drawings on such special account for the loan uses specified in paragraph 1(b) of Article II of this Agreement shall be accomplished by transferring from such special account to the account of the Government of Ecuador the equivalent of the sures to be loaned.

ARTICLE IV

GENERAL UNDERTAKINGS

- 1. The Government of Ecuador agrees that it will take all possible measures to prevent the resale or transhipment to other countries, or use for other than domestic purposes (except where such resale, transhipment or use is specifically approved by the Government of the United States), of surplus agricultural commodities purchased pursuant to the provisions of this Agreement, and to assure that its purchase of such commodities does not result in increased availability of these or like commodities to nations unfriendly to the United States.
- 2. The two Governments agree that they will take reasonable precautions to assure that sales or purchases of surplus agricultural commodities pursuant to this Agreement will not unduly disrupt world prices of agricultural

commodities, displace usual marketings of the United States in these commodities, or materially impair trade relations among the countries of the free world.

3. In carrying out this Agreement the two Governments will seek to assure conditions of commerce permitting private traders to function effectively and will use their best endeavors to develop and expand continuous market demand for agricultural commodities

ARTICLE V

CONSULTATION

The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to the operation of arrangements carried out pursuant to this Agreement.

ARTICLE VI

ENTRY INTO FORCE

This Agreement shall enter into force upon signature.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at Washington this seventh day of October, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

CECIL B. LYON.

FOR THE GOVERNMENT OF ECUADOR:

JOSE R. CHIRIBOGA V  
*Ambassador*

CONVENIO DE PRODUCTOS AGRÍCOLAS  
ENTRE LOS ESTADOS UNIDOS DE AMÉRICA Y EL ECUADOR  
DE ACUERDO CON EL CONTENIDO DEL TÍTULO I DEL  
ACTA DE DESARROLLO DE INTERCAMBIO AGRÍCOLA Y DE ASISTENCIA

El Gobierno de los Estados Unidos de América y el Gobierno del Ecuador:

Reconociendo la conveniencia de ampliar el intercambio de productos agrícolas entre sus dos países y con otras naciones amigas de manera que no desplacen los mercados regulares de los Estados Unidos respecto de estos productos o de que se trastornen indebidamente los precios mundiales de los productos agrícolas;

Considerando que la compra, en sucres, de productos agrícolas de los Estados Unidos ayudará a conseguir tal expansión de intercambio;

Considerando que los sucres provenientes de tales compras serán utilizados en forma beneficiosa para ambos países;

Deseosos de llegar a un entendimiento que gobierne las ventas de productos agrícolas al Ecuador de acuerdo con el Título I del Acta de Desarrollo de Intercambio Agrícola y de Asistencia, de 1954, y de establecer las medidas que los dos Gobiernos tomarán individual y colectivamente para impulsar la expansión de ese intercambio de tales productos;

Han convenido en lo siguiente:

ARTICULO I

VENTAS CONTRA PAGO EN SUCRES

1. Con sujeción a la emisión y aceptación de las autorizaciones de compra mencionadas en el párrafo 2 de este artículo, el Gobierno de los Estados Unidos de América financiará, hasta el 30 de junio de 1956 la venta, contra pago en

sucres, de ciertos productos agrícolas que habrán de ser determinados como excedentes y de acuerdo con el Título I del Acta de Desarrollo de Intercambio Agrícola y de Asistencia, de 1954, a compradores autorizados por el Gobierno del Ecuador.

2. El Gobierno de los Estados Unidos emitirá autorizaciones de compra que incluirán provisiones relativas a la venta y entrega de productos, al tiempo y circunstancias de depósito de los sucores provenientes de tales ventas y a otros asuntos pertinentes que se hallarán sujetos a aceptación por el Gobierno del Ecuador. Algunos productos y cantidades, respecto de los cuales se ha llegado a establecer un acuerdo preliminar entre los dos Gobiernos, se hallan enumerados en el párrafo 3 de este artículo.

3. El Gobierno de los Estados Unidos financiará la venta al Ecuador de los siguientes productos, por los valores indicados, durante el año fiscal 1956 de los Estados Unidos, de acuerdo con los términos del Título I de dicha Acta y con los de este Convenio:

| <u>Producto</u>                 | <u>VALORES</u><br>(en miles de dólares) |
|---------------------------------|---|
| Trigo                           | 1,100                                   |
| Algodón                         | 925                                     |
| Tabaco                          | 210                                     |
| Aceite de pepa de algodón       | 1,375                                   |
| Aceite de soya                  | 140                                     |
| Transporte marítimo (calculado) | 250                                     |
| TOTAL                           | 4,000                                   |

#### ARTICULO II

##### USOS A DARSE A LOS SUCRES

1. Los dos Gobiernos convienen en que los sucores que se acumulen a favor de los Estados Unidos como consecuencia de ventas efectuadas bajo este Convenio, serán utilizados por el Gobierno de los Estados Unidos, en los siguientes propósitos y en las cantidades que luego se indican:

de  
(a) El equivalente en sucores/\$900.000,00 para ayudar al desarrollo de nuevos mercados de productos agrícolas de los Estados Unidos, para financiar actividades internacionales de intercambio educacional en el Ecuador y para otros gastos de

los Estados Unidos en el Ecuador de acuerdo con las subdivisiones (a), (f) y (h) de la Sección 104 del Acta.

(b) El equivalente en sucre de \$3'100.000,00 para empréstitos al Gobierno del Ecuador para promover el desarrollo económico del país, de acuerdo con la Sección 104 (g) del Acta, con sujeción a un convenio suplementario entre ambos Gobiernos. En el evento de que los sucre segregados para empréstitos al Gobierno del Ecuador no sean empleados en este propósito dentro de tres años contados desde la fecha de este Convenio, por no haber llegado los dos Gobiernos a un acuerdo sobre los usos a darse a los sucre, para propósitos de empréstitos o para cualesquiera otros, el Gobierno de los Estados Unidos podrá usar los sucres en cualquier otro objeto autorizado por la Sección 104 del Acta.

2. Los sucre provenientes de este Convenio serán invertidos por el Gobierno de los Estados Unidos en los propósitos enunciados en el Párrafo 1 de este artículo en la forma y orden de prioridad que determinare el Gobierno de los Estados Unidos.

### ARTICULO III

#### DEPÓSITO DE SUCRES

1. La cantidad de sucre que debe ser depositada en la Cuenta de los Estados Unidos en el Banco Central del Ecuador, será el equivalente a la venta en dólares del valor de los productos reembolsados o financiados por el Gobierno de los Estados Unidos convertidos en sucre al tipo de cambio aplicable generalmente a las transacciones de importación, (excluyendo las importaciones concedidas a tasas preferenciales), en las fechas en que se hagan los pagos en dólares por parte de los Estados Unidos. Tales valores de las ventas en dólares incluirán el transporte marítimo y manipulación reembolsadas o financiadas por el Gobierno de los Estados Unidos, excepto que no deberá incluir ningún costo adicional de transporte marítimo resultante de alguna solicitud por parte de los Estados Unidos, de que los productos sean transportados en vapores de bandera norteamericana.

2. Los dos Gobiernos convienen en que los siguientes procedimientos habrán

de ser aplicados respecto de los sucrens depositados en la cuenta de los Estados Unidos bajo este Convenio:

(a) En la fecha de depósito de tales sucrens en la cuenta de los Estados Unidos, serán ellos convertidos a dólares y transferidos a una cuenta especial, al crédito del Gobierno de los Estados Unidos, en el Banco Central del Ecuador, al mismo tipo de cambio al que se hizo el depósito.

(b) Los retiros de valores de tal cuenta especial por parte de los Estados Unidos para los usos especificados en el párrafo 1 (a) del Art. II de este convenio serán pagados por el Banco Central del Ecuador en sucrens al tipo de cambio aplicable generalmente a las transacciones de importación (excluyendo las importaciones concedidas a tasas preferenciales), en la fecha en la cual cada retiro sea hecho.

(c) Los giros que se hagan a cargo de esa cuenta especial para los propósitos de los empréstitos especificados en el Párrafo 1 (b) del Artículo II de este Convenio, se efectuarán por medio de la transferencia, de esa cuenta especial a la cuenta del Gobierno del Ecuador, del equivalente de los sucrens a ser materia del empréstito.

#### ARTICULO IV

##### DISPOSICIONES GENERALES

1. El Gobierno del Ecuador conviene en que tomará todas las medidas posibles para evitar la reventa o reembarque a otros países o para usos distintos que los domésticos (con excepción de los casos en que tales reventa, reembarque o uso fueren específicamente aprobados por el Gobierno de los Estados Unidos), de productos agrícolas excedentes comprados de acuerdo con las provisiones de este Convenio, y para asegurar que su compra de tales productos no traiga como resultado el incremento de la disponibilidad de éstos u otros similares para naciones de relación no amistosa con los Estados Unidos.

2. Los dos Gobiernos convienen en que tomarán ellos precauciones razonables para asegurar que las ventas o compras de excedentes agrícolas a que se refiere este Convenio no trastornen indebidamente los precios mundiales de los productos agrícolas, desplacen mercados normales de los Estados Unidos respecto de estos

productos, o materialmente perjudiquen las relaciones comerciales entre los países del mundo libre.

3. En la ejecución de este Convenio los dos Gobiernos tenderán a asegurar condiciones de comercio que permitan a los comerciantes privados operar con eficacia y pondrán de por medio sus mejores esfuerzos para desarrollar y ampliar la demanda continua de mercados para productos agrícolas.

ARTICULO V

CONSULTA

Los dos Gobiernos, a pedido de cualesquiera de ellos, consultarán entre sí respecto de cualquier asunto relativo a la aplicación de este convenio o a la operación de arreglos hechos de acuerdo con este Convenio.

ARTICULO VI

VIGENCIA

Este Convenio entrará en vigencia desde la fecha de su suscripción.

Para constancia de lo cual, los respectivos representantes debidamente autorizados firman el presente Convenio.

Realizado en Washington el día siete de Octubre del 1955.

POR LOS ESTADOS UNIDOS DE AMÉRICA:

POR LA REPUBLICA DEL ECUADOR:

  
\_\_\_\_\_

DEPARTMENT OF STATE  
WASHINGTON

October 7, 1955

Excellency:

I have the honor to refer to paragraphs 1 and 2 (b) of Article III of the Agreement signed on October 7, 1955 between the Government of the United States of America and the Government of Ecuador for the sale of agricultural commodities under United States Public Law 480.

68 Stat. 454.  
7 U. S. C. § 1691  
note.

The Government of the United States understands the language "rate of exchange generally applicable to import transactions (excluding imports granted a preferential rate)" to mean that so long as there are only two rates of exchange in Ecuador legally applicable to imports, the rate to be used under these paragraphs of Article III will be the rate applicable to at least 51 percent of total annual commercial imports by value on the effective date for each transaction as defined in the Agreement. If at any time there should be more than two rates of exchange in Ecuador legally applicable to imports, the rate to be applied in paragraphs 1 and 2 (b) of Article III of the Agreement will

His Excellency

Seflor Dr. José R. Chiriboga V.,

Ambassador of Ecuador.

be the rate applicable to the largest percentage of total annual commercial imports by value into Ecuador on the effective date for each transaction as defined in the Agreement, provided any imports granted a preferential rate will be excluded in computing the percentages of total annual imports by value to which the various rates apply.

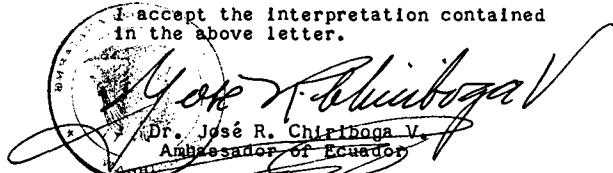
If your Government agrees to this interpretation of paragraph 1 and 2 (b) of Article III of the Agreement, it would be appreciated if you would be kind enough to sign and return two of the copies of this Note to the Department of State.

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

For the Secretary of State:



I accept the interpretation contained  
in the above letter.



Washington, October 7, 1955

# CANADA

## Defense: Establishment of a Petroleum Products Pipeline in Newfoundland

*Agreement effected by exchange of notes  
Dated at Ottawa September 22, 1955;  
Entered into force September 22, 1955.*

TIAS 3392  
Sept. 22, 1955

*The Canadian Secretary of State for External Affairs to the  
American Ambassador*

DEPARTMENT OF  
EXTERNAL AFFAIRS  
CANADA

No. D. L. 231

The Secretary of State for External Affairs presents his compliments to His Excellency the Ambassador of the United States of America and has the honour to refer to the Ambassador's Note No. 253 of June 9, 1955, [<sup>1</sup>] concerning a proposal by the United States Government to construct a petroleum products pipeline between the United States Air Force dock at St. John's and Pepperrell Air Force Base in Newfoundland.

The Canadian Government is pleased to approve this project, subject to the conditions annexed to this Note. If these conditions are acceptable to the United States Government, it is suggested that this Note and the Ambassador's reply should constitute an agreement effective from the date of the reply.

L B P

OTTAWA, ONTARIO,  
*September 22, 1955.*

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<sup>1</sup> Not printed.

ANNEX

Statement of Conditions to Govern the Establishment of a Petroleum Products Pipeline from the United States Air Force Dock at St. John's, Newfoundland, to Pepperrell Air Force Base, Newfoundland

(In this Statement of Conditions, unless the context otherwise requires, "Canada" means the Government of Canada and "United States" means the Government of the United States of America.)

1. *Right-of-way*

All land or interest in land required for the right-of-way of the pipeline and appurtenances, and for access roads, will be acquired by and remain in the title of Canada. Canada grants and assures to the United States, without charge, such rights of access, use, and occupancy as may be required for the construction and operation of the pipeline, subject to the following:

- (a) The Minister of Public Works of the Province of Newfoundland, or the Corporation of the City of St. John's for that part of the pipeline within the city limits, may require the United States Government to relocate the pipeline to facilitate the construction, reconstruction or relocation of any work, provided, however, that the cost of relocation shall be borne by the Government of Newfoundland or the City of St. John's, as appropriate, and provided further that such relocation will not unreasonably interfere with or impede essential military operations or maintenance of the pipeline.
- (b) The Minister of Public Works of the Province of Newfoundland, or the Corporation of the City of St. John's for that part of the pipeline within the city limits, may require that permission be granted for construction upon, along or across the pipeline, of any highway, private road, railway, drain, telegraph, telephone or electric power line or any pipeline, provided such construction will not unreasonably interfere with or impede essential military operations or maintenance of the pipeline.
- (c) After this Agreement has been in force for ten years, it shall be open to the Government of the Province of Newfoundland to propose that the United States, at its cost, bury the unburied portion of the pipeline, or any part thereof, if in the opinion of the Government of Newfoundland it is

necessary and important for, or by reason of, the safety or development of the adjoining areas. If such a proposal is made by the Government of Newfoundland, it shall be discussed between the Governments of Newfoundland, Canada and the United States. Following such discussion, it shall be open to the Government of Newfoundland to require the United States, on one year's notice, to execute the proposal, subject to the right of the United States to terminate this agreement pursuant to paragraph 6 hereof.

## 2. *Plans*

The detailed plans, description of the route and access roads, and specifications of the pipeline shall be supplied to the appropriate Canadian authorities. They shall also be submitted to, and will require the approval of, the appropriate authorities of the Government of Newfoundland and the City of St. John's. Canadian officials shall have the right of inspection during construction.

## 3. *Construction and Procurement*

- (a) Canadian contractors shall be extended equal consideration with United States contractors in the awarding of construction contracts, and Canadian and United States contractors shall have equal consideration in the procurement of materials, equipment and supplies in either Canada or the United States;
- (b) Contractors awarded a contract for construction in Canada shall be required to give preference to qualified Canadian labour for such construction. The rates of pay and working conditions for this labour will be set after consultation with the Canadian Department of Labour in accordance with the Canadian Fair Wages and Hours of Labour Act.

## 4. *Canadian Law*

Nothing in this Agreement shall derogate from the application of Canadian law in Canada, provided that, if in unusual circumstances its application may lead to unreasonable delay or difficulty in construction or operation, the United States authorities concerned may request the assistance of Canadian authorities in seeking appropriate alleviation. In order to facilitate the rapid and efficient construction of the pipeline, Canadian authorities will give sympathetic consideration to any request submitted by United States Government authorities.

## 5. *Leased Bases Agreements*

Nothing in this Agreement shall derogate from the rights of the United States as granted in the Agreement of March 27, 1941, between the Governments of the United Kingdom and the

EAS 235.  
55 Stat. 1560.

United States of America relating to the bases leased to the United States of America, and subsequent agreements between Canada and the United States concerning these bases.

*6. Period of Operation of the Pipeline*

The United States may operate the pipeline for a minimum period of twenty years commencing from the date when this Agreement comes into force. At any time after the expiration of this period, in the event that either Government wishes to discontinue the arrangement, the question of continuing need will be referred to the Permanent Joint Board on Defence. In considering the question of need the PJBD will take into account the relationship of the pipeline and related facilities to the operation of Pepperrell Air Force Base. Following consideration by the PJBD as provided above, either Government may on one year's notice terminate the arrangement, in which case the arrangements shown in paragraphs 8 and 9 below regarding ownership and disposition of the installations shall apply.

*7. Title*

Ownership of the pipeline and auxiliary installations shall remain with the United States pending any termination of the arrangement pursuant to paragraph 6, at which time the United States may remove the pipeline from the right-of-way, restoring the right-of-way to its original condition as far as it is practicable and reasonable to do so in the opinion of Canada. Such removal of the pipeline and restoration of the right-of-way shall be completed within one year of the effective date of termination of the arrangement. Any portion of the pipeline which is not removed, by reason of a Canadian determination that it was not practicable or reasonable to remove such portion, shall be disposed of in accordance with the terms of paragraph 8.

*8. Excess Property*

Disposal of United States excess property in Canada in connection with the construction or operation of the pipeline shall be carried out in accordance with the provisions of the Exchange of Notes of April 11 and 18, 1951, between the Secretary of State for External Affairs and the United States Ambassador in Ottawa, concerning the disposal of excess property.

*9. Canadian Immigration and Customs Regulations*

Canada will take the necessary steps to facilitate the admission into the territory of Canada of such United States citizens as may be employed on the construction of the pipeline, it being under-

stood that the United States will undertake to repatriate, at no expense to Canada, any such persons if the contractors fail to do so.

#### 10. Taxes

The Canadian Government will grant remission of customs duties and excise and sales taxes in connection with the construction and operation of the pipeline in accordance with the provisions of Article XIV of the Leased Bases Agreement of 1941 as modified by the provisions with respect to such exemptions in the Annex to Note No. 109 of February 13, 1952, from the Canadian Ambassador in Washington to the Acting Secretary of State of the United States of America.

TIAS 2572.  
8 UST, pt. 3, p. 4273.

#### 11. Status of Forces

The "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces", signed in London on June 19, 1951, shall apply.

TIAS 2846.  
4 UST 1792.

#### 12. Supplementary Arrangements and Administrative Agreements

Supplementary arrangements or administrative agreements between authorized agencies of the two Governments may be made from time to time for the purpose of carrying out the intent of this agreement.

*The American Ambassador to the Canadian Secretary of State for External Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

No. 75

The Ambassador of the United States of America presents his compliments to the Secretary of State for External Affairs and has the honor to acknowledge the latter's Note DL-231 of September 22, 1955, conveying the Canadian Government's approval of a proposal by the United States Government to construct a petroleum products pipeline between the United States Air Force dock at St. John's and Pepperrell Air Force Base in Newfoundland, subject to the conditions annexed to that Note.

The Ambassador is authorized to state that these conditions are acceptable to the United States Government and to agree that Mr. Pearson's Note and this reply constitute an agreement effective from this date.

T. T.

EMBASSY OF THE UNITED STATES OF AMERICA,  
OTTAWA, September 22, 1955.

TIAS 3392

# COLOMBIA

## Military Assistance Advisory Group

TIAS 3393  
July 13 and  
Sept. 16, 1955.

*Agreement effected by exchange of notes  
Signed at Bogotá July 13 and September 16, 1955;  
Entered into force September 20, 1955.*

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*The American Chargé d'Affaires ad interim to the Colombian  
Minister of Foreign Affairs*

No. 13

BOGOTÁ, July 13, 1955

EXCELLENCY:

I have the honor to refer to the following agreements between our two Governments: Mutual Defense Assistance Agreement signed at Bogotá on April 17, 1952; Army Mission Agreement of February 21, 1949, as extended; Naval Mission Agreement of October 14, 1946, as extended; and Air Force Mission Agreement of February 21, 1949, as extended.

TIAS 2496.  
3 UST, pt. 3, p. 3690.  
TIAS 1892.  
63 Stat., pt. 3, p.  
2324.  
TIAS 1863.  
61 Stat., pt. 3, p. 2418;  
TIAS 1893.  
63 Stat., pt. 3, p.  
2345.

It is proposed that, notwithstanding the provisions of Articles 7 and 8 of the Army Mission Agreement, Articles 6 and 7 of the Naval Mission Agreement, and Articles 7 and 8 of the Air Force Mission Agreement, the members of the Missions provided for under these Agreements may also perform the functions specified in Article V of the Mutual Defense Assistance Agreement of April 17, 1952. The Chief of one of the Missions would be designated as Chief of the Military Assistance Advisory Group, assigned to Colombia under Article V of the Mutual Defense Assistance Agreement, as an additional duty. The other two Chiefs of Missions would be designated as Chiefs of the respective service sections of the Military Assistance Advisory Group as an additional duty. With the assignment of these functions to the Chiefs of Missions, Article V of the Mutual Defense Assistance Agreement would apply to them. Personnel of the three Missions when performing functions of the Military Assistance Advisory Group would operate under the direction and control of the Chief of the Diplomatic Mission of the United States of America and would be responsible to him.

Personnel now assigned to the Military Assistance Advisory Group would be reassigned to the respective service Missions as necessary and as agreed to between the two Governments and would become regular members of the Mission.

If the foregoing proposal is acceptable to Your Excellency's Government, this note and Your Excellency's note in reply will be considered an agreement between our two Governments on this matter which shall enter into force on the date of receipt [1] of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

W. F. BARBER

His Excellency

Señor doctor don EVARISTO SOURDIS  
*Minister of Foreign Affairs*  
*Bogotá*

*The Colombian Minister of Foreign Affairs to the American  
Ambassador*

MINISTERIO DE  
RELACIONES EXTERIORES

No. D. 1782

BOGOTÁ, septiembre 16 de 1.955

EXCELENCIA:

Tengo el honor de referirme a la nota número 13 fechada en 13 de julio pasado para manifestar a Vuestra Excelencia que hechas las correspondientes consultas mi Gobierno se encuentra en un todo de acuerdo con ella, lo cual me complace comunicar a Vuestra Excelencia.

Me valgo de la oportunidad para reiterar a Vuestra Excelencia los sentimientos de mi más alta y distinguida consideración.

EVARISTO SOURDIS

A Su Excelencia el

Señor PHILIP BONSAL,  
*Embajador Extraordinario y Plenipotenciario*  
*de los Estados Unidos de América.*  
*La Ciudad.*

<sup>1</sup> Sept. 20, 1955.

*Translation*

MINISTRY OF  
FOREIGN AFFAIRS

No. D. 1782

BOGOTÁ, September 16, 1955

EXCELLENCY:

I have the honor to refer to note No. 13, dated July 13, 1955, and to inform Your Excellency that, the necessary consultations having taken place, my Government is wholly in agreement therewith, a fact which I take pleasure in communicating to Your Excellency.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

EVARISTO SOURDIS

His Excellency

PHILIP BONSAL,

*Ambassador Extraordinary and Plenipotentiary*

*of the United States of America,*

*City.*

# BOLIVIA

## Army Mission to Bolivia

*Agreement extending the agreement of August 11, 1942, as extended.  
Effectuated by exchange of notes signed at La Paz August 9 and  
September 9, 1955;*

TIAS 3394  
Aug. 9 and  
Sept. 9, 1955

*Entered into force September 9, 1955;  
Operative retroactively August 11, 1950.*

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*The American Chargé d'Affaires ad interim to the Bolivian Minister  
of Foreign Affairs*

No. 15

AMERICAN EMBASSY,  
La Paz, August 9, 1955

EXCELLENCY:

I have the honor to bring to the attention of Your Excellency's Government that the Army Mission Agreement between our two Governments expired on August 11, 1950, and no arrangements of an interim nature have been made to cover the period which elapsed since that date and will elapse until the negotiations for a new agreement are completed.

EAS 267.  
56 Stat. 1683.

I, therefore, have the honor to propose that the agreement of August 11, 1942, be extended, effective as of August 11, 1950, and until such time as it may be terminated under the provisions of either Article 4 or Article 5 thereof, or until such time as it is superseded by the agreement now being negotiated. If this proposal meets with the approval of the Government of Bolivia, it is further proposed that this note and Your Excellency's reply constitute an agreement between our two Governments on this matter.

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

E. A. GILMORE, Jr.  
*Chargé d'Affaires ad interim*

His Excellency

Sefior Doctor WALTER GUEVARA ARZE,  
*Minister of Foreign Affairs for  
the Republic of Bolivia.*

*The Bolivian Minister of Foreign Affairs to the American  
Ambassador*

REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES  
EXTERIORES Y CULTO

No. D. G. A. N. 978-

LA PAZ, 9 de septiembre de 1955

**SEÑOR EMBAJADOR:**

Refiriéndome a la atenta nota de esa Embajada No. 15, de 9 de agosto próximo pasado, relativa al Convenio de la Misión del Ejército de los Estados Unidos en Bolivia, tengo el honor de expresar a Vuestra Excelencia que el Ministerio de Defensa Nacional acaba de hacer saber a esta Cancillería su resolución de prolongar la vigencia del Acuerdo firmado el 11 de agosto de 1942 hasta la suscripción del nuevo Convenio, que se encuentra hoy negociándose. En consecuencia, la referida comunicación y la presente nota constituyen suficiente demostración de tal propósito.

Me valgo de la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

W GUEVARA ARZE

Al Excelentísimo señor GERALD A. DREW,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América,  
Presente.*

*Translation*

REPUBLIC OF BOLIVIA

MINISTRY OF FOREIGN AFFAIRS  
AND WORSHIP

No. D.G.A.N. 978-

LA PAZ, September 9, 1955

**MR. AMBASSADOR:**

Referring to your Embassy's courteous note No. 15, of August 9, 1955, concerning the agreement relating to the United States Army Mission in Bolivia, I have the honor to inform Your Excellency that the Ministry of National Defense has just informed this Foreign Office of its decision to extend the agreement signed on August 11, 1942, until the signing of the new agreement, which is now being negotiated. Consequently, the aforementioned communication and the present note constitute sufficient evidence of such intent.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

W GUEVARA ARZE

His Excellency

GERALD A. DREW,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

# ICELAND

## Telecommunications: Registration of Frequencies Used in Iceland by United States Authorities

TIAS 3395  
July 11, 20,  
1955

*Agreement effected by exchange of notes  
Signed at Reykjavik July 11 and 20, 1955;  
Entered into force July 20, 1955.*

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*The American Chargé d'Affaires ad interim to the Icelandic  
Minister for Foreign Affairs*

No. 4

AMERICAN LEGATION,  
Reykjavik, July 11, 1955

EXCELLENCY:

I have the honor to refer to exchanges of views between the Ministry for Foreign Affairs and the American Legation over the past several years in the matter of the registration of radio frequencies for the use of the Iceland Defense Force.

In this connection my Government suggests that the existing arrangement be continued, under which additional frequencies for the use of United States authorities in Iceland are coordinated with the Icelandic authorities who, providing they have no objection, in turn notify the frequencies in question to the International Frequency Registration Board as "Iceland"

My Government also proposes that an understanding be reached with regard to the deletion by Iceland of frequencies which are no longer required by the Iceland Defense Force. It is suggested that when the use of a frequency, which has for the first time been notified for Iceland on request of the United States authorities for the sole use of the Iceland Defense Force, is no longer required for that purpose, the authorities of Your Excellency's Government will be so informed and will request the ITU [<sup>1</sup>] to delete the frequency from the ITU Frequency List, unless it has specially been allocated to Iceland at International Radio Conferences or other arrangements concerning frequencies have been made by mutual agreement between the two governments.

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<sup>1</sup> International Telecommunications Union.

As an example, the following are frequencies on which the United States authorities would desire to retain priority:

| kc/s   | kc/s    | kc/s     |
|--------|---------|----------|
| 89. 30 | 4724. 5 | 7342. 5  |
| 3067   | 5310    | 13215. 5 |

13662. 5

If the suggestions outlined above meet with the approval of Your Excellency's Government, I shall be appreciative if I may be so informed and, in that event, it is proposed that this note together with Your Excellency's reply shall be regarded as constituting an agreement on the subject.

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

THOMAS P. DILLON

His Excellency

Dr. KRISTINN GUDMUNDSSON,  
Minister for Foreign Affairs,  
Reykjavik.

*The Icelandic Minister for Foreign Affairs to the American Minister*

UTANRÍKISRÁÐUNEYTIÐ<sup>1</sup>

REYKJAVÍK

No. 60

REYKJAVÍK, July 20, 1955.

YOUR EXCELLENCY,

I have the honor to acknowledge receipt of Mr. Thomas P. Dillon's Note of July 11, 1955, which reads as follows:

"I have the honor to refer to exchanges of views between the Ministry for Foreign Affairs and the American Legation over the past several years in the matter of the registration of radio frequencies for the use of the Iceland Defense Force.

In this connection my Government suggests that the existing arrangement be continued, under which additional frequencies for the use of United States authorities in Iceland are coordinated with the Icelandic authorities who, providing they have no objection, in turn notify the frequencies in question to the International Frequency Registration Board as "Iceland".

My Government also proposes that an understanding be reached with regard to the deletion by Iceland of frequencies which are no longer required by the Iceland Defense Force. It is suggested

<sup>1</sup> Ministry for Foreign Affairs.

that when the use of a frequency, which has for the first time been notified for Iceland on request of the United States authorities for the sole use of the Iceland Defense Force, is no longer required for that purpose, the authorities of Your Excellency's Government will be so informed and will request the ITU to delete the frequency from the ITU Frequency List, unless it has specially been allocated to Iceland at International Radio Conferences or other arrangements concerning frequencies have been made by mutual agreement between the two governments.

As an example, the following are frequencies on which the United States authorities would desire to retain priority:

| kc/s  | kc/s   | kc/s    |
|-------|--------|---------|
| 89.30 | 4724.5 | 7342.5  |
| 3067  | 5310   | 13215.5 |
|       |        | 13662.5 |

If the suggestions outlined above meet with the approval of Your Excellency's Government, I shall be appreciative if I may be so informed and, in that event, it is proposed that this note together with Your Excellency's reply shall be regarded as constituting an agreement on the subject."

In reply I have the honor to inform Your Excellency that the foregoing proposal is acceptable to the Government of Iceland which agrees that Mr. Thomas P. Dillon's note and this reply should be regarded as constituting an agreement between the two Governments in this matter.

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

KRISTINN GUDMUNDSSON

His Excellency

JOHN J. MUCCIO,

*Minister of the United States of America,  
Reykjavík.*

# KOREA

## Military and Economic Aid

*Agreed Minute dated at Seoul November 17, 1954.*

*And amendment to the agreed minute of November 17, 1954;*

*Signed at Washington August 12, 1955.*

TIAS 3396  
Nov. 17, 1954,  
and Aug. 12,  
1955

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### AGREED MINUTE BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF KOREA BASED ON THE CONFERENCES HELD BETWEEN PRESI- DENT EISENHOWER AND PRESIDENT RHEE AND THEIR ADVISERS IN WASHINGTON, JULY 27-30, 1954 AND SUBSEQUENT DISCUSSIONS BETWEEN REPRE- SENTATIVES OF THE TWO GOVERNMENTS

It is in the mutual interest of the United States and the Republic of Korea to continue the close cooperation which has proved mutually beneficial and has played such an important part in the free world's struggle against Communist aggression and its determination to remain free.

Accordingly,

It is the intention and policy of the Republic of Korea to:

1. Cooperate with the United States in its efforts to unify Korea, including possible efforts through the United Nations to secure this objective
2. Retain Republic of Korea forces under the operational control of the United Nations Command while that Command has responsibilities for the defense of the Republic of Korea, unless after consultation it is agreed that our mutual and individual interest would best be served by a change;
3. Accept the force levels and principles set forth in Appendix B [¹] which will permit the maintenance of an effective military program consistent with economic stability and within available resources;
4. Continue to encourage private ownership of investment projects;

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<sup>1</sup> Not printed.

5. Cooperate in procedures for administration of United States aid funds consistent with United States legislation and the practices applied generally in such programs;

6. Take the necessary measures to make the economic program effective, including those set forth in Appendix A.

Based upon the conditions which the Republic of Korea declares it will create, it is the intention and policy of the United States to:

1. Continue its program of helping to strengthen the Republic of Korea politically, economically and militarily, with programmed economic aid and direct military assistance furnished during Fiscal Year 1955 to aggregate up to \$700 million. This amount would exceed by more than \$100 million the amount of assistance previously contemplated by the United States for Korea in Fiscal Year 1955. Of this total, programmed economic aid, including the CRIK carry-over and the United States contribution to UNKRA, available for obligation in Fiscal Year 1955 would amount to approximately \$280 million (actual expenditures in Fiscal Year 1955 are estimated at approximately \$250 million);

2. Support a strengthened Republic of Korea military establishment as outlined in Appendix B, [<sup>1</sup>] including the development of a reserve system, in accordance with arrangements to be worked out by appropriate military representatives of the two Governments;

3. Consult fully with appropriate military representatives of the Republic of Korea in the implementation of the program for support of the Republic of Korea military establishment;

4. In the event of an unprovoked attack upon the Republic of Korea, to employ, in accordance with its constitutional processes, its military power against the aggressor;

5. Subject to the necessary Congressional authorizations, continue to press forward with the economic program for the rehabilitation of Korea.

YTP

EOB.

Y. T. Pyun

Ellis O. Briggs

*Minister for Foreign Affairs  
of the Republic of Korea*

*Ambassador of the United States of  
America to the Republic of Korea*

SEOUL, KOREA

*November 17, 1954*

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<sup>1</sup> Not printed.

**APPENDIX A TO AGREED MINUTE BETWEEN  
THE GOVERNMENTS OF THE UNITED STATES AND  
THE REPUBLIC OF KOREA**

**MEASURES FOR AN EFFECTIVE ECONOMIC PROGRAM**

The Republic of Korea will undertake the necessary measures to make the economic program effective, including:

1. With respect to exchange rates, the official rate of the Republic of Korea Government and the counterpart rate being 180 to 1, agreement to procedures as proposed by the United States for the conversion of dollars at a different and realistic exchange rate to cover hwan drawings of United States forces by sale of dollars through the Bank of Korea, and generally to price aid goods into the Korean economy at a similar rate, thereby providing for the maximum contribution to the Korean economy and to the Korean budget from the use of these resources. The operation of existing agreements with respect to hwan drawings by the United States will be suspended so long as the foregoing arrangements work out in practice to the mutual satisfaction of both Governments;
2. Agreement that material for the aid program—not furnished from the United States in kind—will be procured wherever in non-Communist countries goods of the required quality can be obtained at the best price (it being the objective to perform the maximum possible procurement in Korea at competitive world prices);
3. Provision of adequate information to the appropriate United States representatives concerning Korean plans for the use of their own foreign exchange; and
4. A realistic effort to balance its budget and continue to resist inflation (it will be the objective of both Governments to develop the budget of the Republic of Korea in a manner that will resist inflation).

Y. T P            E O B.

**AMENDMENT TO THE AGREED MINUTE OF**  
**NOVEMBER 17, 1954**

Effective August 15, 1955, paragraph 1 of Appendix A of the Agreed Minute between the Governments of the United States of America and the Republic of Korea signed November 17, 1954 is amended as follows:

The official exchange rate of 500 hwan to 1 United States dollar which is to be established by the Republic of Korea on August 15, 1955 as the rate for all foreign exchange transactions of the Government of the Republic of Korea and its agencies, will be applicable to United States aid furnished for the importation of goods and services into Korea except the following: (a) coal of United States origin which will be priced during the fiscal year ending June 30, 1956 at a rate not less than 40 percent of the official rate; (b) fertilizer which will be priced immediately at a rate not less than 50 percent of the official rate, to be increased to the official rate not later than January 1, 1956; (c) investment type commodities for non-revenue producing projects; and (d) relief supplies. Investment type commodities for revenue producing projects will be priced at the official rate unless the Combined Economic Board recommends a reduction either through differential exchange rates or subsidies.

The official rate will apply to purchases of hwan by the United States Forces in Korea.

The Government of the United States of America will cooperate with the Government of the Republic of Korea in its efforts to develop a stabilized economic situation in Korea within the limits of resources made available for this purpose. In this regard both Governments will pay particular attention to the objectives of expeditious action leading to the speedy implementation of the aid program.

Arrangements existing prior to the effective date of this amendment to Appendix A of the Agreed Minute of November 17, 1954 with respect to acquisition of hwan by the United States including

those arrangements authorized by the original paragraph 1 of Appendix A of the said Agreed Minute will be suspended as long as the foregoing arrangements work out in practice to the mutual satisfaction of both Governments.

For the Government of the United States of America:

WALTER S ROBERTSON

For the Government of the Republic of Korea:

YOU CHAN YANG.

WASHINGTON, D. C.

*August 12, 1955*



# KOREA

## Defense: Arsenal Facilities

*Agreement effected by exchange of notes  
Signed at Seoul May 29, 1955;  
Entered into force May 29, 1955.*

TIAS 3397  
May 29, 1955

*The American Ambassador to the Korean Minister of National Defense*

AMERICAN EMBASSY,  
Seoul, May 29, 1955.

No. 161

EXCELLENCY:

I have the honor to refer to the discussions which took place during the latter half of 1954 between representatives of our two Governments regarding the establishment in the Republic of Korea of minimum facilities for an arsenal and the reworking of ammunition.

1. My Government has authorized me to advise the Government of the Republic of Korea that it is now prepared to enter into detailed discussions on the establishment of such facilities. It is hoped that the discussions will lead to an agreement on implementing the program contemplated by paragraph 9, Appendix B, [1] of the Agreed Minute Between the Government of the United States and the Government of the Republic of Korea, signed in Seoul on November 17, 1954.

2. Upon receipt from the Republic of Korea of the assurances contemplated in the succeeding portions of this note, the United States, in accordance with the Agreed Minute referred to in paragraph 1 above, will furnish minimum facilities for an arsenal and the reworking of ammunition to a total value not to exceed \$5,000,000. Specifically, the United States will furnish:

a. The necessary manufacturing equipment and auxiliary machine shop equipment capable of manufacturing small arms ammunition the capacity of which will be specified in a supplemental technical arrangements agreement. The auxiliary shop shall be capable of being used to make special tools, dies, jigs, and

TIAS 3396.  
*Ante*, p. 3913.

<sup>1</sup> Not printed.

fixtures required for the manufacture of the above described ammunition and for repairing machines and equipment used for production, and in addition this shop shall be capable of making minor parts required for the maintenance and repair of small arms weapons. It is understood that the production equipment and auxiliary shop will not include any foundry, rolling mill, or chemical plant equipment. The total value of the above described equipment and auxiliary shop is estimated to be approximately \$2,828,000.

b. Equipment for the generation of steam and compressed air at an estimated value of approximately \$355,000.

c. Services for delivery and installation of equipment at an estimated value of approximately \$226,000.

d. Architect-engineer, design, and supervision services for construction of building and installation of equipment at an estimated value of approximately \$250,000.

e. Non-indigenous construction materials and additional auxiliary maintenance machine shop special tools not elsewhere included and miscellaneous expenses incurred by the United States which are directly applicable to this project in an amount of approximately \$1,340,000.

The specification of the details listed above shall be subject to modification in the light of further study and such supplementary technical arrangements as may be agreed upon between our two Governments.

3. In consideration of the foregoing and in accordance with the Mutual Defense Assistance Agreement signed at Seoul on January 26, 1950, and agreements supplementary thereto, and particularly in accordance with Article I thereof, the Republic of Korea will undertake to furnish toward the completion of the arsenal the following:

a. All the necessary land, rights of way for ingress and egress, utilities, to include power lines, sewage, water, communications, transportation, and other necessary services, facilities and utilities, and facilities (e. g. storage and carpenter shops) necessary for construction of the arsenal.

b. All necessary labor on a priority basis. Labor furnished by the Republic of Korea shall be under the general supervision of the United States architect-engineers, but control and direction of such labor shall be exercised through the Republic of Korea officer in charge.

c. Indigenously available construction materials, supplies, and construction equipment necessary for the construction of this

arsenal. It is understood that the United States will not pay rental for or procure construction equipment.

d. Such additional land and facilities as become necessary as the result of modification of plans and design for the construction of this arsenal.

e. All necessary stevedoring and, if necessary, lighterage, pilot services, floating derricks, shore cranes and other port facilities at no expense to the United States Government for all supplies, equipment and material imported into Korea for use in construction of the arsenal.

f. All necessary transportation for delivery of such supplies, equipment and material from the port to the arsenal.

4. The facilities, equipment, services, and materials made available pursuant to the Agreed Minute shall be deemed to be made available under the applicable provisions of the above referred to Mutual Defense Assistance Agreement.

5. The Republic of Korea undertakes to maintain this arsenal and all its appurtenant facilities, equipment, and services in a condition to produce promptly when required the products and services contemplated for production therein as hereafter specified in supplementary arrangements.

6. The Republic of Korea will not discriminate in the sale of the products or services resulting in whole or in part from this arsenal to other nations of the free world in terms of prices charged, the quality made available, delivery dates, or in any other manner.

7. It is understood that the facilities, equipment, and services of this arsenal may be used for other purposes provided such use will not interfere with the ready availability of such facilities, equipment, and services for the production and repair of defense items.

8. The United States Government will not, within the scope of this project, provide raw materials and components for manufacturing for production runs of end items or parts thereof.

9. In order to carry out this project, it will be necessary for our two Governments, acting through their appropriate officers, to enter into supplemental technical arrangements regarding the details of the project mentioned above.

Upon receipt of your Government's agreement that the foregoing is acceptable, I propose that this note, together with your Government's reply, be treated as confirming our mutual understanding on this subject.

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

WILLIAM S. B. LACY

His Excellency  
SOHN WON-IL,  
*Minister of National Defense,*  
*Republic of Korea,*  
*Seoul.*

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*The Korean Minister of National Defense to the American Ambassador*

MINISTRY OF NATIONAL DEFENSE  
REPUBLIC OF KOREA

SEOUL, May 29, 1955.

EXCELLENCY:

I have the honor to acknowledge the receipt of your Note referring to the discussions which took place during the latter half of 1954 between representatives of our two Governments regarding the establishment in the Republic of Korea of minimum facilities for an arsenal and the reworking of ammunition.

1. My Government has authorized me to advise the Government of the United States that in consideration of the commitments in your Note and in accordance with the Mutual Defense Assistance Agreement signed at Seoul on January 26, 1950, and agreements supplementary thereto, and particularly in accordance with Article I thereof, the Republic of Korea hereby undertakes to furnish toward the completion of the arsenal the following:

a. All the necessary land, rights of way for ingress and egress, utilities, to include power lines, sewage, water, communications, transportation, and other necessary services, facilities and utilities, and facilities (e.g. storage and carpenter shops) necessary for construction of the arsenal.

b. All necessary labor on a priority basis. Labor furnished by the ROK shall be under the general supervision of the United States architect-engineers, but control and direction of such labor shall be exercised through the ROK officer in charge.

c. Indigenously available construction materials, supplies, and construction equipment necessary for the construction of this arsenal. It is understood that the United States will not pay rental for or procure construction equipment.

d. Such additional land and facilities as become necessary as the result of modification of plans and design for the construction of this arsenal.

e. All necessary stevedoring and, if necessary, lighterage, pilot services, floating derricks, shore cranes and other port facilities at no expense to the United States Government for all supplies, equipment and material imported into Korea for use in construction of the arsenal.

f. All necessary transportation for delivery of such supplies, equipment and material from the port to the arsenal.

2. The facilities, equipment, services, and materials made available pursuant to the Agreed Minute shall be deemed to be made available under the applicable provisions of the above referred to Mutual Defense Assistance Agreement.

3. The Republic of Korea undertakes to maintain this arsenal and all its appurtenant facilities, equipment, and services in a condition to produce promptly when required the products and services contemplated for production therein as hereafter specified in supplementary arrangements.

4. The Republic of Korea will not discriminate in the sale of the products or services resulting in whole or in part from this arsenal to other nations of the free world in terms of prices charged, the quality made available, delivery dates, or in any other manner.

5. It is understood that the facilities, equipment, and services of this arsenal may be used for other purposes provided such use will not interfere with the ready availability of such facilities, equipment, and services for the production and repair of defense items.

6. It is understood that the United States Government will not, within the scope of this project, provide raw materials and components for manufacturing for production runs of end items or parts thereof.

7. In order to carry out this project, it will be necessary for our two Governments, acting through their appropriate officers, to enter into supplemental technical arrangements regarding the details of the project mentioned above.

Having received your Government's agreement that the foregoing is acceptable, I propose that this Note, together with your Government's Note under reply, be treated as confirming our mutual understanding on this subject.

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

SOHN WON-IL

His Excellency

WILLIAM S. B. LACY,

*Ambassador of the United States of America.*

# PANAMA

## Health and Sanitation: Cooperative Program

TIAS 3398  
Apr. 14, 1955

*Agreement extending the agreement of February 26, 1951.*

*Signed at Panamá April 14, 1955;*

*Entered into force April 14, 1955.*

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### SUPPLEMENTAL AGREEMENT

### COOPERATIVE HEALTH PROGRAM IN PANAMA

TIAS 2220.  
2 UST 655.

The agreement for a cooperative health program between the Government of the United States and the Government of Panama signed at Panama City on February 26, 1951, as modified and supplemented is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the parties thereunder after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other thirty days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative health program pursuant to arrangements entered into by the Director of the United States Operations Mission to Panama and the Minister of Labor, Social Welfare and Public Health of the Government of Panama, or their designees, or by any successor officials or other authorized representatives of the two parties.

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at  
Panama City this 14th day of April 1955.

FOR THE GOVERNMENT OF  
THE UNITED STATES

SELDEN CHAPIN  
*Ambassador of the United States*

J G TOWNSEND

*Chief of Field Party  
The Institute of Inter-American  
Affairs of the Foreign  
Operations Administration*

FOR THE GOVERNMENT OF  
PANAMA

OCTAVIO FÁBREGA  
*Minister for Foreign Affairs*

C ARROCHA GRAELL

*Minister of Labor, Social  
Welfare and Public Health*

ACUERDO SUPLEMENTARIO  
PROGRAMA COOPERATIVO DE SALUD PUBLICA EN  
PANAMA

El convenio sobre un programa cooperativo de salud pública entre el Gobierno de Panamá y el Gobierno de los Estados Unidos firmado en la Ciudad de Panamá el 26 de Febrero de 1951, con sus enmiendas y acuerdos suplementarios, por este medio es prorrogado hasta el 30 de Junio de 1960. Los compromisos asumidos en el presente acuerdo serán continuados durante el período que vence el 30 de Junio de 1960, con el entendimiento de que las obligaciones asumidas por las dos partes después del 30 de Junio de 1955 quedarán sujetas a la disponibilidad de partidas. El acuerdo arriba mencionado podrá ser terminado en cualquier momento por cualquiera de las dos partes después de que una haya notificado por escrito a la otra con 30 días de anterioridad su intención de ponerle término. Queda entendido que las dos partes podrán aportar fondos al programa cooperativo de salud pública mediante acuerdo entre el Ministro de Trabajo, Previsión Social y Salud Pública del Gobierno de Panamá, y el Director de la Misión de Operaciones en el Exterior, o sus designados, o por cualquier sucesor oficial u otros representantes autorizados de las dos partes.

Este acuerdo entrará en vigencia en la fecha de su firma.

HECHO en duplicado, en Español e Inglés, en la Ciudad de Panamá, hoy 14 de Abril de 1955.

POR EL GOBIERNO DE  
PANAMA

OCTAVIO FÁBREGA  
*Ministro de Relaciones Exteriores*

C ARROCHA GRAELL  
*Ministro de Trabajo, Previsión  
Social y Salud Pública*

POR EL GOBIERNO DE LOS  
ESTADOS UNIDOS

SELDEN CHAPIN  
*Embajador de los Estados Unidos*

J G TOWNSEND  
*Jefe de la Misión Técnica  
Instituto de Asuntos  
Interamericanos Misión de  
Operaciones en el Exterior*



# PANAMA

## Education: Cooperative Program

*Agreement extending the agreement of September 22 and October 10, 1950.*

TIAS 3399  
Mar. 24 and  
Apr. 30, 1955

*Effectuated by exchange of notes*

*Signed at Panamá March 24 and April 30, 1955;*

*Entered into force April 30, 1955.*

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*The American Ambassador to the Panamanian Minister for  
Foreign Affairs*

AMERICAN EMBASSY  
Panamá, R. P., March 24, 1955

No. 257

**EXCELLENCY:**

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955, the cooperative program in education being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the agreement between our two Governments providing for the cooperative education program effected by an exchange of notes signed at Panama City September 22, 1950 and October 10, 1950, be extended through June 30, 1960; provided that the obligations of the two parties with respect to this program after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative education program pursuant to arrangements entered into by the Director of the United States Operations Mission to Panama and the Minister of Education of Panama, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2284.  
2 UST 820.

If this proposal is acceptable to your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the extension may be worked out and agreed upon. My Government

will consider this note and your reply concurring therein as constituting an agreement which shall enter into force on the date of signature [<sup>1</sup>] of an operational extension agreement as referred to in the preceding sentence.

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

SELDEN CHAPIN

His Excellency

Dr. OCTAVIO FÁBREGA

*Minister for Foreign Affairs*

*The Panamanian Minister for Foreign Affairs to the American Ambassador*

MINISTERIO DE RELACIONES EXTERIORES

D.P.Nº 373

PANAMÁ, 30 de abril de 1955.

SEÑOR EMBAJADOR:

En relación con lo expuesto por Vuestra Excelencia en su atenta nota N° 257, de fecha 24 de marzo último, tengo a honra llevar a vuestro conocimiento que el Gobierno de la República de Panamá de común acuerdo con el ilustrado Gobierno de Vuestra Excelencia, conviene en prorrogar a partir del 30 de junio de 1955, fecha de su actual vencimiento, hasta el 30 de junio de 1960, el Programa Cooperativo de Educación que llevan a cabo nuestros dos Gobiernos y que fué efectuado por un intercambio de notas firmadas en la ciudad de Panamá, el 22 de septiembre de 1950, y el 10 de octubre de 1950, siempre que las obligaciones de las dos partes con respecto a este programa después del 30 de junio de 1955, queden sujetos a la disponibilidad de fondos.

Cualquiera de las partes puede terminar el Convenio que arriba se menciona dando a la otra parte un aviso escrito de 30 días de su intención de terminar el mismo.

Queda entendido que las dos partes podrán hacer contribuciones financieras al programa Cooperativo de Educación conforme a convenios celebrados entre el Director de la Misión de Operaciones de los Estados Unidos de América en Panamá y el Ministerio de Educación de Panamá, sus designados o cualquier oficial designado u otros representantes autorizados de las dos partes.

El Gobierno de la República de Panamá acepta la proposición que antecede, y considera la nota de Vuestra Excelencia y la

<sup>1</sup> Apr. 30, 1955.

presente, como la expresión de su anuencia y como constitutivas de un acuerdo entre nuestros dos Gobiernos, el cual comenzará a regir desde esta fecha y permanecerá en vigor hasta el 30 de junio de 1960, o hasta un mes después de que cualquiera de los dos Gobiernos dé al otro aviso por escrito de su intención de ponerle fin.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

OCTAVIO FÁBREGA

Octavio Fábrega,

*Ministro de Relaciones Exteriores.*

Su Excelencia

SELDEN CHAPIN

*Embajador de los Estados Unidos de América*

*Presente.—*

*Translation*

MINISTRY OF FOREIGN AFFAIRS

D. P. No. 373

PANAMÁ, April 30, 1955.

MR. AMBASSADOR:

In connection with the statement made by Your Excellency in your note No. 257, dated March 24, 1955, I have the honor to inform you that the Government of the Republic of Panama, in common accord with Your Excellency's Government, agrees to extend from June 30, 1955, its present termination date, until June 30, 1960, the cooperative program in education which our two Governments are conducting and which was effected by an exchange of notes signed in Panama City on September 22, 1950, and October 10, 1950, provided that the obligations of the two parties with respect to this program after June 30, 1955, shall be subject to the availability of funds.

Either of the parties may terminate the aforementioned agreement by giving the other party 30 days written notice of its intention to terminate the same.

It is understood that the two parties may make financial contributions to the cooperative program in education pursuant to arrangements entered into by the Director of the United States Operations Mission in Panama and the Ministry of Education of Panama, their designees, or any designated official or other authorized representatives of the two parties.

The Government of the Republic of Panama accepts the foregoing proposal and considers Your Excellency's note and the present one as the expression of their consent and as constituting an agreement between our two Governments, which shall enter into force on this date and shall remain in effect until June 30, 1960, or until one month after either of the two Governments gives written notice to the other of its intention to terminate it.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

OCTAVIO FÁBREGA

Octavio Fábrega,  
*Minister for Foreign Affairs.*

His Excellency

SELDEN CHAPIN,

*Ambassador of the United States of America,  
City.*

# COLOMBIA

## GUARANTY OF PRIVATE INVESTMENTS

*Agreement effected by exchange of notes*

TIAS 3400  
July 14, 18,  
and Nov. 18,  
1955

*Signed at Washington July 14 and 18, and November 18, 1955;*  
*Entered into force November 18, 1955.*

*The Secretary of State to the Colombian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

*July 14 1955*

EXCELLENCY:

I have the honor to refer to conversations which have recently taken place between the representatives of our two Governments relating to guaranties against inconvertibility of investment receipts authorized by Section 413 (b) (4) (B) (i) of the Mutual Security Act of 1954. I also have the honor to confirm the following understandings reached as a result of these conversations:

68 Stat. 847.  
22 U. S. C. § 1933 (b).  
(4) (B) (i).

1. The Governments of Colombia and of the United States of America will, upon the request of either of them, consult respecting the guaranty program authorized under the aforesaid Section 413 (b) (4) (B) (i).

2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless it is approved by the Government of Colombia.

3. With respect to such guaranties extending to projects which are approved by the Government of Colombia in accordance with the provisions of the aforesaid Section 413 (b) (4) (B) (i), the Government of Colombia agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Colombia will recognize the transfer to the United States of America of any right, title, or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or

cause of action, or right of such person arising in connection therewith. Nothing in this agreement shall confer upon the Government of the United States greater rights than those available to such person with respect to any such claim or cause of action or right to which the Government of the United States may have become subrogated.

b. That amounts in Colombian pesos acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to private funds arising from transactions of United States nationals which are comparable to the transactions covered by such guaranties, and that such amounts in Colombian pesos will be freely available to the Government of the United States of America for administrative expenditures.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Colombia, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

For the Secretary of State:

H. F. HOLLAND

His Excellency

Señor Dr. Don EDUARDO ZULETA-ANGEL  
*Ambassador of Colombia*

*The Colombian Ambassador to the Secretary of State*

EMBAJADA DE COLOMBIA

JULY 18, 1955

EXCELLENCY:

I have the honor to refer to your Excellency's note of July 14, 1955, in which it is stated that our two Governments have reached understanding as a result of conversations relating to inconvertibility of investment receipts authorized by Section 413 (b) (4) (B) (i) of the Mutual Security Act of 1954.

It is my privilege to inform you that the Colombian Government has authorized me to accept, ad referendum, the terms contained therein, as follows:

1. The Governments of Colombia and of the United States of America will, upon the request of either of them, consult respecting the guaranty program authorized under the aforesaid Section 413 (b) (4) (B) (i).

2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless it is approved by the Government of Colombia.

3. With respect to such guaranties extending to projects which are approved by the Government of Colombia in accordance with the provisions of the aforesaid Section 413 (b) (4) (B) (i), the Government of Colombia agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Colombia will recognize the transfer to the United States of America of any right, title, or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or cause of action, or right of such person arising in connection therewith. Nothing in this agreement shall confer upon the Government of the United States greater rights than those available to such person with respect to any such claim or cause of action or right to which the Government of the United States may have become subrogated.

b. That amounts in Colombian pesos acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to private funds arising from transactions of United States nationals which are comparable to the transactions covered by such guaranties, and that such amounts in Colombian pesos will be freely available to the Government of the United States of America for administrative expenditures.

It is my sincere hope that I will be able to confirm the Colombian Government's final acceptance, according to our constitutional procedure, in the near future.

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

EDUARDO ZULETA-ANGEL

Eduardo Zuleta-Angel  
*Ambassador of Colombia*

His Excellency

JOHN FOSTER DULLES  
*Secretary of State*

*The Colombian Ambassador to the Secretary of State*

EMBAJADA DE COLOMBIA  
WASHINGTON

*November 18, 1955*

EXCELLENCY:

I have the honor to refer to the Agreement relating to guarantees against inconvertibility of investment receipts between the Governments of Colombia and the United States of America, by means of the Department's note of July 14, 1955 and the Embassy's reply of July 18, 1955, No. 946.

I take pleasure in confirming herein the final acceptance by the Government of Colombia of said Agreement, which, as indicated in the Embassy's note No. 946, had been accepted ad referendum.

In view of the foregoing, it is my understanding that this Agreement may be considered to be in force as of today.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

FRANCISCO URRUTIA

Francisco Urrutia  
*Ambassador of Colombia*

His Excellency

JOHN FOSTER DULLES,  
*Secretary of State,*  
*Washington, D. C.*

No. 1462

# ECUADOR

## Agriculture: Cooperative Program

*Agreement extending the agreement of May 29, 1952.  
Effectuated by exchange of notes  
Signed at Quito March 17 and April 6, 1955;  
Entered into force April 14, 1955.*

TIAS 3401  
Mar. 17 and  
Apr. 6, 1955

*The American Ambassador to the Ecuadoran Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Quito, March 17, 1955*

No. 153

EXCELLENCY:

I have the honor to refer to the recent conversations between representatives of our two Governments concerning the desirability of extending beyond the present termination date of June 30, 1955 the cooperative program in agriculture being conducted by our two Governments. In order to provide for such an extension, I am authorized by my Government to propose that the Agreement between our two Governments providing for the cooperative agriculture program effected by an exchange of notes signed at Quito, May 29, 1952, be extended through June 30, 1960; provided, that the obligations of the two parties with respect to this program after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other 30 days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative agriculture program pursuant to arrangements entered into by the Director of the United States Operations Mission to Ecuador and the Minister of Economy of Ecuador, or their designees, or by any successor officials or other authorized representatives of the two parties.

If this proposal is acceptable to Your Excellency's Government, my Government would appreciate receiving a reply to that effect at an early date in order that the operational terms for the extension may be worked out and agreed upon. My Government will consider this note and your reply concurring therein as con-

TIAS 2740.  
3 UST, pt. 4, p. 5339

stituting an agreement which shall enter into force on the date of signature [1] of an operational extension agreement as referred to in the preceding sentence.

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

SHELDON T. MILLS

His Excellency

Dr. LUIS ANTONIO PEÑAHERRERA,  
*Minister of Foreign Affairs,*  
*Quito.*

*The Ecuadoran Minister of Foreign Affairs to the American  
 Ambassador*

REPUBLICA DEL ECUADOR  
 MINISTERIO DE RELACIONES EXTERIORES

Nº 32. DDP.

QUITO, a 6 abr 1955

SEÑOR EMBAJADOR:

De conformidad con el ofrecimiento que formulé en mi nota Nº 24-DDP., de 30 del mes próximo pasado, tengo a honra comunicar a Vuestra Excelencia que el Ministerio de Economía, mediante oficio Nº 1194-DTA (2), de 6 del mes en curso, tiene a bien manifestarme que considera conveniente la prolongación del Convenio entre el Ecuador y los Estados Unidos de América referente al Programa Cooperativo de Agricultura que terminará en junio del presente año.

En consecuencia, me es honroso manifestar a Vuestra Excelencia que mi Gobierno está dispuesto a suscribir dicho Convenio inmediatamente que sean preparados y acordados mutuamente los términos de operación de aquella prórroga, y acepta que tanto la nota Nº 153 de esa Embajada como esta respuesta afirmativa sean consideradas como constitutivas del referido Convenio, el mismo que deberá entrar en vigencia en la fecha de su suscripción, según se deja indicado.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

Por el Ministro, el Subsecretario,

JAIME SUÁREZ M.

Al Excelentísimo Señor Don SHELDON T. MILLS,  
*Embajador Extraordinario y Plenipotenciario de los  
 Estados Unidos de América.  
 Presente.*

<sup>1</sup> Apr. 14, 1955.

*Translation*

REPUBLIC OF ECUADOR  
MINISTRY OF FOREIGN AFFAIRS  
No. 32. DDP.

QUITO, April 6, 1955

MR. AMBASSADOR:

In accordance with the suggestion made in my note No. 24-DDP. of the 30th of last month, I have the honor to inform Your Excellency that in communication No. 1194-DTA (2). of the 6th of this month [¹] the Ministry of Economy deems fit to advise me that it considers it desirable to extend the agreement between Ecuador and the United States of America relating to the cooperative agriculture program, which will terminate in June of this year.

Consequently, I have the honor to inform Your Excellency that my Government is prepared to sign the said agreement as soon as the operational terms for such extension are mutually worked out and agreed upon, and it agrees that your Embassy's note No. 153 and this reply concurring therein are to be considered as constituting the aforesaid agreement, which shall enter into force on the date of signature, as already stated.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

For the Minister:

JAIME SUÁREZ M.  
*Under Secretary*

His Excellency

SHELDON T. MILLS,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

<sup>1</sup> Not printed.

# VIET-NAM

## Economic Cooperation: Informational Media Guaranty Program

TIAS 3402  
Oct. 11 and  
Nov. 3, 1955

*Agreement effected by exchange of notes  
Signed at Saigon October 11 and November 3, 1955;  
Entered into force November 3, 1955.*

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*The American Ambassador to the Vietnamese Minister of Foreign Affairs*

No. 31

SAIGON, October 11, 1955

EXCELLENCY:

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to an informational media guaranty program pursuant to Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended. I also have the honor to confirm the understandings reached as a result of these conversations, as follows:

The Governments of Vietnam and the United States of America will, upon request of either of them, consult regarding exports of informational media to Vietnam proposed by nationals of the United States of America with regard to which guaranties under Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, have been made or are under consideration.

With respect to such guaranties, covering imports approved by the Government of Vietnam in accordance with the terms of the aforementioned section, the Government of Vietnam agrees that Vietnamese currency acquired by the United States Government pursuant to such guaranties will be freely expendable in Vietnam for such purposes as the United States Government deems desirable and necessary.

Nothing in this agreement shall be construed as infringing upon the applicable laws and regulations pertaining to imports and exports of the Government of Vietnam.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of

68 Stat. 862.  
22 U.S.C. § 1442.

Vietnam, the United States Government will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

G. FREDERICK REINHARDT

His Excellency

VU VAN MAU,

*Minister of Foreign Affairs,*

*Saigon*

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*The Vietnamese Minister of Foreign Affairs to the American Ambassador*

RÉPUBLIQUE DU VIET-NAM

DÉPARTEMENT  
DES  
AFFAIRES ÉTRANGÈRES  
LE SECRÉTAIRE D'ÉTAT

N° 4425/JA

SAIGON, le 3 Novembre 1955

EXCELLENCE,

J'ai l'honneur d'accuser réception de votre note No. 31 du 11 Octobre 1955, ainsi libellée:

"J'ai l'honneur de me référer aux entretiens qui ont eu lieu récemment entre les représentants de nos deux Gouvernements, relatifs à l'établissement d'un programme garantissant l'importation d'ouvrages éducatifs et culturels au Vietnam, conformément à l'Article 1011 de la Loi (U. S.) de 1948 sur l'échange des moyens éducatifs et culturels, tel qu'il a été modifié. J'ai également l'honneur de confirmer les accords intervenus à l'issue de ces conversations, et qui sont les suivants:

"Les Gouvernements du Vietnam et des Etats-Unis se consulteront, à la demande de l'une ou l'autre des parties contractantes, au sujet des propositions formulées par les ressortissants des Etats-Unis pour l'exportation d'ouvrages éducatifs et culturels au Vietnam, à l'égard desquels les garanties énoncées dans l'Article 1011 de la Loi (U. S.) de 1948 sur l'échange des moyens éducatifs et culturels ont été prises ou sont à l'étude.

"En ce qui concerne ces garanties, couvrant les importations approuvées par le Gouvernement du Vietnam en accord avec

les termes de l'Article sus-mentionné, le Gouvernement du Viêt-nam consent à ce que les devises vietnamiennes achetées par le Gouvernement des Etats-Unis à la suite de ces garanties, soient employées librement au Vietnam pour tels projets jugés opportuns et nécessaires par le Gouvernement des Etats-Unis.

“Rien dans cet accord ne devra être interprété en violation des lois et règlements en vigueur au Viet-Nam sur les importations et exportations.

“Au reçu de la note de Votre Excellence indiquant que les dispositions ci-dessus ne rencontrent aucune objection de la part du Gouvernement du Vietnam, le Gouvernement des Etats-Unis considérera cette note et votre réponse comme valant accord entre les deux Gouvernements. Cet accord entrera en vigueur à la date de votre note en réponse”.

Je suis heureux de faire savoir à Votre Excellence que le Gouvernement du Vietnam accepte les termes de la Note précitée.

Je vous prie de vouloir bien agréer, Excellence, les assurances de ma haute considération./.

[SEAL]

VU VAN MAU  
VŨ-VĂN-MÃU

Son Excellence

Monsieur G. FREDERICK REINHARDT

*Translation*

REPUBLIC OF VIET-NAM  
DEPARTMENT  
OF  
FOREIGN AFFAIRS  
SECRETARY OF STATE

No. 4425/JA

SAIGON, November 3, 1955

EXCELLENCY,

I have the honor to acknowledge the receipt of your note No. 31 of October 11, 1955, which reads as follows:

[For the English language text of the note, see *ante*, p. 3940.]

I am happy to inform Your Excellency that the Vietnamese Government accepts the terms of the above-mentioned note.

Accept, Excellency, the assurances of my high consideration.

[SEAL]

VU VAN MAU  
Vu Van Mau

His Excellency

G. FREDERICK REINHARDT

# BRAZIL

## Oil Shale Study

*Agreement extending the agreement of August 16, 1950, as modified and extended.*

TIAS 3403  
June 22, July  
27, and Oct. 19,  
1955

*Effectuated by exchange of notes*

*Signed at Rio de Janeiro June 22, July 27, and October 19, 1955;*

*Entered into force October 19, 1955;*

*Operative retroactively July 1, 1955.*

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*The Brazilian Minister for Foreign Affairs to the American Ambassador*

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

*Em 22 de junho de 1955.*

DE/DAI/06/563.74

SENHOR EMBAIXADOR,

Tenho a honra de referir-me à nota nº DE/DAI/275/563.74, de 23 de junho de 1954, do Ministério das Relações Exteriores, e à de nº 413, de 30 de junho do mesmo ano, dessa Embaixada, pelas quais foi prorrogado, pelo período de um ano, a contar de 1º de julho de 1954, o ajuste entre o Conselho Nacional do Petróleo e o "United States Bureau of Mines", para prospecção das jazidas brasileiras de xisto piro-betuminoso.

2. Em virtude de ainda não estarem concluídos os trabalhos que constituíram o objetivo da celebração do referido ajuste, e a fim de não interromper a marcha dos estudos e experiências, seria de todo o interesse que fosse uma vez mais aplicada a cláusula IX do ajuste, que permite a prorrogação do mesmo mediante entendimento formal entre as partes.

3. Muito agradeceria, pois, a Vossa Excelência, o obséquio de informar-me se o Governo dos Estados Unidos da América concorda com o Governo brasileiro, no sentido de ser o ajuste em aprêço renovado pelo período de um ano, a partir de 1º de julho de 1955.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

RAUL FERNANDES

A Sua Excelência o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DE/DAI/96/563.74

June 22, 1955.

MR. AMBASSADOR,

I have the honor to refer to note No. DE/DAI/275/563.74 of June 23, 1954, from the Ministry of Foreign Affairs, and note No. 413 of June 30, 1954, from your Embassy, whereby the agreement between the National Petroleum Council and the United States Bureau of Mines [1] for prospecting for Brazilian deposits of pyrobituminous schist was extended for a period of one year beginning July 1, 1954.

TIAS 3149.  
5 UST, pt. 3, p. 2918.

2. In view of the fact that the work for which the said agreement was concluded has not yet been completed, in order not to interrupt the progress of the studies and experiments, it would be highly desirable to apply again clause IX of the agreement, which permits the extension thereof by a formal understanding between the parties.

3. I should therefore greatly appreciate it if Your Excellency would be good enough to inform me whether the Government of the United States of America is in accord with the Brazilian Government in extending the said agreement for a period of one year beginning July 1, 1955.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

RAUL FERNANDES

His Excellency

JAMES CLEMENT DUNN,  
*Ambassador of the United States of America.*

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<sup>1</sup> See Treaties and Other International Acts Series 2296; 2 UST 1554.

*The American Ambassador to the Brazilian Minister for Foreign Affairs*

AMERICAN EMBASSY

No. 27

*Rio de Janeiro, Brazil, July 27, 1955*

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. DE/-DAI/96/563.74 dated June 22, 1955, proposing a further extension of the agreement between the National Petroleum Council of Brazil and the United States Bureau of Mines for technical cooperation on the prospecting and exploration of Brazilian oil shale, and to inform Your Excellency that, in accordance with subsequent recommendation resulting from consultation between the Bureau of Mines and Brazilian representatives of the National Petroleum Council, my Government agrees to the continuation of this cooperation for an additional period of two years, beginning July 1, 1955.

I would appreciate Your Excellency's confirmation and approval of the two-year extension, instead of one-year extension as mentioned in your note under reference.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Dr. RAUL FERNANDES,  
*Minister for Foreign Affairs,*  
*Rio de Janeiro.*

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*The Brazilian Minister for Foreign Affairs to the American Ambassador*

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

DE/DAI/175/563.74

*Em 19 de outubro de 1955.*

SENHOR EMBAIXADOR,

Tenho a honra de referir-me à nota nº 27, de 27 de julho último, na qual Vossa Exceléncia comunica que o Govêrno dos Estados Unidos da América concorda em prorrogar por mais dois anos, a partir de 1º de julho último, o prazo do ajuste firmado em 16 de fevereiro de 1950 entre o "Bureau of Mines" e o Conselho Nacional do Petróleo, no sentido de ser prestado ao referido Conselho assistência técnica nos estudos de prospecção e ex-

ploração das jazidas de xisto betuminoso do Vale do Rio Paráiba, Estado de São Paulo.

2. Em resposta, apraz-me informar Vossa Excelênciade que o Governo brasileiro está perfeitamente de acôrdo em que o ajuste em aprêço seja prorrogado pelo prazo proposto, isto é, por dois anos a contar de 1º de julho próximo passado, uma vez que ainda não foram concluídos os trabalhos, estudos e experiências que constituiram o objetivo da celebração do referido ajuste.

Aproveito a oportunidade para renovar a Vossa Excelênciados protestos da minha mais alta consideração.

Em nome do Ministro de Estado:

A. CAMILLO DE OLIVEIRA.

A Sua Excelênciado Senhor JAMES CLEMENT DUNN,  
*Emaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DE/DAI/175/563.74

October 19, 1955.

MR. AMBASSADOR,

I have the honor to refer to note No. 27 of July 27, 1955, in which Your Excellency reports that the Government of the United States agrees to extend for two more years, beginning July 1, 1955, the life of the agreement signed February 16, 1950, between the Bureau of Mines and the National Petroleum Council, providing for technical assistance to be given to the said Council in studies on prospecting for and exploration of oil shale deposits in the Valley of Rio Paráiba, State of São Paulo.

2. In reply, I have the honor to inform Your Excellency that the Brazilian Government is in full accord with regard to the extension of the said agreement for the proposed period, that is, for two years beginning July 1, 1955, in view of the fact that the work, studies, and experiments for which the said agreement was concluded have not yet been completed.

I avail myself of the opportunity to renew to Your Excellency  
the assurances of my highest consideration.

For the Minister of State:

A. CAMILLO DE OLIVEIRA.

His Excellency

JAMES CLEMENT DUNN,

*Ambassador of the United States of America.*

# BOLIVIA

## Guaranty of Private Investments

TIAS 3404  
Sept. 23, 1955

*Agreement effected by exchange of notes  
Signed at La Paz September 23, 1955;  
Entered into force September 23, 1955.*

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*The American Ambassador to the Bolivian Minister for Foreign Affairs and Worship*

AMERICAN EMBASSY,  
La Paz, September 23, 1955.

**EXCELLENCY:**

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments, relating to guaranties authorized by Section 413 (b) (4) of the Mutual Security Act of 1954, as amended, a copy of which is enclosed.<sup>1</sup> I also have the honor to confirm the following understandings reached as a result of these conversations:

- 68 Stat. 847.  
22 U.S.C. § 1933 (b)  
(4).
1. The Governments of Bolivia and of the United States of America will, upon the request of either of them, consult respecting projects in Bolivia proposed by nationals of the United States of America with regard to which guaranties under Section 413 (b) (4) of the Mutual Security Act of 1954, as amended, have been made or are under consideration.
  2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless it is approved by the Government of Bolivia.
  3. With respect to such guaranties extending to projects which are approved by the Government of Bolivia in accordance with the provisions of the aforesaid Section 413 (b) (4), the Government of Bolivia agrees:
    - a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Bolivia will recognize the transfer to the United States of America of any right,

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<sup>1</sup> Not printed.

- title or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or cause of action, or right of such person arising in connection therewith.
- b. The boliviano amounts acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to private funds arising from transactions of United States nationals which are comparable to the transactions covered by such guaranties, and that such boliviano amounts will be freely available to the Government of the United States of America for administrative expenditures;
- c. That any claim against the Government of Bolivia to which the Government of the United States of America may be subrogated as the result of any payment under such a guaranty, shall be the subject of direct negotiations between the two Governments. If within a reasonable period, they are unable to settle the claim by agreement, it shall be referred for final and binding determination to a sole arbitrator selected by mutual agreement. If the Governments are unable, within a period of three months, to agree upon such selection, the arbitrator shall be one who may be designated by the President of the International Court of Justice at the request of either Government.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Bolivia, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

GERALD A. DREW

Enclosure: [1]

Copy of Section 413 of the  
Mutual Security Act of 1954,  
as amended.

His Excellency

Señor Doctor WALTER GUEVARA ARZE,  
*Minister for Foreign Affairs and Worship.*

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<sup>1</sup> Not printed.

*The Bolivian Minister for Foreign Affairs and Worship to the American Ambassador*

REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES  
EXTERIORES Y CULTO

Nº P. E.

LA PAZ, 23 de septiembre de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la nota de Vuestra Excelencia de fecha 23 de septiembre, la que textualmente dice:

“Tengo el honor de referirme a las conversaciones que tuvieron lugar recientemente entre los representantes de nuestros dos Gobiernos, relativas a las garantías autorizadas por la Sección 413 (B) (4) de la “Ley de Seguridad Mútua” de 1954, como fué enmendada, y cuya copia se acompaña a la presente nota. Tengo el honor al propio tiempo de confirmar los siguientes puntos de entendimiento a los que se ha llegado como resultado de esas conversaciones:

“1.- Los Gobiernos de Bolivia y de los Estados Unidos de América realizarán consultas, a pedido de cualquiera de las partes, respecto a proyectos a desarrollarse en Bolivia propuestos por ciudadanos de los Estados Unidos de América para los cuales se hubieran otorgado o estuviesen en consideración las garantías que autoriza la Sección 413 (B) (4) de la “Ley de Seguridad Mútua” de 1954, como fué enmendada.

“2.- El Gobierno de los Estados Unidos conviene en que no otorgará garantías respecto a cualquier proyecto, que no esté aprobado por el Gobierno de Bolivia.

“3.- Con referencia a tales garantías acordadas a proyectos aprobados por el Gobierno de Bolivia en conformidad con las disposiciones de la mencionada Sección 413 (B) (4), el Gobierno de Bolivia conviene en:

“a) Que si el Gobierno de los Estados Unidos de América efectúa pagos en dólares americanos a cualquier persona bajo tal garantía, el Gobierno de Bolivia reconocerá la transferencia en favor del Gobierno de los Estados Unidos de América de cualquier derecho, título o interés de tal persona en su activo, moneda en circulación, créditos u otra propiedad por cuya cuenta se hubieran efectuado tales pagos y la subrogación en favor de los Estados Unidos a cualquier reclamo o motivo de acción por tal persona, que pudiera sobrevenir como consecuencia de ello.

"b) Que las sumas en moneda boliviana obtenidas por el Gobierno de los Estados Unidos como efecto de tales garantías recibirán un tratamiento no menos favorable que aquel que se acuerda a fondos particulares provenientes de las transacciones de ciudadanos de Estados Unidos que se comparan a las transacciones amparadas por tales garantías y que tales sumas en moneda boliviana serán puestas libremente a disposición del Gobierno de los Estados Unidos para gastos administrativos.

"c) Que cualquier demanda contra el Gobierno de Bolivia en la cual el Gobierno de los Estados Unidos resultara subrogatario como consecuencia de cualquier pago efectuado bajo tales garantías será materia de negociaciones directas entre los dos Gobiernos. Si dentro de un término prudencial las partes no pudieran ponerse de acuerdo el asunto será sometido a la decisión final y obligatoria de un solo árbitro designado por mutuo consentimiento. Si los Gobiernos no pudieran convenir en tal elección dentro de un período de 3 meses el árbitro será aquel a quién designe el Presidente de la Corte Internacional de Justicia a pedido de cualquiera de los dos Gobiernos.

"Al recibo de una nota de Vuestra Excelencia mediante la cual exprese que las disposiciones anteriores merecen la conformidad del Gobierno de Bolivia, el Gobierno de los Estados Unidos de América considerará que la presente nota y vuestra respuesta a ella constituyen un convenio entre los dos Gobiernos sobre la materia, entrando en vigor en la fecha que lleve la nota de respuesta de Vuestra Excelencia.

"Acepte Vuestra Excelencia las seguridades de mi más alta consideración".

Al expresar a Vuestra Excelencia la conformidad del Gobierno de Bolivia con los términos de la nota transcrita, me es grato renovarle las seguridades de mi consideración más alta y distinguida.

W GUEVARA ARZE.

Al Excelentísimo Señor GERALD A. DREW,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América*  
Presente.—

*Translation*

REPUBLIC OF BOLIVIA

MINISTRY OF FOREIGN AFFAIRS  
AND WORSHIP

No. P. E.

LA PAZ, September 23, 1955.

## MR. AMBASSADOR:

I have the honor to refer to Your Excellency's note dated September 23, which textually reads:

[For the English language text of the note, see *ante*, p. 3948.]

In expressing to Your Excellency the concurrence of the Government of Bolivia in the terms of the transcribed note, I take pleasure in renewing to you the assurances of my highest and most distinguished consideration.

W GUEVARA ARZE.

His Excellency

GERALD A. DREW,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

# IRELAND

## Guaranty of Private Investments

*Agreement effected by exchange of notes  
Signed at Dublin October 5, 1955;  
Entered into force October 5, 1955.*

TIAS 3405  
Oct. 5, 1955

*The American Ambassador to the Irish Minister for External Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
*Dublin, October 5, 1955.*

No. 105

EXCELLENCY:

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments, relating to guaranties against risks respecting inconvertibility of currencies and expropriation authorized by Section 413 (b) (4) of the Mutual Security Act of 1954, as amended. I also have the honor to confirm the following understandings reached as a result of these conversations:

68 Stat. 847.  
22 U.S.C. §1933(b)(4).

1. The Governments of Ireland and of the United States of America will, upon request of either of them, consult respecting projects in Ireland proposed by nationals of the United States of America with regard to which guaranties under Section 413 (b) (4) of the Mutual Security Act of 1954, as amended, are sought or are under consideration.

2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless the project is approved by the Government of Ireland.

3. Where guaranties authorized by the aforesaid Section 413 (b) (4) are issued with regard to projects approved by the Government of Ireland, the said Government agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Ireland will recognize the lawful transfer to the United States of America of any right, title or interest of such person in assets, currency,

- credits, or other property on account of which such payment was made and the lawful subrogation of the United States of America to any claim or cause of action, or right of such person arising in connection therewith;
- b. That Irish pound amounts acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to private funds arising from transactions of United States nationals which are comparable to the transactions covered by such guaranties, and that such Irish pound amounts will be freely available to the Government of the United States of America for administrative expenditures in Ireland;
- c. That any claim against the Government of Ireland to which the Government of the United States of America may be subrogated as the result of any payment under such a guaranty, shall be the subject of direct negotiations between the two Governments. If within a reasonable period, they are unable to settle the claim by agreement, it shall be referred for final and binding determination to a sole arbitrator selected by mutual agreement. If the Governments are unable, within a period of three months, to agree upon such selection, the arbitrator shall be one who may be designated by the President of the International Court of Justice at the request of either Government.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Ireland, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

WILLIAM H. TAFT, III

His Excellency

LIAM COSGRAVE,

*Minister for External Affairs,  
Dublin.*

*The Irish Minister for External Affairs to the American Ambassador*

ROINN GNOTHAI EACHTRACHA  
DEPARTMENT OF EXTERNAL AFFAIRS  
BAILE ATHA CLIATH  
DUBLIN

*5th October, 1955.*

EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's Note of the 5th October, 1955, which reads as follows:-

"I have the honor to refer to conversations which have recently taken place between representatives of our two Governments, relating to guarantees against risks respecting inconvertibility of currencies and expropriation authorised by Section 413(b) (4) of the Mutual Security Act of 1954, as amended. I also have the honor to confirm the following understandings reached as a result of these conversations:

1. The Governments of Ireland and of the United States of America will, upon request of either of them, consult respecting projects in Ireland proposed by nationals of the United States of America with regard to which guarantees under Section 413(b) (4) of the Mutual Security Act of 1954, as amended, are sought or are under consideration.

2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless the project is approved by the Government of Ireland.

3. Where guarantees authorised by the aforesaid Section 413(b) (4) are issued with regard to projects approved by the Government of Ireland, the said Government agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Ireland will recognise the lawful transfer to the United States of America of any right, title or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the lawful subrogation of the United States of America to any claim or cause of action, or right of such person arising in connection therewith;

b. That Irish pound amounts acquired by the Government of the United States of America pursuant to such guarantees shall be accorded treatment not less favorable than that accorded to private funds arising from transactions

- of United States nationals which are comparable to the transactions covered by such guaranties, and that such Irish pound amounts will be freely available to the Government of the United States of America for administrative expenditures in Ireland;
- c. That any claim against the Government of Ireland to which the Government of the United States of America may be subrogated as the result of any payment under such a guaranty, shall be the subject of direct negotiations between the two Governments. If within a reasonable period, they are unable to settle the claim by agreement, it shall be referred for final and binding determination to a sole arbitrator selected by mutual agreement. If the Governments are unable, within a period of three months, to agree upon such selection, the arbitrator shall be one who may be designated by the President of the International Court of Justice at the request of either Government.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Ireland, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the Governments on this subject, the agreement to enter into force on the date of your note in reply."

I have the honour to inform Your Excellency that the terms of the foregoing Note are acceptable to the Government of Ireland and that the Government of Ireland consider Your Excellency's Note and the present reply thereto as constituting an Agreement between our two Governments on this subject, the Agreement to enter into force on to-day's date.

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

LIAM COSGRAVE.  
*Minister for External Affairs*

His Excellency WILLIAM HOWARD TAFT III,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*Dublin.*

# INDONESIA

## Economic Cooperation: Informational Media Guaranty Program

*Agreement effected by exchange of notes  
Signed at Djakarta September 15, 1955;  
Entered into force September 15, 1955.*

TIAS 3406  
Sept. 15, 1955

*The American Ambassador to the Indonesian Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY,  
*Djakarta, September 15, 1955*

No. 104

EXCELLENCY:

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to an informational media guaranty program pursuant to section 1011 of the United States Information and Educational Exchange Act of 1948, as amended. I also have the honor to confirm the understandings reached as a result of these conversations, as follows:

68 Stat. 862.  
22 U. S. C. §1442.

The Governments of Indonesia and of the United States of America will, upon request of either of them, consult regarding exports of informational media to Indonesia proposed by nationals of the United States of America with regard to which guaranties under section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, have been made or are under consideration.

With respect to such guaranties, covering imports of informational media approved by the Government of the Republic of Indonesia, having regard to the terms of the aforementioned section, the Government of Indonesia agrees that Indonesian currency acquired by the United States Government will be expendable by the United States Government for educational, scientific, and cultural activities for the mutual benefit of Indonesia and the

United States. The Government of the United States of America and the Government of the Republic of Indonesia agree to undertake in good faith in developing those activities to make maximum use of the accruals of such Indonesian currency.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Indonesia, the United States Government will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

HUGH S. CUMMING, Jr.

His Excellency

Dr. IDE ANAK AGUNG GDE AGUNG,  
*Minister of Foreign Affairs  
of the Republic of Indonesia.*

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*The Indonesian Minister of Foreign Affairs to the American Ambassador*

MINISTER FOR FOREIGN AFFAIRS  
REPUBLIC OF INDONESIA

DJAKARTA, September 15, 1955.

EXCELLENCY:

I have the honour to acknowledge receipt of your note of September 15, 1955, which reads as follows:

"I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to an informational media guaranty program pursuant to section 1011 of the United States Information and Educational Exchange Act of 1948, as amended. I also have the honor to confirm the understandings reached as a result of these conversations, as follows:

The Governments of Indonesia and of the United States of America will, upon request of either of them, consult regarding exports of informational media to Indonesia proposed by nationals of the United States of America with regard to which guaranties under section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, have been made or are under consideration.

With respect to such guaranties, covering imports of informational media approved by the Government of the Republic of Indonesia, having regard to the terms of the aforementioned section, the Government of Indonesia agrees that Indonesian currency acquired by the United States Government will be expendable by the United States Government for educational, scientific, and cultural activities for the mutual benefit of Indonesia and the United States. The Government of the United States of America and the Government of the Republic of Indonesia agree to undertake in good faith in developing those activities to make maximum use of the accruals of such Indonesian currency.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Indonesia, the United States Government will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply"

and to state, on behalf of the Government of the Republic of Indonesia, that the understandings between your Government and mine as stated in your above-quoted note are correct and hereby confirmed.

Accept, Excellency, the renewed assurances of my distinguished consideration.

GDE AGUNG  
*Minister of Foreign Affairs,*

His Excellency

HUGH S. CUMMING, Jr.  
*Ambassador of the United States of America.*



# BELGIUM

## Mutual Defense Assistance: Deposit of Belgian and Luxembourg Funds

*Agreement amending annex B of the agreement of January 27, 1950.*

*Effectuated by exchange of notes*

*Signed at Brussels August 24 and September 3, 1955;*

*Entered into force September 3, 1955.*

TIAS 3407.  
Aug. 24 and  
Sept. 3, 1955

*The American Chargé d'Affaires ad interim to the Belgian Minister  
for Foreign Affairs*

No. 202

AMERICAN EMBASSY  
Brussels, August 24, 1955

### EXCELLENCY:

I have the honor to refer to this Embassy's note No. 1143 of June 6, 1955 [^], and to note No. D/7D/795 of July 27, 1955 [^], from the Ministry of Foreign Affairs and Foreign Commerce, regarding a revision of Annex B of the Mutual Defense Assistance Agreement between the United States of America and Belgium to provide for funds for administrative expenses in connection with the Mutual Defense Assistance Program during the year ending June 30, 1956.

It was agreed by this exchange of notes that Annex B would be amended to cover the period July 1, 1955 to June 30, 1956, and that no other change in the text need be made. The amended text of Annex B is as follows:

"In implementation of paragraph 1 of Article V of the Mutual Defense Assistance Agreement the Government of Belgium, in conjunction with the Government of Luxembourg, will deposit Belgian and Luxembourg francs at such times as requested in an account designated by the United States Embassy at Brussels and the United States Legation at Luxembourg, not to exceed in total 60,000,000 Belgian and Luxembourg francs, for their use on behalf of the Government of the United States for administrative expenditures within Belgium and Luxembourg in connection with carrying out that Agreement for the period July 1, 1955-June 30, 1956."

TIAS 2010.  
1 UST 10.

<sup>1</sup> Not printed.

Upon the receipt of a note indicating that the foregoing text is acceptable to the Belgian Government, the Government of the United States of America will consider that this note and Your Excellency's reply thereto constitute an agreement between the two Governments on this subject which shall enter into force on the date of Your Excellency's note.

Accept, Excellency, the renewed assurance of my highest consideration.

PHILIP D. SPROUSE

*Chargé d'Affaires, ad interim*

His Excellency

PAUL-HENRI SPAAK

*Minister for Foreign Affairs of  
Belgium*

*The Belgian Minister for Foreign Affairs to the American Chargé  
d'Affaires ad interim*

MINISTÈRE  
DES  
AFFAIRES ÉTRANGÈRES  
ET DU  
COMMERCE EXTÉRIEUR

Direction Générale  
de la Politique.

3<sup>e</sup> Direction.

N° D7d/030.

BRUXELLES, le ~3. IX. 1955

MONSIEUR LE CHARGÉ D'AFFAIRES,

J'ai l'honneur d'accuser la réception de votre lettre n° 202, du 24 août 1955, ayant pour objet la modification de l'annexe B de l'Accord pour la Défense Mutuelle entre la Belgique et les Etats-Unis d'Amérique.

Je tiens à vous marquer l'accord du Gouvernement belge sur le texte suivant:

"En exécution du §1 de l'art. 5 de l'Accord d'Aide pour la Défense Mutuelle, le Gouvernement belge, conjointement avec le Gouvernement luxembourgeois, déposera, lorsqu'il en sera prié, à un compte désigné par l'Ambassade des Etats-Unis à Bruxelles et la Légation des Etats-Unis à Luxembourg, des francs belges et luxembourgeois, dont le total ne dépassera pas 60.000.000 Fr belges et luxembourgeois, pour l'usage de ces dernières, au nom du Gouvernement des Etats-Unis, en vue du règlement des

dépenses administratives en Belgique et au Luxembourg, résultant de l'exécution de cet Accord pour la période du 1er juillet 1955 au 30 juin 1956."

Veuillez agréer, Monsieur le Chargé d'Affaires, l'assurance de ma considération la plus distinguée.

Le Ministre des Affaires Etrangères,  
P. H. SPAAK

Monsieur PHILIP D. SPROUSE,  
*Charge d'Affaires de*  
*l'Ambassade des Etats-Unis d'Amérique,*  
*2, rue Zinner,*  
*Bruxelles.*

*Translation*

MINISTRY  
OF  
FOREIGN AFFAIRS  
AND  
FOREIGN COMMERCE

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Office of the  
Director of Policy.  
Department 3.

No. D7d/939.

BRUSSELS, September 3, 1955

MR. CHARGÉ D'AFFAIRES,

I have the honor to acknowledge the receipt of your note No. 202, of August 24, 1955, on the subject of the amendment of Annex B of the Mutual Defense Agreement between Belgium and the United States of America.

I desire to inform you of the agreement of the Belgian Government with respect to the following text:

"In implementation of paragraph 1 of Article V of the Mutual Defense Assistance Agreement, the Belgium Government, in conjunction with the Luxembourg Government, will, when so requested, deposit in an account designated by the United States Embassy at Brussels and the United States Legation at Luxembourg, Belgian and Luxembourg francs the total of which shall not exceed 60,000,000 Belgian and Luxembourg francs, for their use on behalf of the Government of the United States, for the payment of administrative expenses in Belgium and Luxembourg resulting from the execution of that agreement for the period July 1, 1955, to June 30, 1956."

Accept, Mr. Chargé d'Affaires, the assurance of my most distinguished consideration.

P. H. SPAAK  
*Minister for Foreign Affairs*

Mr. PHILIP D. SPROUSE,  
*Chargé d'Affaires of the*  
*Embassy of the United States of America,*  
*2, rue Zinner,*  
*Brussels.*

# ECUADOR

## Military Assistance Advisory Group

*Agreement effected by exchange of notes  
Signed at Quito July 29 and August 24, 1955;  
Entered into force August 24, 1955.*

TIAS 3408  
July 29 and  
Aug. 24, 1955

*The American Ambassador to the Ecuadoran Minister of Foreign Affairs*

No. 14

QUITO, July 29, 1955.

EXCELLENCY:

I have the honor to refer to Note No. 82-DDP of July 20, 1955, [<sup>1</sup>] which the Embassy of the United States of America has received from the Ministry of Foreign Affairs of Ecuador, and to the following Agreements between our two Governments: Mutual Defense Assistance Agreement signed at Quito on February 20, 1952; Army Mission Agreement of June 29, 1944, as amended and extended; Naval Mission Agreement of December 12, 1940, as amended and extended; and Air Force Mission Agreement of December 12, 1940, as amended and extended.

TIAS 2560.  
3 UST, pt. 3, p. 4162.  
EAS 408.  
58 Stat. 1300.  
EAS 188.  
54 Stat. 2429.

EAS 189.  
54 Stat. 2437.

It is proposed that, notwithstanding the provisions of Articles 7 and 8 of the Army, Naval and Air Force Mission Agreements, the members of the Missions provided for under these Agreements may also perform the functions specified in Article V of the Mutual Defense Assistance Agreement of February 20, 1952. The Chief of one of the Missions will be designated as Chief of the Military Assistance Advisory Group, assigned to Ecuador under Article V of the Mutual Defense Assistance Agreement, as an additional duty. The other two Mission Chiefs will be designated as Chief of the respective Service Sections of the Military Assistance Advisory Group as an additional duty. With the assignment of these functions to the Chiefs of the Missions, Article V of the Mutual Defense Assistance Agreement would apply to them. Personnel of the three Missions, when performing functions of the Military Assistance Advisory Group, will act under the direction and control of the Chief of the Diplomatic

<sup>1</sup> Not printed.

Mission of the United States of America and will be responsible to him.

Personnel now assigned to the Military Assistance Advisory Group will be reassigned to the respective Service Mission, as necessary, and as agreed to between the two Governments and, when so reassigned, would become regular members of such missions.

If the foregoing proposal is acceptable to Your Excellency's Government, this note and Your Excellency's note in reply will be considered an agreement between our two Governments on this matter which shall enter into force on the date of receipt [<sup>1</sup>] of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

SHELDON T. MILLS

His Excellency

LUIS ANTONIO PEÑAHERRERA,  
Minister of Foreign Affairs,  
Quito.

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*The Ecuadoran Minister of Foreign Affairs to the American  
Ambassador*

REPUBLICA DEL ECUADOR  
MINISTERIO DE RELACIONES EXTERIORES

Nº 88DDP

QUITO, a 24 ago 1955

SEÑOR EMBAJADOR:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia, número 14, de 29 de julio del presente año, relativa a las funciones separadas del Grupo Consejero de Asistencia Militar (MAAG) en el Ecuador, que el Gobierno de los Estados Unidos de América desea suspender a fin de que sean asumidas por las Misiones del Ejército, la Marina y la Fuerza Aérea.

Para mayor entendimiento, me permito transcribir la nota número 14 de Vuestra Excelencia, que dice así:

"Nº 14.-Quito, a 29 de julio de 1.955.-Excelencia:-Tengo el honor de referirme a la comunicación Nº 82-DDP, de 20 de julio de 1.955, que la Embajada de los Estados Unidos de América ha recibido del Ministerio de Relaciones Exteriores del Ecuador, y a los siguientes Acuerdos celebrados entre

<sup>1</sup> Aug. 24, 1955.

nuestros dos Gobiernos: Al Acuerdo de Asistencia Recíproca, firmado en Quito el 20 de febrero de 1.952; al Acuerdo sobre la Misión Militar, de 29 de junio de 1.944, reformado y prorrogado; al Acuerdo sobre la Misión Naval, de 12 de diciembre de 1.940, reformado y prorrogado; y al Acuerdo relativo a la Misión de la Fuerza Aérea, de 12 de diciembre de 1.940, reformado y prorrogado.—Proponemos que, no obstante las prescripciones de los artículos VII y VIII de los Acuerdos referentes a las Misiones Militar, Naval y Aérea, los miembros de las Misiones nombrados para ellas al tenor de estos Acuerdos, puedan también cumplir las funciones especificadas en el artículo V del Acuerdo de Asistencia Recíproca de 20 de febrero de 1.952. El Jefe de una de estas Misiones será designado para el cargo de Jefe del Grupo Consejero de Asistencia Militar, asignado al Ecuador, de conformidad con el artículo V del Acuerdo de Asistencia Recíproca, como una obligación adicional. Los otros dos Jefes de Misión serán designados Jefes de las respectivas Secciones del Servicio del Grupo Consejero de Asistencia Militar, como una función adicional. Con la asignación de estas funciones a los Jefes de las Misiones, se les aplicaría el artículo V del Acuerdo de Asistencia Recíproca. El personal de las tres Misiones, al cumplir las funciones del Grupo Consejero de Asistencia Militar, actuará bajo la dirección y control del Jefe de la Misión Diplomática de los Estados Unidos de América y será responsable ante él.—El personal actualmente destinado al Grupo Consejero de Asistencia Militar será nuevamente asignado a su respectiva Misión de Servicio, cuando sea necesario, y cuando así lo convengan entre los dos Gobiernos, y al recibir dicha designación, serán considerados como miembros regulares de tales misiones.—Si la propuesta anterior es aceptada por el Gobierno de Vuestra Excelencia, la presente nota y la nota de Vuestra Excelencia en contestación a la misma, serán consideradas como un Acuerdo entre nuestros dos Gobiernos en relación con este punto, Acuerdo que entrará en vigencia en la fecha del recibo de la respuesta de Vuestra Excelencia.—Acepte, Excelencia, las seguridades renovadas de mi más alta y distinguida consideración.—f.) Sheldon T. Mills.—A Su Excelencia el señor Luis Antonio Peñaherrera, Ministro de Relaciones Exteriores.—Quito.”

Considero Vuestra Excelencia la presente comunicación como una respuesta favorable a su nota, debiendo ser estimada como Acuerdo entre nuestros Gobiernos.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

LUIS ANT. PEÑAHERRERA

Luis Antonio Peñaherrera,  
Ministro de Relaciones Exteriores.

Al Excelentísimo Señor Don SHELDON T. MILLS,  
*Embajador Extraordinario y Plenipotenciario de los  
Estados Unidos de América.  
Presente.*

*Translation*

REPUBLIC OF ECUADOR  
MINISTRY OF FOREIGN AFFAIRS

No. 88DDP

QUITO, Aug. 24, 1955

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note No. 14 of July 29 of this year concerning the separate functions of the Military Assistance Advisory Group (MAAG) in Ecuador, which the Government of the United States of America wishes to suspend so that they may be assumed by the Army, Naval, and Air Force Missions.

For purposes of better understanding, I take the liberty of transcribing Your Excellency's note No. 14, which reads as follows:

[For the English language text of the note, see *ante*, p. 3965.]

Please regard the present communication as a favorable reply to your note, which together are to be considered an agreement between our Governments.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

LUIS ANT. PEÑAHERRERA

Luis Antonio Peñaherrera,  
Minister of Foreign Affairs.

His Excellency

SHELDON T. MILLS,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

# UNION OF SOVIET SOCIALIST REPUBLICS

## Exchange of Medical Films

*Agreement effected by exchange of notes  
Dated at Washington March 17 and September 5, 1955;  
Entered into force September 5, 1955.*

TIAS 3409  
Mar. 17 and  
Sept. 5, 1955

### *The Acting Secretary of State to the Soviet Ambassador*

The Acting Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to refer to discussions that have taken place concerning the possibility of arranging for exchanges of medical films between the Soviet Union and the United States. Such discussions were held by Professor B. V. Petrovsky, member of the Union of Soviet Socialist Republics Academy of Medical Sciences, and Major Paul W. Schafer, Medical Corps, Walter Reed Hospital, Washington, District of Columbia, during the Second World Congress of Cardiology held in Washington, D. C., in September 1954, and subsequently between officers of the Soviet Embassy and Major Schafer.

It is understood from the discussions referred to above that the Soviet Union desires to exchange medical films with the United States. On the basis of such an understanding the United States is prepared to participate in such an exchange with the Soviet Union.

As a first step in effecting such an exchange there is enclosed a list of films which can be made available to the Soviet Union in the near future. The Soviet Government is requested to indicate which of the films on the attached list it desires; following the receipt of such indication the requested films will be transmitted to the Soviet Government.

It is believed that the most feasible method of effecting a reciprocal exchange of films would be for the Soviet Government, in presenting the list of films which it desires from the United States, to submit a list of Soviet films which it is prepared to make available to the United States. The United States Govern-

ment would then indicate which of the Soviet films it desires, and such films would subsequently be transmitted to the United States.

The proposal for an exchange of medical films is made by the United States Government on the understanding that the films made available by both Governments will be on a six-month loan basis and that the films made available by each of the Governments during the six-month period will be comparable.

Enclosure:

List of United States Films.

DEPARTMENT OF STATE,  
*Washington, March 17 1955*

#### List of United States Films

1. Combined Abdominal and Right Thoracic Approach to Carcinoma of the Mid Esophagus.
2. Congenital Malformations of the Heart.
3. Patent Ductus Arteriosus.
4. Intravenous Anesthesia with Barbiturates.
5. Ether Analgesia for Cardiac Surgery.
6. Cancer: Problem of Early Diagnosis (Series).
7. Anemia.
8. Diseases of the Ear, Nose, and Throat.
9. Nephrosis in Children.
10. Surgical Repair of Direct Inguinal Hernia.

*The Soviet Embassy to the Department of State*№ 12

Посольство Союза Советских Социалистических  
Республик свидетельствует свое уважение Государ-  
ственному Департаменту Соединенных Штатов Америки  
и, ссылаясь на ноту Государственного Департамента  
от 17 марта 1955 года относительно установления  
обмена медицинскими фильмами между Советским Сою-  
зом и Соединенными Штатами Америки, имеет честь  
сообщить следующее.

Советское Правительство с удовлетворением  
отмечает готовность Соединенных Штатов Америки на-  
чать обмен медицинскими фильмами с Советским Сою-  
зом.

Советские медицинские организации считают  
приемлемой предложенную американской стороной про-  
цедуру обмена и согласны принять для просмотра  
американские медицинские фильмы, перечисленные в

приложении к ноте Государственного Департамента  
США от 17 марта с.г.

В свою очередь, советские медицинские орга-  
низации готовы предоставить американской стороне  
для просмотра следующие советские медицинские  
фильмы:

1. Оперативное лечение слипчивого перикар-  
дита.
2. Оперативное лечение митрального стеноза.
3. Анастамоз между аортой и легочной арте-  
рией при врожденных пороках сердца.
4. Местная анестезия при оперативном лече-  
нии митрального стеноза.
5. Перевязка нижней полой вены.
6. Удаление легкого при туберкулезе.
7. Оперативное удаление опухоли.
8. Оперирование по поводу аневризмы сонной  
артерии.
9. Образование пенициллиноустойчивых форм  
микробов и наследование приобретенных  
свойств.
10. Действие антибиотиков на дизентерийные  
бактерии.

Советское Правительство выражает надежду, что  
достижение между СССР и США договоренности по во-  
просу об обмене медицинскими фильмами будет способ-  
ствовать расширению научных и культурных связей  
между Советским Союзом и Соединенными Штатами Аме-  
рики.



Посольство Союза Советских Социалистических Республик  
г. Вашингтон

"5" сентября 1955 г.

*Translation*

No. 12

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State of the United States of America and, referring to the note of the Department of State dated March 17, 1955, concerning the establishment of an exchange of medical films between the Soviet Union and the United States of America, has the honor to communicate the following:

The Soviet Government notes with satisfaction the willingness of the United States of America to start an exchange of medical films with the Soviet Union.

The Soviet medical organizations consider acceptable the procedure of exchange proposed by the American side and agree to accept for review the American medical films enumerated in the enclosure to the note of the Department of State of the USA dated March 17 of this year.

For their part, the Soviet medical organizations are prepared to submit for review to the American side the following Soviet medical films:

1. Surgical treatment of adhesive pericarditis.
2. Surgical treatment of mitral stenosis.
3. Anastomosis between the aorta and the pulmonary artery in congenital heart diseases.
4. Local anesthesia in surgical treatment of mitral stenosis.
5. Bandaging the low hollow vein.
6. Ablation of a lung in tuberculosis.
7. Surgical ablation of a tumor.
8. Surgery in connection with aneurism of the carotid artery.
9. Formation of microbes resisting penicillin and inheritance of acquired characteristics.
10. Effect of antibiotics on dysentery bacteria.

The Soviet Government expresses hope that the reaching of an agreement between the USSR and the USA on the question of exchanging medical films will promote the extension of scientific and cultural ties between the Soviet Union and the United States of America.

G. Z.

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Washington

September 5, 1955

# PANAMA

## Technical Cooperation: Agricultural Program

*Agreement extending the agreement of June 30, 1952.  
Signed at Panamá April 23, 1955;  
Entered into force April 23, 1955.*

TIAS 3410.  
Apr. 23, 1955

### SUPPLEMENTAL AGREEMENT

#### COOPERATIVE AGRICULTURE PROGRAM IN PANAMA

The agreement for a cooperative agriculture program between the Government of the United States and the Government of Panama signed at Panama City on June 30, 1952, as supplemented, is hereby extended through June 30, 1960. The undertakings specified in the above-mentioned agreement are extended through June 30, 1960 subject to the understanding that the obligations of the parties thereunder after June 30, 1955 shall be subject to the availability of funds. The above-mentioned agreement may be terminated at any time by either party giving the other thirty days written notice of intention to terminate. It is understood that the two parties may make financial contributions to the cooperative agriculture program pursuant to arrangements entered into by the Director of the United States Operations Mission to Panama and the Minister of Agriculture, Commerce and Industry, or their designees, or by any successor officials or other authorized representatives of the two parties.

TIAS 2663.  
3 UST, pt. 4, p.  
4898.

This agreement shall enter into force on the date on which it is signed.

DONE in duplicate, in the English and Spanish languages, at Panama City this 23rd day of April 1955.

FOR THE GOVERNMENT OF  
THE UNITED STATES

FOR THE GOVERNMENT OF  
PANAMA

SELDEN CHAPIN

OCTAVIO FÁBREGA

*Ambassador of the United States*

*Minister for Foreign Affairs*

BENJAMIN J. BIRDSALL

TEMÍSTOCLES DÍAZ

*Chief of Field Party*

*Minister of Agriculture, Commerce*

*The Institute of Inter-American*

*and Industry*

*Affairs of the Foreign Opera-  
tions Administration*

**ACUERDO SUPLEMENTARIO**  
**PROGRAMA COOPERATIVO DE AGRICULTURA**  
**EN PANAMA**

El convenio sobre un programa cooperativo de agricultura entre el Gobierno de Panamá y el Gobierno de los Estados Unidos firmado en la Ciudad de Panamá el 30 de Junio de 1952, y el acuerdo suplementario, por este medio es prorrogado hasta el 30 de Junio de 1960. Los compromisos asumidos en el acuerdo arriba mencionado serán continuados durante el período que vence el 30 de Junio de 1960, con el entendimiento de que las obligaciones asumidas por las dos partes después del 30 de Junio de 1955 quedarán sujetas a la disponibilidad de partidas. El acuerdo arriba mencionado podrá ser terminado en cualquier momento por cualquiera de las dos partes después de que una haya notificado por escrito a la otra en 30 días de anterioridad su intención de ponerle término. Queda entendido que las dos partes podrán aportar fondos al programa cooperativo de agricultura mediante acuerdo entre el Ministro de Agricultura, Comercio e Industrias y el Director de la Misión de Operaciones en el Exterior, o sus designados, o por cualquier sucesor oficial u otros representantes autorizados de las dos partes.

Este acuerdo entrará en vigencia en la fecha de su firma.

HECHO en duplicado, en Español e Inglés, en la Ciudad de Panamá, hoy 23 Abril de 1955.

POR EL GOBIERNO DE  
PANAMA

OCTAVIO FÁBREGA

*Ministro de Relaciones Exteriores Embajador de los Estados Unidos*

POR EL GOBIERNO DE  
LOS ESTADOS UNIDOS

SELDEN CHAPIN

*Ministro de Agricultura, Comercio e Industrias*

BENJAMIN J. BIRDSALL  
*Jefe de la Misión Técnica*  
*Instituto de Asuntos Interamericanos*  
*Misión de Operaciones en el Exterior*

# PERU

## Surplus Agricultural Commodities

*Agreement amending the agreement of February 7, 1955.  
Signed at Lima June 25, 1955;  
Entered into force June 25, 1955.*

TIAS 3411  
June 25, 1955  
*Post*, p. 3980.

TIAS 3190.  
Anex, p. 563.

**AMENDMENT TO AGREEMENT DATED FEBRUARY 7 th, 1955, BETWEEN THE UNITED STATES OF AMERICA AND PERU REGARDING SURPLUS AGRICULTURAL COMMODITIES**

The Government of the United States of America and the Government of Peru hereby agree that the cited Agreement (Article I, paragraph 3 and Article II, paragraphs 1a and 1b) be amended to read as follows:

**ARTICLE I**

3. The United States Government undertakes to finance the sale to Peru of the following commodities, in the values indicated, subject to purchase and shipment from the United States prior to October 1, under the provisions of Title I of the said Act and of this Agreement:

68 Stat. 465.  
7 U.S.C. §§ 1701-1709.

| <u>Commodity</u>              | <u>Value<br/>(Millions of dollars)</u> |
|-------------------------------|--|
| Wheat                         | 6.42                                   |
| Butter                        | 0.23                                   |
| Transportation<br>(estimated) | 0.78                                   |

**ARTICLE II**

1. The two Governments agree that the soles accruing to the Government of the United States of America as a consequence of sales made pursuant to this Agreement will be used by the Government of the United States for the following purposes in the amounts shown:

- a) For purposes pursuant to section 104 (a), (b), (f) and (h) of the Act; the sol equivalent of U.S.\$ 2'000.000.
- b) For loans to the Government of Peru to promote the economic development of Peru under section 104 (g) of the Act; the

**ENMIENDA AL CONVENIO DE FERRERO DE 1955, ENTRE LOS ESTADOS UNIDOS DE AMÉRICA Y EL PERÚ RELATIVO A EXCEDENTES DE PRODUCTOS AGRICOLAS**

El Gobierno del Perú y el Gobierno de los Estados Unidos de América por el presente documento acuerdan que el citado Convenio (Artículo I, párrafo 3, y Artículo II, párrafo 1a y 1b) se modifique en la forma siguiente:

**ARTICULO I**

3. El Gobierno de los Estados Unidos se compromete a financiar la venta al Perú de los siguientes artículos, por los valores que se indican, sujetos a compra y embarque de los Estados Unidos antes del 1º de octubre, bajo las disposiciones del Título I de dicha Ley y del presente Convenio:

| <u>Artículo</u>                      | <u>Valor<br/>(Millones de dólares)</u> |
|--------------------------------------|--|
| Trigo                                | 6.42                                   |
| Mantequilla                          | 0.23                                   |
| Gastos de transporte<br>(calculados) | 0.78                                   |

**ARTICULO II**

1. Ambos Gobiernos convienen en que el valor en soles que se acumule a favor del Gobierno de los Estados Unidos de América como consecuencia de las ventas efectuadas en virtud de este Convenio será empleado por el Gobierno de los Estados Unidos de América para los fines siguientes en las cantidades que a continuación se indican:

- a) Para propósitos de acuerdo con la sección 104 (a), (b), (f) y (h) de la Ley; por el equivalente en soles de U.S.\$ 2'000.000.  
(Dos Millones de dólares)
- b) Para préstamos al Gobierno del Perú destinados a fomentar el desarrollo económico del Perú bajo la sección 104(g) de la Ley; el equivalente en so-

sol equivalent of U. S. \$ 5'430,000 subject to supplemental agreement between the two Governments.

les de U.S. \$ 5'430.000 sujeto a convenio suplementario entre los dos Gobiernos.

ARTICLE IV

This Amendment shall enter into force upon signature.

ARTICULO IV

Esta enmienda entrará en vigor al firmarse.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purpose, have signed the present Amendment, in duplicate in the english and spanish languages.

EN FE DE LO CUAL, los respectivos representantes, debidamente autorizados para tal fin, han firmado la presente Enmienda, en doble ejemplar, hecho en los idiomas castellano e inglés.

Done at Lima, Perú, this 25th day of June 1955.

Firmado en Lima, Perú, el día 25 de junio de 1955.

*Clare H. Timberlake*

Clare H. Timberlake  
Encargado de Negocios a.i. de  
los Estados Unidos de América.

*Alejandro Freundt y Rosell*

Alejandro Freundt y Rosell  
Ministro de Justicia y Culto,  
Encargado de la Cartera de Relaciones Exteriores

[SEAL]

[SEAL]

# PERU

## Surplus Agricultural Commodities

TIAS 3412  
Sept. 20, 1955

*Agreement amending the agreement of February 7, 1955.  
Signed at Lima September 20, 1955;  
Entered into force September 20, 1955.*

SECOND AMENDMENT TO AGREEMENT  
DATED FEBRUARY 7 th. 1955, BE  
TWEEN THE UNITED STATES OF AME  
RICA AND PERU REGARDING SUR  
PLUS AGRICULTURAL COMMODITIES

The Government of the United States of America and the Government of Peru hereby agree that the cited Agreement (Article I, paragraph 3, and Article II, paragraphs 1a. and 1b.) be amended to read as follows:

ARTICLE I

3. The United States Government undertakes to finance the sale to Peru of the following commodities, in the values indicated, subject to purchase and shipment from the United States prior to February 29, 1956, under the provisions of Title I of the said Act and of this Agreement:

| Commodity                     | Value<br>(Millions of dollars) |
|-------------------------------|--------------------------------|
| Wheat                         | 6.42                           |
| Butter                        | 0.23                           |
| Edible oils and/or fats       | 3.00                           |
| Transportation<br>(estimated) | 1.10                           |

ARTICLE II

1. The two Governments agree that the soles accruing to the Government of the United States of America as a consequence of sales made pursuant to this Agreement will be used by the Government of the United States for the following purposes in the amounts shown:

- a) For purposes pursuant to section 104 (a), (b), (f) and (h) of the Act, the sol equivalent of U.S.\$ 3'000,000.

SEGUNDA ENMIENDA AL CONVENIO DE  
7 DE FEBRERO DE 1955, ENTRE LOS  
ESTADOS UNIDOS DE AMÉRICA Y EL  
PERÚ RELATIVO A EXCEDENTES DE  
PRODUCTOS AGRICOLAS

TIAS 3190, 3411.  
*Ante*, pp. 563, 3977

El Gobierno del Perú y el Gobierno de los Estados Unidos de América por el presente documento acuerdan que el citado Convenio (Artículo I, párrafo 3, y Artículo II, párrafo 1a. y 1b.) se modifique en la forma siguiente

ARTICULO I

3. El Gobierno de los Estados Unidos se compromete a financiar la venta al Perú de los siguientes artículos, por los valores que se indican, sujetos a compra y embarque de los Estados Unidos antes del 29 de Febrero de 1956, bajo las disposiciones del Título I de dicha Ley y del presente Convenio:

68 Stat. 455.  
7 U.S.C. §§ 1701-1709

| Artículo                             | Valor<br>(Millones de dólares) |
|--------------------------------------|--------------------------------|
| Trigo                                | 6.42                           |
| Mantequilla                          | 0.23                           |
| Aceites y/o grasas<br>comestibles    | 3.00                           |
| Gastos de transporte<br>(calculados) | 1.10                           |

ARTICULO II

1. Ambos Gobiernos convienen en que el valor en soles que se acumule a favor del Gobierno de los Estados Unidos de América como consecuencia de las ventas efectuadas en virtud de este Convenio será empleado por el Gobierno de los Estados Unidos para los fines siguientes en las cantidades que a continuación se indican:

- a) Para propósitos de acuerdo con la sección 104 (a), (b), (f) y (h) de la Ley; por el equivalente en soles de U.S. \$ 3'000,000.

b) For loans to the Government of Peru to promote the economic development of Peru under section 104 (g) of the Act; the sol equivalent of U.S.\$ 7'750,000 subject to supplemental agreement between the two Governments.

#### ARTICLE IV

This Amendment shall enter into force upon signature.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purposes, have signed the present Amendment, in duplicate in the English and Spanish languages.

Done at Lima, Peru, this 20th day of September 1955.

b) Para préstamos al Gobierno del Perú destinados a fomentar el desarrollo económico del Perú bajo la sección 104 (g) de la Ley; el equivalente en soles de U.S.\$ 7'750,000 sujeto a convenio suplementario entre los dos Gobiernos.

#### ARTICULO IV

Esta enmienda entrará en vigor al firmarse.

EN FE DE LO CUAL, los respectivos representantes, debidamente autorizadas para tal fin, han firmado la presente Enmienda, en doble ejemplar, hecho en los idiomas castellano e inglés.

Firmado en Lima, Perú, el día 20 de setiembre de 1955.

[SEAL]

*Clare H. Timberlake*  
Clare H. Timberlake  
Encargado de Negocios a.i. de  
los Estados Unidos de América

[SEAL]

*D. Aguilar*  
David Aguilar Cermejo  
Ministro de Relaciones Exteriores

# THAILAND

## SALE AND PURCHASE OF TIN CONCENTRATES

*Agreement signed at Bangkok November 14, 1955;  
Entered into force November 14, 1955;  
Operative retroactively November 1, 1955.*

TIAS 3413  
Nov. 14, 1955

An Agreement for the Sale and Purchase of Tin Concentrates Between  
The Government of the United States of America and The Govern-  
ment of Thailand

### ARTICLE I

The Government of Thailand guarantees the delivery, during the term of this Agreement, of 1250 long tons of tin contained in concentrates for purchase by the United States Government through the Federal Facilities Corporation (successor to the Reconstruction Finance Corporation).

### ARTICLE II

The United States Government, through the Federal Facilities Corporation, agrees to purchase and pay for in United States dollars the above quantity of tin contained in concentrates conforming to the quality set forth in the attached contract forms ['] and delivered during the term of this Agreement.

### ARTICLE III

It is agreed that in the event export control is conformity with Article VII of the International Tin Agreement of March 1, 1954, comes into effect during the term of this Agreement, the amount of tin contained in concentrates covered by this Agreement may be revised by mutual consent.

<sup>1</sup> Not printed.

**ARTICLE IV**

The price to be paid for tin in concentrates accepted under this Agreement delivered in a warehouse in Thailand designated by the FFC will be based on the following formula: The prevailing Singapore price in Straits dollars per picul at the time of said delivery transformed into U.S. cents per pound by using the conversion figure .2453 and subtracting from the result 1.50 U.S. cents. (For concentrates delivered FOB vessel, this deduction will be 1.25 U.S. cents.) If at any time the average of the buying and selling rate of the Straits dollar is lower than 3.04 or higher than 3.08 per U.S. dollar, either party may suspend the force of this Agreement until a new conversion figure may have been agreed upon. Purchase will be made in accordance with the terms and conditions set forth in the attached contract forms. Deductions for treatment losses, treatment charges, penalties for impurities, and other relevant stipulations are set forth in these contract forms.

**ARTICLE V**

The delivery of the tin contained in concentrates specified in this Agreement will, as far as possible, be in approximately equal monthly quantities and the Federal Facilities Corporation will not be obligated to purchase in excess of 500 tons of tin contained in concentrates during any calendar month throughout the term of this Agreement.

**ARTICLE VI**

The Government of Thailand guarantees repayment in U.S. dollars of any overpayment made by the Federal Facilities Corporation to sellers in Thailand under this Agreement.

**ARTICLE VII**

The term of this Agreement shall be five (5) months beginning November 1, 1955 and terminating March 31, 1956.

In witness whereof, the undersigned, duly authorized representatives for the purposes, have affixed their respective signatures to the Agreement.

Done in Bangkok, Thailand, in duplicate, this fourteenth day of November, 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

[SEAL]

NORBERT L ANSCHUETZ

Norbert L. Anschuetz

*United States Chargé d'Affaires, a. i.*

FOR THE GOVERNMENT OF THAILAND

[SEAL]

WARAKAN BANCHA

Colonel Nai Warakan Bancha

*Acting Minister of Foreign Affairs*

TIAS 3413

# TURKEY

## EXCHANGE OF COMMODITIES AND SALE OF GRAIN

TIAS 3414  
July 6 and  
Nov. 18, 1955

*Agreement modifying the agreement of April 28, 1955.  
Effectuated by exchange of notes  
Signed at Washington July 6 and November 18, 1955;  
Entered into force November 18, 1955.*

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*The Turkish Assistant Secretary General of the Ministry of Foreign Affairs to the Assistant Secretary of State for Near Eastern, South Asian and African Affairs*

TURKISH EMBASSY  
WASHINGTON, D. C.

JULY 6, 1955

DEAR MR. ALLEN:

TIAS 3179.  
*Ante*, p. 455.

TIAS 3204, 3205.  
*Ante*, pp. 683, 688.

I have the honor to refer to the Agreement of November 15, 1954, between the Governments of the United States of America and the Turkish Republic for the Exchange of Commodities and the Sale of Grain, and the Supplemental Agreement thereto of April 28, 1955, for the additional procurement of greasy wool and cottonseed oil.

Section I of the Supplemental Agreement provides, in connection with the exchange of greasy wool for Turkish chrome, that the Government of the Turkish Republic will undertake to facilitate the exportation of chrome and manganese ores under appropriate exchange contracts running for a period of approximately two years from the respective dates of execution of such contracts by the Commodity Credit Corporation and private United States firms. Section I of the Supplemental Agreement provides further that if, for any reason beyond the control of the United States firms, the chrome and manganese ores are not shipped pursuant to the exchange contracts, the Turkish Government agrees to provide for payment in United States dollars to such firms of any dollar amounts remaining to their credit at the expiration of the respective contract periods.

It now appears that the exchange contracts in question may run for a period in excess of three years instead of a period of approximately two years as stated in the Supplemental Agreement.

On behalf of the Government of the Turkish Republic I have the honor to confirm that the undertaking of the Government of the Turkish Republic to provide for payment in United States dollars to such United States firms if, for any reason beyond the control of such firms, the chrome and manganese ores, or any part thereof, have not been shipped, shall apply at the expiration of the respective contracts which are now scheduled to run for a period in excess of three years.

Please accept, Dear Mr. Allen, the assurances of my highest consideration.

MELIH ESENBEL

Melih Esenbel

*Assistant Secretary General  
Ministry of Foreign Affairs*

The Honorable

GEORGE V. ALLEN

*Assistant Secretary of State*

*for Near Eastern, South Asian and African Affairs*

*Department of State*

*Washington, D.C.*

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*The Acting Secretary of State to The Turkish Ambassador*

DEPARTMENT OF STATE

WASHINGTON

November 18 1955

EXCELLENCY:

I have the honor to acknowledge the receipt of a note from Mr. Melih Esenbel, Assistant Secretary General, Ministry of Foreign Affairs dated July 6, 1955, which states:

"I have the honor to refer to the Agreement of November 15, 1954, between the Governments of the United States of America and the Turkish Republic for the Exchange of Commodities and the Sale of Grain, and the Supplemental Agreement thereto of April 28, 1955, for the additional procurement of greasy wool and cottonseed oil.

"Section I of the Supplemental Agreement provides in connection with the exchange of greasy wool for Turkish chrome, that the Government of the Turkish Republic will undertake to facilitate the exportation of chrome and manganese ores under appropriate exchange contracts running for a period of approximately two years from the respective dates of execution of such contracts by the Commodity Credit Corporation and private United States firms. Section I of the Supplemental Agreement provides further that if, for any reason beyond the control of the United States firms, the chrome and manganese ores are not shipped pursuant to the exchange contracts, the Turkish Government agrees to provide for payment in United States dollars to such firms of any dollar amounts remaining to their credit at the expiration of the respective contract periods.

"It now appears that the exchange contracts in question may run for a period in excess of three years instead of a period of approximately two years as stated in the Supplemental Agreement.

"On behalf of the Government of the Turkish Republic I have the honor to confirm that the undertaking of the Government of the Turkish Republic to provide for payment in United States dollars to such United States firms if, for any reason beyond the control of such firms, the chrome and manganese ores, or any part thereof, have not been shipped, shall apply at the expiration of the respective contracts which are now scheduled to run for a period in excess of three years."

This Government concurs in the proposed modification of the Agreement.

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

For the Acting Secretary of State:

GEO. V. ALLEN.

His Excellency

HAYDAR GÖRK,

*Ambassador of the Turkish Republic.*

# LUXEMBOURG

## Defense: Offshore Procurement

*Agreement signed at Luxembourg April 17, 1954;  
Entered into force September 30, 1955.*

TIAS 3415  
Apr. 17, 1954  
*Post*, p. 4009.

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AGREEMENT  
BETWEEN THE UNITED STATES OF AMERICA  
AND THE GRAND-DUCHY OF LUXEMBOURG  
RELATING TO OFFSHORE PROCUREMENT

ACCORD  
ENTRE LES ETATS-UNIS D'AMERIQUE  
ET LE GRAND-DUCHE DE LUXEMBOURG  
RELATIF AUX ACHATS DITS "OFFSHORE"

The Government of the United States of America and the Government of Luxembourg, desiring to set forth certain principles and policies governing the United States Offshore Procurement Program in Luxembourg, have agreed as follows:

Article 1.

Scope and Purpose of the Offshore Procurement Program.

It is the intent of the Government of the United States of America to procure in countries participating in the Mutual Security Program those types of materials, services, supplies, construction and equipment appropriate either for mutual security military aid or for the direct use of United States Forces. The extent of this program in Luxembourg is dependent upon various considerations, including the ability of the Government of the United States of America to place contracts at reasonable prices with satisfactory delivery dates. It is intended that offshore procurement will materially contribute to the combined defense productive capacity of the nations which are members of the North Atlantic Treaty Organization and the European Defense Community and will at the same time provide a means for increasing the dollar earnings of these countries.

The Government of the United States of America will conduct offshore procurement in accordance with the laws of the United States of America governing military procurement and the Mutual Security Program. It is also the intent of the United States of America that the Offshore Procurement Program shall be carried out in Luxembourg in furtherance of the principles set forth in Section 516 of the Mutual Security Act of 1951,<sup>as amended,</sup> the Mutual Defense Assistance Control Act of 1951, and Article II (3) of the Economic Cooperation Agreement of July 3, 1948, as amended.

65 Stat. 382.  
22 U. S. C. § 1607.

65 Stat. 644.  
22 U. S. C. § 1611  
note.

TIAS 1790.  
62 Stat., pt. 2, p.  
2458.

In accordance with the understanding that the Government of the United States of America intends to conduct the Offshore Procurement Program in accordance with relevant United States legislation and in furtherance of the principles set forth in certain United States statutes, it is understood that, in order to carry out this intention, the Legation of the United States of America may from time to time submit the names of certain firms and individuals who have acted contrary to the mutual security interest of our two countries and that no contracts or subcontracts will be awarded to these firms and individuals under the Offshore Procurement Program.

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement luxembourgeois, désirant établir certains principes et certaines règles pour le programme des achats dits offshore au Grand-Duché, sont convenus de ce qui suit:

Article 1.

Buts et objet du programme d'achats offshore.

Dans le cadre du programme d'achats offshore, le Gouvernement des Etats-Unis a l'intention de passer, dans les pays participant au programme de Sécurité Mutuelle, des commandes militaires portant sur les matières, services, fournitures, constructions et équipement du type convenant, soit au programme d'aide militaire, soit à l'utilisation directe par les forces armées des Etats-Unis. L'importance de ce programme au Luxembourg dépend de différentes considérations y compris la possibilité qu'aura le Gouvernement des Etats-Unis de conclure des contrats à des prix raisonnables et à des conditions de livraison satisfaisantes. L'exécution du programme offshore doit apporter une contribution substantielle à la capacité de production militaire combinée des nations membres de l'Organisation du Traité de l'Atlantique Nord et de la Communauté Européenne de Défense. Elle doit en même temps, constituer un moyen d'accroître les recettes en dollars de ces pays.

Le Gouvernement des Etats-Unis administrera le Programme d'Achats offshore conformément aux lois des Etats-Unis en matière d'achats militaires et au programme de Sécurité Mutuelle. Dans l'esprit du Gouvernement des Etats-Unis, l'exécution du programme d'achats offshore au Luxembourg doit également servir les principes énoncés à la Section 516 du Mutual Security Act de 1951,<sup>amendé, dans le Mutual Defense Assistance Control Act de 1951,</sup> et à l'article II (3) de l'accord de Coopération Economique entre les Etats-Unis d'Amérique et le Grand-Duché de Luxembourg, signé le 3 juillet 1948, avec ses amendements.

Tenant compte de l'intention du Gouvernement des Etats-Unis d'Amérique d'exécuter le programme d'achats offshore conformément à la législation américaine en cette matière et en promouvant les principes qui y sont exposés, il est entendu qu'en vue de mettre cette intention en pratique, la Légation des Etats-Unis peut de temps à autre soumettre les noms de certains particuliers ou de firmes qui ont agi à l'encontre des intérêts de la sécurité mutuelle de nos deux pays, et qu'aucun contrat ni sous-contrat ne sera accordé à ces firmes et particuliers sous le programme d'achats offshore.

Article 2.Intergovernmental Coordination.

The program of the Government of the United States of America for procurement of military items in Luxembourg will be coordinated with the defense program of the Government of Luxembourg. Appropriate officials of the two Governments will consult on a continuing basis to study production problems and the carrying out of recommendations for the procurement of items required by the Government of the United States of America.

The two Governments will exchange information, as needed, and on a continuing basis, with respect to procurement plans, production facilities in Luxembourg and progress in the achievement of production objectives in Luxembourg.

Article 3.Contract Placement by Contracting Officers.

It is understood that offshore procurement contracts will be placed and administered on behalf of the Government of the United States of America by contracting officers of the United States Military Departments.

Article 4.Parties to Contracts.

United States contracting officers may contract directly with individuals, firms, or other legal entities in Luxembourg or with the Government of Luxembourg.

Article 2.Coordination intergouvernementale.

Le programme d'achats du Gouvernement des Etats-Unis pour des commandes militaires sera coordonné avec le programme de défense du Gouvernement luxembourgeois. Des représentants qualifiés des deux Gouvernements seront en contact permanent pour étudier les problèmes de production et l'exécution des recommandations pour les achats demandés par le Gouvernement des Etats-Unis.

Les deux Gouvernements échangeront d'office toutes informations utiles relatives aux programmes d'achats, aux moyens de production du Grand-Duché et aux progrès marqués dans la poursuite des objectifs de production au Grand-Duché.

Article 3.Placement des contrats par des officiers acheteurs.

Il est entendu que les contrats d'achats offshore seront placés et administrés au nom du Gouvernement des Etats-Unis par des officiers acheteurs des Départements militaires des Etats-Unis.

Article 4.Parties aux contrats.

Les officiers acheteurs des Etats-Unis peuvent soit conclure des contrats directement avec des fournisseurs privés, c'est-à-dire aussi bien des particuliers que des sociétés ou autres personnes juridiques, soit avec le Gouvernement luxembourgeois.

Article 5.Contract Assistance.

The Government of Luxembourg will, upon request of the contracting officer, assist in the selection of contractors and subcontractors and also will otherwise assist the Government of the United States of America and individual contractors to the extent necessary and appropriate to facilitate the administering and carrying out of offshore procurement contracts.

Article 6.Supply of Equipment, Materials and Manpower.

The Government of Luxembourg will accord to offshore procurement contractors and their subcontractors priorities for securing equipment, materials, manpower and services equal to those which are accorded contractors having similar types of contracts with the Government of Luxembourg.

Article 7.Security.

Any security-classified or protected material, including information delivered by one Government to the other, will be treated by the recipient Government in the same manner as its own similarly protected material or information.

Security-classified material of the Government of the United States of America needed by a private Luxembourg contractor will be delivered to the appropriate Ministry of the Government of Luxembourg for transmittal to the contractor. Such material will, prior to transmittal, receive a security classification of the Government of Luxembourg and be transmitted with the warning that its divulgence or improper use may subject the person or persons involved to criminal prosecution. When requested by the contracting officer or other representative of the Government of the United States of America, the Government of Luxembourg shall assist in establishing restricted areas according to Luxembourg laws and regulations.

Article 5.Assistance gouvernementale.

A la demande de l'officier acheteur, le Gouvernement luxembourgeois l'aidera dans le choix des fournisseurs et sous-traitants. Il prêtera également, si cela est nécessaire, ses bons offices au Gouvernement des Etats-Unis et aux fournisseurs privés pour faciliter l'administration et l'exécution des contrats d'achats offshore.

Article 6.Fourniture d'équipement, de matière et de main-d'oeuvre.

Le Gouvernement luxembourgeois accordera aux adjudicataires de contrats offshore et à leurs sous-traitants, en vue de l'obtention d'équipement, de matières, de main-d'oeuvre et de services, des priorités équivalentes aux priorités accordées aux adjudicataires de contrats analogues avec le Gouvernement luxembourgeois.

Article 7.Sécurité.

Tout document, objet, information, délivré par un gouvernement à l'autre, et qui serait classifié ou protégé pour des raisons de sécurité, sera traité par le Gouvernement qui le reçoit de la même façon que ses propres objets, documents ou informations soumis à des mesures similaires de protection.

Lorsqu'un objet ou document du Gouvernement des Etats-Unis classifié secret est requis par un fournisseur privé luxembourgeois, il sera remis par le Gouvernement des Etats-Unis au Département compétent du Gouvernement luxembourgeois pour transmission au fournisseur. Cet objet ou document sera coté comme secret militaire par le Gouvernement luxembourgeois avant d'être transmis par celui-ci à l'intéressé avec l'avertissement que sa divulgation ou toute utilisation abusive pourra donner lieu à des poursuites répressives. A la demande de l'officier acheteur ou de tout autre représentant du Gouvernement des Etats-

In order to ensure adequate protection of security-classified or protected information and material, the appropriate Ministry of the Government of Luxembourg will in special cases, upon request, conduct a security investigation of any prospective Luxembourg contractor for the Government of the United States of America in the same manner as such investigations are conducted in cases of defense procurement by the Government of Luxembourg and a recommendation resulting from such investigation will be made to the Government of the United States of America.

No charge will be made by the Government of Luxembourg for services rendered pursuant to this clause.

It is understood that while this article provides for certain security arrangements and safeguards for classified material and information made available by the Government of the United States of America to the Government of Luxembourg under the Offshore Procurement Program, nothing therein is to be construed as affecting the obligations with respect to security which the two Governments have assumed as parties to the NATO Agreement on Security set forth in Annex A to NATO document D.C. 2/7 (Final),<sup>[1]</sup> dated April 8, 1952.

Article 8.

Inspection.

Inspection of all materials, services, supplies, construction and equipment procured by the Government of the United States of America in Luxembourg either from the Government of Luxembourg or Luxembourg manufacturers and suppliers shall be carried out by representatives of the Government of Luxembourg when requested by the Government of the United States of America. In such cases, the Government of Luxembourg will certify to the Government of the United States of America that the products meet all specifications and other requirements of the contract. It is not the intention of the Government of the United States of America generally to duplicate inspection made by the Government of Luxembourg, but the Government of the United States of America shall have the right to make independent inspections and verifications. Accordingly, passage of any item by the inspectors of the Government of Luxembourg may not necessarily insure acceptance of the item by the United States contracting officer who has the responsibility to decide whether the item meets the contract specifications as to quality and quantity. Inspection services rendered by the Government

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<sup>1</sup> Not printed.

Unis, le Gouvernement luxembourgeois prêtera son concours en vue de l'établissement de zones interdites conformément aux lois et règlements luxembourgeois.

En vue d'assurer la protection adéquate des objets, documents ou informations classifiés comme secret militaire, le Ministère compétent du Gouvernement luxembourgeois mènera, dans certains cas spéciaux et sur demande, une enquête de sécurité au sujet de tout Luxembourgeois, fournisseur éventuel du Gouvernement des Etats-Unis, dans les mêmes formes que celles dans lesquelles se font les enquêtes en cas de commandes militaires du Gouvernement luxembourgeois et une recommandation sera adressée au Gouvernement des Etats-Unis à la suite de cette enquête.

Aucun paiement ne sera exigé par le Gouvernement luxembourgeois pour des services rendus en application de la présente clause.

Il est entendu qu'alors que cet article prévoit certaines dispositions de sécurité et de sauvegarde du matériel et de l'information classifiés mis à la disposition du Gouvernement luxembourgeois par le Gouvernement des Etats-Unis sous le programme d'achats offshore, rien dans ces dispositions ne doit être interprété comme affectant les obligations en matière de sécurité que les deux Gouvernements ont assumées comme parties à l'accord NATO sur la sécurité, obligations exposées à l'Annexe A du document DC/2/7 final daté du 8 avril 1952.

Article 8.

Inspection.

L'inspection des produits, services, fournitures, constructions et équipements acquis par les Etats-Unis au Luxembourg, soit du Gouvernement luxembourgeois, soit de producteurs ou commerçants luxembourgeois, sera assurée par des délégués du Gouvernement luxembourgeois, à la demande du Gouvernement des Etats-Unis. Dans ces cas le Gouvernement luxembourgeois certifiera au Gouvernement des Etats-Unis que les produits sont conformes aux spécifications et autres conditions de contrat. Il n'entre pas dans les vues du Gouvernement des Etats-Unis de refaire l'inspection faite par le Gouvernement luxembourgeois; néanmoins le Gouvernement des Etats-Unis aura le droit de faire des inspections et des vérifications de son propre chef. En conséquence l'approbation de n'importe quel produit par l'inspecteur luxembourgeois ne doit pas nécessairement entraîner l'acceptation des produits par l'officier acheteur

of Luxembourg will be free of cost or charge to the Government of the United States of America.

Article 9.

Credit Arrangements.

It is understood that the Government of Luxembourg will assist in providing Luxembourg contractors producing for the United States Offshore Procurement Program treatment concerning commercial credit facilities equal to that accorded to Luxembourg business establishments producing for the defense or export program of Luxembourg.

Article 10.

Licences.

The Government of Luxembourg will grant, and facilitate the obtaining of, any necessary licences, including exchange control, export and import licences, which may be required in connection with any offshore procurement contract of the Government of the United States of America, whether placed in Luxembourg or in other North Atlantic/Treaty or European Defense Community countries.

Article 11.

Taxes.

The provisions of the Agreement between the United States of America and Luxembourg relating to relief from taxation on defense expenditures, dated March 13, 1952, as well as the agreed procedures thereunder, are applicable to the procurement program of the Government of the United States of America in Luxembourg.

In contracts between the two Governments, the Government of the United States of America will be accorded exemptions from taxes and charges equal in amount to those which it would receive if it contracted directly with private con-

américain qui a la responsabilité de décider si le produit rencontre les spécifications tant de qualité que de quantité. Aucun paiement ne sera exigé par le Gouvernement luxembourgeois pour ces services d'inspection.

Article 9.

Crédit.

Il est entendu que le Gouvernement luxembourgeois aidera les fournisseurs luxembourgeois, produisant pour le programme d'achats offshore des Etats-Unis, à obtenir, en matière de crédit commercial, un traitement au moins équivalent à celui dont jouissent les entreprises luxembourgeoises produisant pour le programme de la Défense Nationale luxembourgeoise ou pour l'exportation.

Article 10.

Licences.

Le Gouvernement luxembourgeois accordera et facilitera l'obtention de toutes licences nécessaires y compris celles de change, d'exportation et d'importation qui pourront être demandées en raison d'un contrat d'achat offshore par le Gouvernement des Etats-Unis placé soit au Luxembourg soit dans un autre pays membre de l'Organisation du Traité Atlantique Nord ou de la Communauté Européenne de Défense.

Article 11.

Taxes.

Les dispositions de l'accord entre les Etats-Unis d'Amérique et le Grand-Duché de Luxembourg relatif à l'exonération des taxes et droits sur les commandes militaires, daté du 13 mars 1952, de même que les procédures y afférentes arrêtées de commun accord sont applicables au programme d'achats offshore.

Dans des contrats entre les deux gouvernements, le Gouvernement des Etats-Unis bénéficiera d'exemptions de droits et de taxes égales à celles dont il

tractors in Luxembourg. In those cases, therefore, in which contracts are made between the two Governments, the Agreement of March 13, 1952 shall be construed to mean that exemptions on the taxes enumerated in the Agreement shall apply (a) on sales made by the Government of Luxembourg to the Government of the United States of America; (b) on sales to the Government of Luxembourg by its dealers and suppliers; and (c) on sales to the dealers and suppliers who are selling to the Government of Luxembourg.

The two Governments may consult from time to time as the occasion arises regarding further implementation of the Agreement of March 13, 1952.

Article 12.

Standard Contract Clauses.

Standard clauses have been approved by the two Governments for use, as appropriate, in contracts between them. Other clauses may be included in individual contracts.

Article 13.

Protection of United States Property and Personnel.

It is understood that any property of the Government of the United States of America acquired through or used in connection with offshore procurement contracts in Luxembourg will be immune from legal process or seizure. Likewise, it is understood that the Government of the United States of America is protected against any suits or other legal action in Luxembourg which may arise out of an offshore procurement contract.

Contracting officers and other authorized procurement personnel who are in Luxembourg in connection with the Offshore Procurement Program and whose names will have been duly reported to the Government of Luxembourg will be accorded the privileges and immunities set forth in paragraph (B) and (C) of Annex E to the Mutual Defense Assistance Agreement between the United States of America and Luxembourg signed at Washington on January 27, 1950 provided that upon entry into force of the NATO Status of Forces Agreement between the United States of America and Luxembourg, the status of such contracting officers

bénéficierait s'il traitait directement avec des entreprises privées au Grand-Duché de Luxembourg. En conséquence, chaque fois qu'un contrat intervient entre les deux gouvernements, l'accord du 13 mars 1952 doit être interprété de telle façon que les droits et taxes énumérés dans ledit accord s'appliquent: (a) aux ventes faites par le Gouvernement du Luxembourg au Gouvernement des Etats-Unis; (b) aux ventes faites au Gouvernement luxembourgeois par ses vendeurs ou fournisseurs; et (c) aux ventes faites aux vendeurs ou fournisseurs qui revendent au Gouvernement luxembourgeois.

Les deux Gouvernements peuvent se consulter de temps à autre, quand l'occasion s'en présente, sur d'autres applications de l'Accord du 13 mars 1952.

Article 12.

Clauses standard.

Des clauses standard ont été approuvées par les deux Gouvernements, pour être reprises, selon convenance, dans les contrats conclus entre eux. D'autres clauses peuvent être insérées dans des contrats particuliers.

Article 13.

Protection du personnel et de la propriété des Etats-Unis.

Il est entendu que toute propriété du Gouvernement des Etats-Unis fournie à un contractant ou acquise au Luxembourg, en vertu de contrats d'achats offshore, jouira d'une immunité de saisie ou d'action judiciaire. De même, il est entendu que le Gouvernement des Etats-Unis est à l'abri de toute poursuite ou autre action en justice auxquelles les contrats d'achats offshore pourraient donner lieu au Luxembourg.

Les priviléges et immunités définis aux paragraphes (B) et (C) de l'Annexe E à l'Accord d'Aide pour la Défense Mutuelle entre les Etats-Unis d'Amérique et le Grand-Duché de Luxembourg, signé à Washington, le 27 janvier 1950 seront accordés aux officiers acheteurs et autres membres autorisés des services d'achats se trouvant au Grand-Duché pour des raisons relatives au programme d'achats offshore et dont les noms auront été dûment notifiés au Gouvernement luxembourgeois, étant entendu qu'à la date de l'entrée en vigueur de

and other authorized procurement personnel will be reconsidered in the light of that Agreement, such other pertinent Agreements as may be in force between the two Governments, and such other considerations as may be appropriate.

Article 14.

Destination of Items.

Although the determination of specifications and other requirements of particular offshore procurement contracts may require a tentative identification of the recipient country to which the items produced under the contracts are to be delivered, it is understood that the Government of the United States of America may subsequently amend any such prior determination and identification as to which country shall be the ultimate recipient of the items produced.

Article 15.

Contract terms.

Inasmuch as the statutes of the United States of America prohibit utilization of a contract upon which payment is based on cost plus a percentage of cost, it is understood that such a system of determining payment shall not be employed in contracts entered into between the Government of the United States of America and either private contractors or the Government of Luxembourg. Further, the Government of Luxembourg advises that it will not utilize the type of contract in which payment is made on the basis of cost plus a percentage of cost in subcontracts under any contract between the Government of the United States of America and the Government of Luxembourg.

The Government of Luxembourg advises that it does not have any law authorizing the recoupment of excess profits similar to the Renegotiation Act of the United States of America.

65 Stat. 7.  
50 U. S. C. app.  
§ 1211 note.

la Convention sur le statut des Forces de l'OTAN entre les Etats-Unis et le Grand-Duché de Luxembourg, le statut de ces officiers acheteurs et autres membres autorisés des services d'achats sera réexaminé à la lumière de cette Convention, ainsi que de tout autre accord qui serait en vigueur entre les deux Gouvernements, et de toute autre considération appropriée.

Article 14.

Destination des produits.

Bien que la détermination des spécifications et d'autres conditions de certains contrats offshore puissent requérir une identification provisoire du pays dans lequel les produits sous contrat doivent être délivrés, il est néanmoins convenu que le Gouvernement des Etats-Unis pourra, ultérieurement, changer cette destination et cette spécification pour tel ou tel pays qui sera le bénéficiaire définitif du produit.

Article 15.

Termes de contrat.

Considérant que les lois des Etats-Unis d'Amérique défendent l'utilisation d'un contrat dans lequel le paiement est fixé sur le prix de revient plus un pourcentage de ce prix, il est convenu qu'un tel système pour fixer le paiement ne sera employé dans les contrats intervenant entre le Gouvernement des Etats-Unis, ni avec les traitants privés ni avec le Gouvernement luxembourgeois. Au surplus le Gouvernement du Luxembourg n'utilisera pas de modèle de contrat dans lequel le paiement est fixé sur le prix de revient plus un pourcentage de ce prix dans des sous-contrats pouvant dépendre d'un contrat entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Luxembourg.

Le Gouvernement luxembourgeois n'a aucune loi semblable à la loi américaine de renégociation autorisant le recouvrement des profits excessifs.

Article 16.Reporting of Subcontracts.

On such contracts as are entered into between the Government of the United States of America and the Government of Luxembourg, the Government of Luxembourg will furnish to the United States contracting officers such information as may be requested regarding the placement by the Government of Luxembourg of subcontracts and purchase orders under such government to government contracts.

Article 17.No Profits Clause.

On offshore procurement contracts entered into between the Government of the United States of America and the Government of Luxembourg, it is understood that no profit of any nature, including net gains resulting from fluctuations in exchange rates, will be made by the Government of Luxembourg. The Government of Luxembourg agrees to determine whether it has realized any such profit, in which event, or in the event that the Government of the United States of America considers that such profit may have been realized, the Government of Luxembourg agrees that it will immediately enter into conversations with the Government of the United States of America for the purpose of determining the existence and the amount of such profit. During these conversations, the Government of the United States of America shall have access to such documents and accounting data as may be necessary to determine the facts. In the computation of profits hereunder, the contracts shall be taken collectively. If, as a result of conversations between the respective Governments, it is established that profit has been realized by the Government of Luxembourg on such contracts it shall refund the amount of the profit to the Government of the United States of America under arrangements and procedures to be agreed upon between the two Governments. At the request of either Government, a refund adjustment will be accomplished on completed contracts at the earliest possible date, but this adjustment must be effected on or before December 31, 1955 or such later dates as may be mutually agreed upon by the two Governments. This article shall not be construed as affecting in any manner any profit refunding provisions as may be contained in individual contracts.

Article 16.Notification des sous-contrats.

Pour tous les contrats conclus entre le Gouvernement des Etats-Unis et le Gouvernement luxembourgeois, le Gouvernement luxembourgeois fournira aux officiers acheteurs des Etats-Unis tous renseignements qu'ils pourraient désirer concernant le placement, par le Gouvernement luxembourgeois, de sous-contrats et d'ordres d'achat se rapportant à des contrats de gouvernement à gouvernement.

Article 17.Profits.

Il est entendu que, sur les contrats d'achats offshore conclus entre le Gouvernement des Etats-Unis et le Gouvernement luxembourgeois, le Gouvernement luxembourgeois ne réalisera aucun profit, ce terme comprenant les gains nets résultant des variations des cours de change. Le Gouvernement luxembourgeois accepte de déterminer s'il a réalisé un profit de ce genre. Si tel est le cas ou si le Gouvernement des Etats-Unis considérait qu'un profit peut avoir été réalisé, le Gouvernement luxembourgeois accepte d'entrer en pourparlers avec le Gouvernement des Etats-Unis en vue d'établir l'existence et le montant de ce profit. Au cours de ces pourparlers, le Gouvernement des Etats-Unis aura accès à tous documents et données comptables jugés nécessaires pour établir les faits. Pour le calcul des profits visés ci-dessus, les contrats seront considérés dans leur ensemble. S'il est établi, à la suite des pourparlers entre les deux Gouvernements, qu'un profit résultant de tels contrats a été réalisé par le Gouvernement luxembourgeois, ce dernier remboursera le montant de ce profit au Gouvernement des Etats-Unis selon les dispositions et des procédures à convenir entre les deux Gouvernements. A la requête de l'un ou de l'autre des deux Gouvernements un règlement pour le remboursement sera arrêté pour les contrats terminés à la date la plus prochaine possible mais de toute façon avant ou à la date du 31 décembre 1955 ou encore à une date ultérieure à fixer par les deux gouvernements. Cet article ne doit pas être interprété comme s'appliquant à des conditions de remboursement qui peuvent faire partie de contrats privés.

Article 18.Ratification and Entry into Force.

This Agreement shall come into force when the Government of Luxembourg has notified the Government of the United States of America<sup>[1]</sup> of ratification by Luxembourg.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed this Agreement.

Done at Luxembourg, in duplicate, in the English and French languages, both texts being equally authentic, this seventeenth day of April, one thousand nine hundred fifty four.

FOR THE UNITED STATES OF AMERICA:

WILEY T BUCHANAN Jr

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<sup>[1]</sup> Sept. 30, 1955.

Article 18.Ratification et entrée en vigueur.

Le présent accord entrera en vigueur au moment où sa ratification au Luxembourg aura été notifiée au Gouvernement des Etats-Unis d'Amérique par le Gouvernement luxembourgeois.

En foi de quoi les plénipotentiaires soussignés, dûment autorisés à cet effet, ont signé le présent accord.

Fait à Luxembourg, en double exemplaire, en langues anglaise et française, les deux textes faisant également foi, le dix-sept avril mil neuf cent cinquante-quatre.

**POUR LE GRAND-DUCHÉ DE LUXEMBOURG:**

Jos BECH



# LUXEMBOURG

## Defense: Offshore Procurement

*Agreement effected by exchanges of notes*

*Signed at Luxembourg April 17, May 10, and July 16, 1954;  
Entered into force September 30, 1955.*

TIAS 3416  
Apr. 17, May  
10, and July 16,  
1954

*The American Minister to the Luxembourg Minister of Foreign Affairs*

No. 57

AMERICAN LEGATION,  
*Luxembourg, April 17, 1954.*

**EXCELLENCY:**

I have the honor to refer to the Agreement between the United States of America and Luxembourg relating to Offshore Procurement which was signed in Luxembourg on this date and to the discussions between representatives of our two Governments regarding government-to-government contracts for procurement under the terms of this Agreement. I attach a copy of the standard contract prepared during the course of these discussions and agreed to by those representatives.

I am now instructed to inform you that the standard contract attached hereto has been agreed to by the Government of the United States of America. I would appreciate it if you would confirm that this document is acceptable to your Government. My Government will consider that this note and your reply constitute an Agreement between our two Governments, effective on the date on which the Agreement relating to Offshore Procurement comes into force.<sup>[1]</sup>

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

WILEY T. BUCHANAN, Jr.

Enclosure:

Copy of Standard Contract.

His Excellency

JOSEPH BECH,

*Minister of Foreign Affairs for the  
Grand Duchy of Luxembourg.*

TIAS 3415.  
*Anne, p. 3989.*

<sup>1</sup> Sept. 30, 1955.

## MODEL CONTRACT

Contract No. \_\_\_\_\_

NEGOTIATED CONTRACT for the Procurement of Supplies,  
Services, and Materials in Luxembourg

This contract is entered into pursuant to the provisions  
of Section 2(c)(1) of the Armed Services Procurement Act of  
62 Stat. 21.  
1947, as amended (41 U.S. Code 151 et seq.) and other applica-  
cable law.

Funds Chargeable: \_\_\_\_\_

Amount of Contract: \_\_\_\_\_

Fiscal Officer: \_\_\_\_\_

PAYMENT: to be made in United States Dollars

by \_\_\_\_\_

at \_\_\_\_\_

to \_\_\_\_\_

This contract is entered into this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_ by and between the Government of the United States of  
America (hereinafter called the United States Government)  
represented by the Contracting Officer executing this contract  
and the Grand Duchy of Luxembourg (hereinafter called the  
Luxembourg Government) represented by \_\_\_\_\_

This contract is executed subject to the agreement and  
conditions included in the Agreement between the United States  
Government and the Luxembourg Government relating to Offshore  
Procurement dated April 17, 1954

The parties hereto agree that the Luxembourg Government  
shall furnish and deliver all of the supplies and perform all  
the services set forth in the Schedule for the consideration  
stated therein.

Schedule Page 1 of \_\_\_\_ Pages

| Item No. | Supplies or Services | Quantity<br>(Number of Units) | Unit | Unit Price<br>Excl Taxes*            | Amount<br>Excl Taxes* |
|----------|----------------------|-------------------------------|------|--------------------------------------|-----------------------|
|          |                      |                               |      | TOTAL CONTRACT<br>PRICE EXCL TAXES*: |                       |

\* See Clause 8 of General Provisions.

## GENERAL PROVISIONS

1        1. DEFINITIONS

2              As used throughout this contract the following terms

3 shall have the meanings set forth below:

4              (a) The term "Secretary" means the Secretary, the  
5 Under-Secretary, or any Assistant Secretary of the United  
6 States Military Department concerned; and the term "his duly  
7 authorized representative" means any person or persons (other  
8 than the Contracting Officer) authorized to act for the  
9 Secretary.

10             (b) The term "Contracting Officer" means the person  
11 executing this contract on behalf of the United States Govern-  
12 ment, and any other officer or civilian employee who is a  
13 properly designated Contracting Officer; and the term includes,  
14 except as otherwise provided in this contract, the authorized  
15 representative of a Contracting Officer acting within the  
16 limits of his authority.

17             (c) The term "Luxembourg Government" includes any  
18 officer duly authorized to act on behalf of the Luxembourg  
19 Government in relation to this contract.

20             (d) Except as otherwise provided in this contract,  
21 the term "subcontracts" means any agreement, contract, sub-  
22 contract, or purchase order made by the Luxembourg Government  
23 with any contractor in fulfillment of any part of this  
24 contract, and any agreements, contracts, subcontracts or  
25 purchase orders thereunder.

26        2. CHANGES

27              The Contracting Officer may at any time, by a  
28 written order make changes, within the general scope of this  
29 contract, in any one or more of the following:

30              (i) Drawings, designs, or specifications, where  
31 the supplies to be furnished are to be specially manufactured  
32 for the United States Government in accordance therewith;

1           (iii) Method of shipment or packing; and  
2           (iii) Place of delivery.

3           If any such change causes an increase or decrease  
4 in the cost of, or the time required for, performance of this  
5 contract an equitable adjustment shall be made in the contract  
6 price or delivery schedule, or both, and the contract shall  
7 be modified in writing accordingly. Any claim by the  
8 Luxembourg Government for adjustment under this clause must  
9 be asserted within thirty days from the date of receipt by  
10 the Luxembourg Government of the notification of change; pro-  
11 vided, however, that the Contracting Officer, if he decides  
12 that the facts justify such action, may receive and act upon  
13 any such claim asserted at any time prior to final payment  
14 under this contract. Nothing in this clause shall excuse the  
15 Luxembourg Government from proceeding with the contract as  
16 changed.

17         3. EXTRAS

18           Except as otherwise provided in this contract, no  
19 payment for extras shall be made unless such extras and the  
20 price therefor has been authorized in writing by the Con-  
21 tracting Officer.

22         4. VARIATION IN QUANTITY

23           No variation in the quantity of any item called for  
24 by this contract will be accepted unless such variation has  
25 been caused by conditions of loading, shipping, or packing,  
26 or allowances in manufacturing processes, and then only to the  
27 extent, if any, specified elsewhere in this contract.

28         5. INSPECTION

29           (a) Adequate inspection and test of all supplies  
30 (which term throughout this clause includes without limitation  
31 raw materials, components, intermediate assemblies, and end  
32 products) to insure conformity with drawings, designs and  
33 specifications of the contract shall be effected by the  
34 Luxembourg Government.

1                   (b) The Luxembourg Government will furnish a certi-  
2 ficate or certificates stating that the inspection has been  
3 made and that all supplies, services or materials covered by  
4 the certificate meet all requirements of the schedules, drawings,  
5 designs and specifications of the contract.

6                   (c) United States Government representatives shall  
7 have the right to verify the certifications and to verify  
8 that (1) the end items conform to standards and to drawings,  
9 designs and specifications and (2) the quantity of end items  
10 specified is delivered. United States representatives will  
11 notify the appropriate Luxembourg Government representatives  
12 when they intend to conduct inspections and such inspections  
13 will, insofar as feasible, be conducted promptly.

14                  (d) In case any supplies or lots of supplies are  
15 defective in material or workmanship or otherwise not in  
16 conformity with the requirements of this contract, the United  
17 States Government shall have the right to either reject them  
18 (with or without instructions as to their disposition) or to  
19 require their correction. Supplies or lots of supplies which  
20 have been rejected or required to be corrected shall be  
21 removed or corrected in place, as requested by the Contracting  
22 Officer, by and at the expense of the Luxembourg Government  
23 promptly after notice, and shall not again be tendered for  
24 acceptance unless the former tender and either the rejection  
25 or requirement for correction is disclosed.

26                  (1) The Luxembourg Government will provide and  
27 require their contractors and subcontractors to provide to  
28 the United States Government inspectors, without additional  
29 charge to the United States Government, reasonable facilities  
30 and assistance for the safety and convenience of the United  
31 States Government representatives in the performance of their  
32 duties. Final acceptance or rejection of the supplies shall  
33 be made as promptly as practicable after delivery, except as  
34 otherwise provided in this contract, but failure to inspect

1 and accept or reject supplies shall neither relieve the  
2 Luxembourg Government from responsibility for such supplies  
3 as are not in accordance with the contract requirements nor  
4 impose liability on the United States Government therefor.

5 (2) The inspection and test by the United  
6 States Government of any supplies or lots thereof does not  
7 relieve the Luxembourg Government from any responsibility  
8 regarding defects or other failures to meet the contract  
9 requirements which may be discovered prior to final acceptance.  
10 Except as otherwise provided in this contract, final acceptance  
11 shall be conclusive except as regards latent defects.

12 (e) The Luxembourg Government shall provide and  
13 maintain an inspection system acceptable to the United States  
14 Government covering the supplies hereunder. Records of all  
15 inspection work by the Luxembourg Government shall be kept  
16 complete and available to the United States Government during  
17 the performance of this contract and for such longer period  
18 as may be specified elsewhere in this contract.

19 6. RESPONSIBILITY FOR SUPPLIES

20 Except as otherwise provided in this contract, (1)  
21 the Luxembourg Government shall be responsible for the sup-  
22 plies covered by this contract until they are delivered at  
23 the designated delivery point, regardless of the point of  
24 inspection; and (2) the Luxembourg Government shall bear all  
25 risks as to rejected supplies after notice of rejection.

26 7. TERMINATION

27 (a) The performance of work under this contract  
28 may be terminated by the United States Government in accor-  
29 dance with this clause in whole, or, from time to time, in  
30 part, whenever the Contracting Officer shall determine that  
31 such termination is in the best interests of the United  
32 States Government. Any such termination shall be effected  
33 by delivery to the Luxembourg Government of a Notice of  
34 Termination specifying the extent to which performance of

1 work under the contract is terminated, and the date upon which  
2 such termination becomes effective.

3                 (b) After receipt of a Notice of Termination, and  
4 except as otherwise directed by the Contracting Officer, the  
5 Luxembourg Government shall (1) stop work under the contract  
6 on the date and to the extent specified in the Notice of  
7 Termination; (2) place no further orders or subcontracts for  
8 materials, services, or facilities except as may be necessary  
9 for completion of such portion of the work under the contract  
10 as is not terminated; (3) terminate all orders and subcontracts  
11 to the extent that they relate to the performance of work  
12 terminated by the Notice of Termination; (4) assign to the  
13 United States Government, in the manner, at the times, and to  
14 the extent directed by the Contracting Officer, all of the  
15 right, title, and interest of the Luxembourg Government under  
16 the orders and subcontracts so terminated; (5) settle all  
17 outstanding liabilities and all claims arising out of such  
18 termination of orders and subcontracts, with the approval  
19 or ratification of the Contracting Officer to the extent he  
20 may require, which approval or ratification shall be final  
21 for all the purposes of this clause; (6) transfer title and  
22 deliver to the United States Government, in the manner, at  
23 the times, and to the extent, if any, directed by the Con-  
24 tracting Officer, (i) the fabricated or unfabricated parts,  
25 work in process, completed work, supplies, and other material  
26 produced as a part of, or acquired in connection with the  
27 performance of, the work terminated by the Notice of  
28 Termination, and (ii) the completed or partially completed  
29 plans, drawings, information, and other property which, if  
30 the contract had been completed, would have been required  
31 to be furnished to the United States Government; (7) use  
32 its best efforts to sell, in the manner, at the times, to  
33 the extent, and at the price or prices directed or authorized  
34 by the Contracting Officer, any property of the types referred

1 to in provision (6) of this paragraph, provided, however,  
2 that the Luxembourg Government (i) shall not be required to  
3 extend credit to any purchaser, and (ii) may acquire any  
4 such property under the conditions prescribed by and at a  
5 price or prices approved by the Contracting Officer; and  
6 provided further that the proceeds of any such transfer or  
7 disposition shall be applied in reduction of any payments to  
8 be made by the United States Government to the Luxembourg  
9 Government under this contract or shall otherwise be credited  
10 to the price or cost of the work covered by this contract or  
11 paid in such other manner as the Contracting Officer may direct;  
12 (8) complete performance of such part of the work as shall  
13 not have been terminated by the Notice of Termination; and  
14 (9) take such action as may be necessary, or as the Con-  
15 tracting Officer may direct, for the protection and pre-  
16 servation of the property related to this contract which is  
17 in the possession of the Luxembourg Government and in which  
18 the United States Government has or may acquire an interest.

19 At any time after expiration of the plant clearance period,  
20 as defined in Section VIII, Armed Services Procurement  
21 Regulation, as it may be amended from time to time, the  
22 Luxembourg Government may submit to the Contracting Officer  
23 a list, certified as to quantity and quality, of any or all  
24 items of termination inventory not previously disposed of,  
25 exclusive of items the disposition of which has been directed  
26 or authorized by the Contracting Officer, and may request the  
27 United States Government to remove such items or enter into  
28 a storage agreement covering them. Not later than fifteen (15)  
29 days thereafter, the United States Government will accept  
30 title to such items and remove them or enter into a storage  
31 agreement covering the same, provided that the list submitted  
32 shall be subject to verification by the Contracting Officer  
33 upon removal of the items, or if the items are stored, within  
34 forty-five (45) days from the date of submission of the list,

32 CFR, 1954 Rev.,  
§ 8.217.

TIAS 3416

1 and any necessary adjustment to correct the list as submitted  
2 shall be made prior to final settlement.

3                 (c) After receipt of a Notice of Termination, the  
4 Luxembourg Government shall submit to the Contracting Officer  
5 its termination claim, in the form and with the certification  
6 prescribed by the Contracting Officer. Such claim shall be  
7 submitted promptly but in no event later than two years from  
8 the effective date of termination, unless one or more exten-  
9 sions in writing are granted by the Contracting Officer, upon  
10 request of the Luxembourg Government made in writing within  
11 such two-year period or authorized extension thereof. However,  
12 if the Contracting Officer determines that the facts justify  
13 such action, he may receive and act upon any such termination  
14 claim at any time after such two-year period or any extension  
15 thereof. Upon failure of the Luxembourg Government to submit  
16 its termination claim within the time allowed, the Contracting  
17 Officer may determine, on the basis of information available  
18 to him, the amount, if any, due to the Luxembourg Government  
19 by reason of the termination and shall thereupon pay to the  
20 Luxembourg Government the amount so determined.

21                 (d) Subject to the provisions of paragraph (c),  
22 the Luxembourg Government and the Contracting Officer may  
23 agree upon the whole or any part of the amount or amounts  
24 to be paid to the Luxembourg Government by reason of the total  
25 or partial termination of work pursuant to this clause. The  
26 contract shall be amended accordingly, and the Luxembourg  
27 Government shall be paid the agreed amount.

28                 (e) Any determination of costs under paragraph (c)  
29 hereof shall be governed by the Statement of Principles for  
30 Consideration of Costs set forth in Part 4 of Section VIII  
31 of the Armed Services Procurement Regulation, as in effect  
§ 8.402.  
32 on the date of this contract.

33                 (f) In arriving at the amount due the Luxembourg  
34 Government under this clause there shall be deducted (1)

1 all unliquidated payments on account theretofore made to the  
2 Luxembourg Government, (2) any claim which the United States  
3 Government may have against the Luxembourg Government in  
4 connection with this contract, and (3) the agreed price for,  
5 or the proceeds of sale of, any materials, supplies, or other  
6 things acquired by the Luxembourg Government or sold, pursuant  
7 to the provisions of this clause, and not otherwise recovered  
8 by or credited to the United States Government.

9 (g) If the termination hereunder be partial, prior  
10 to the settlement of the terminated portion of this contract,  
11 the Luxembourg Government may file with the Contracting  
12 Officer a request in writing for an equitable adjustment of  
13 the price or prices specified in the contract relating to the  
14 continued portion of the contract (the portion not terminated  
15 by the Notice of Termination) and such equitable adjustment  
16 as may be agreed upon shall be made in such price or prices.

17 (h) Upon notification to the United States Govern-  
18 ment by the Luxembourg Government that the Luxembourg Govern-  
19 ment is precluded from performing the contract in accordance  
20 with its terms and conditions due to circumstances beyond its  
21 control the two Governments will consult with a view toward  
22 negotiating an amendment to this contract. If the two Govern-  
23 ments cannot agree to an amendment extending the time of  
24 performance or otherwise modifying the contract so as to  
25 enable the Luxembourg Government to perform it, the United  
26 States Government may terminate this contract by reason of  
27 the inability of the Luxembourg Government to perform it.  
28 Such termination shall be without cost to the United States  
29 Government and without liability of either Government to the  
30 other; provided that the parties hereto may agree upon the  
31 transfer to the United States Government of any or all of the  
32 property of the types referred to in paragraph (b)(6) above,  
33 in which event the United States Government will pay to the  
34 Luxembourg Government (i) the price provided in the contract

1 for items completed in accordance with the contract require-  
2 ments, and (ii) a price mutually agreed upon for other items.  
3                 (i) Unless otherwise provided for in this contract,  
4 or by applicable statute, the Luxembourg Government, from the  
5 effective date of termination and for a period of six years  
6 after final settlement under this contract, shall preserve  
7 and make available to the United States Government at all  
8 reasonable times at the office of the Luxembourg Government  
9 but without direct charge to the United States Government,  
10 all its books, records, documents, and other evidence bearing  
11 on the costs and expenses of the Luxembourg Government under  
12 this contract and relating to the work terminated hereunder,  
13 or, to the extent approved by the Contracting Officer, photo-  
14 graphs, micro-photographs, or other authentic reproductions  
15 thereof

16                 8. TAXES

17                 (a) The contract prices, including the prices in  
18 subcontracts hereunder, do not include any tax or duty which  
19 the United States Government and the Luxembourg Government  
20 have agreed shall not be applicable to expenditures in Luxem-  
21 bourg by the United States, or any other tax or duty not  
22 applicable to this contract under the laws of Luxembourg.  
23 If any such tax or duty has been included in the contract  
24 prices through error or otherwise, the contract prices shall  
25 be correspondingly reduced.

26                 (b) If, after the contract date, the United States  
27 Government and the Luxembourg Government shall agree that any  
28 tax or duty included in the contract prices shall not be  
29 applicable to expenditures in Luxembourg by the United States,  
30 the contract prices shall be reduced accordingly.

31                 9. SUBCONTRACTING

32                 (a) The Luxembourg Government undertakes that in  
33 any subcontract made in connection with this contract they  
34 will employ the same procurement methods and procedures as

1 they employ in contracting for their own requirements.  
2               (b) The Luxembourg Government agrees to indemnify  
3 and save harmless the United States Government against all  
4 claims and suits of whatsoever nature arising under or inci-  
5 dental to the performance of this contract, by any subcontractor  
6 against the Luxembourg Government or the United States Govern-  
7 ment.

8               10. PAYMENTS

9               The Luxembourg Government shall be paid, upon the  
10 submission of properly certified invoices or vouchers, the  
11 prices stipulated herein for supplies delivered and accepted  
12 or services rendered and accepted, less deductions, if any,  
13 as herein provided. Unless otherwise specified, payment will  
14 be made on partial deliveries accepted by the United States  
15 Government when the amount due on such deliveries so warrants;  
16 or, when requested by the Luxembourg Government, payment for  
17 accepted partial deliveries shall be made whenever such  
18 payment would equal or exceed either \$1,000 or 50% of the total  
19 amount of this contract.

20               11. UNITED STATES OFFICIALS NOT TO BENEFIT

21               No member of or delegate to Congress of the United  
22 States, or resident commissioner of the United States shall  
23 be admitted to any share or part of this contract, or to any  
24 benefit that may arise therefrom; but this provision shall  
25 not be construed to extend to this contract if made with a  
26 corporation for its general benefit.

27               12. COVENANT AGAINST CONTINGENT FEES

28               The Luxembourg Government warrants that no person  
29 or selling agency has been employed or retained to solicit  
30 or secure this contract upon an agreement or understanding  
31 for a commission, percentage, brokerage, or contingent fee,  
32 excepting bona fide employees or bona fide established  
33 commercial or selling agencies maintained by the Luxembourg  
34 Government for the purpose of securing business. For breach

1 or violation of this warranty the United States Government  
2 shall have the right to annul this contract without liability  
3 or in its discretion to deduct from the contract price or  
4 consideration the full amount of such commission, percentage,  
5 brokerage, or contingent fee.

6       13. GRATUITIES

7              The Luxembourg Government agrees to apply to this  
8 contract the provisions embodied in Section 631 of Public  
65 Stat. 450, 86 Stat. 536. 9 Law 179 and Section 629 of Public Law 488, 82nd Congress of  
10 the United States.

11       14. FILING OF PATENT APPLICATIONS

12              While and so long as the subject matter of this  
13 contract is classified security information, the Luxembourg  
14 Government agrees that it will not file, or cause to be filed,  
15 an application or registration for patent disclosing any of  
16 said subject matter without first referring the proposed  
17 application or registration to the Contracting Officer for  
18 determination as to whether, for reasons of security, per-  
19 mission to file such application or registration should be  
20 denied, or whether such application may be filed on conditions  
21 imposed by the Contracting Officer.

22       15. COPYRIGHT

23              (a) The Luxembourg Government agrees to and does  
24 hereby grant to the United States Government, and to its  
25 officers, agents and employees acting within the scope of  
26 their official duties, (i) a royalty-free, non-exclusive  
27 and irrevocable license to publish, translate, reproduce,  
28 deliver, perform, use, and dispose of, and to authorize,  
29 in behalf of the United States Government or in the further-  
30 ance of mutual defense, others so to do, all copyrightable  
31 material first produced or composed and delivered to the  
32 United States Government under this contract by the Luxembourg  
33 Government, its employees or any individual or concern  
34 specifically employed or assigned to originate and prepare

1 such material; and (ii) a license as aforesaid under any and  
2 all copyrighted or copyrightable work not first produced or  
3 composed by the Luxembourg Government in the performance of  
4 this contract but which is incorporated in the material fur-  
5 nished under the contract, provided that such license shall  
6 be only to the extent that the Luxembourg Government now has  
7 or prior to completion of final settlement of this contract  
8 may acquire, the right to grant such license without becoming  
9 liable to pay compensation to others solely because of such  
10 grant.

11 (b) The Luxembourg Government agrees that it will  
12 exert all reasonable effort to advise the Contracting Officer,  
13 at the time of delivering any copyrightable or copyrighted  
14 work furnished under this contract, of any adversely held  
15 copyrighted or copyrightable material incorporated in any  
16 such work and of any invasion of the right of privacy therein  
17 contained.

18 (c) The Luxembourg Government agrees to report to  
19 the Contracting Officer, promptly and in reasonable written  
20 detail, any notice or claim of copyright infringement received  
21 by the Luxembourg Government with respect to any material  
22 delivered under this contract.

23 16. GUARANTY

24 The Luxembourg Government undertakes that the benefit  
25 of any guarantee obtained in respect of any subcontract shall  
26 be passed on to the United States Government.

27 17. SECURITY

28 Any materials, documents, designs, drawings or  
29 specifications delivered by the United States Government  
30 to the Luxembourg Government and any materials, documents,  
31 designs, drawings, specifications or supplies delivered by  
32 the Luxembourg Government to the United States Government in  
33 the performance of this contract, which are classified by  
34 the originating Government as "Top Secret", "Secret",

1 "Confidential", or "Restricted", shall be given a security  
2 classification by the recipient Government which will afford  
3 to the material substantially the same degree of security  
4 as that afforded by the originating Government and shall be  
5 treated by the recipient Government as its own classified  
6 material of that security grading.

7 The recipient Government will not use such material  
8 including information, or permit it to be used, for other  
9 than military purposes and will not disclose such material,  
10 or permit it to be disclosed, to another nation without the  
11 consent of the originating Government.

12 The recipient Government will, upon request, give  
13 to the originating Government an acknowledgment of receipt  
14 in writing for any such classified material.

15 The recipient Government agrees to include appro-  
16 priate provisions covering military security material  
17 including information in all subcontracts hereunder.

18 18. TECHNICAL INFORMATION

19 The Luxembourg Government agrees that the United  
20 States Government shall have the right to duplicate, use and  
21 disclose, in behalf of the United States Government or in the  
22 furtherance of mutual defense, all or any part of the reports,  
23 drawings, blueprints, data and technical information, specified  
24 to be delivered by the Luxembourg Government to the United  
25 States Government under this contract.

26 19. ASSIGNMENT OF CLAIMS

27 No claim arising under this contract shall be  
28 assigned by the Luxembourg Government except as follows:

29 (a) Pursuant to the provisions of the Assignment  
30 of Claims Act of 1940 as amended (31 U.S. Code 203, 41 U.S.  
31 Code 15), if this contract provides for payments aggregating  
32 \$1,000 or more, claims for moneys due or to become due the  
33 Luxembourg Government from the United States Government  
34 under this contract may be assigned to a bank, trust company,

1 or other financing institution, including any Federal lending  
2 agency, and may thereafter be further assigned and reassigned  
3 to any such institution. Any such assignment or reassignment  
4 shall cover all amounts payable under this contract and not  
5 already paid, and shall not be made to more than one party,  
6 except that any such assignment or reassignment may be made  
7 to one party as agent or trustee for two or more parties  
8 participating in such financing.

9           (b) In no event shall copies of this contract or  
10 of any plans, specifications, or other similar documents  
11 relating to work under this contract, if marked "Top Secret",  
12 "Secret", "Confidential", or "Restricted" be furnished to  
13 any assignee of any claim arising under this contract or  
14 to any other person not entitled to receive the same; pro-  
15 vided, that a copy of any part or all of this contract so  
16 marked may be furnished, or any information contained therein  
17 may be disclosed to such assignee upon the prior written  
18 authorization of the Contracting Officer.

19       20. LABOR RELATIONS AND STANDARDS

20           The provisions of this contract and the performance  
21 hereunder shall be subject to and in accordance with the laws  
22 of the Luxembourg Government and any political subdivision  
23 thereof, from time to time in effect, which govern the hours,  
24 wages, labor relations (including collective bargaining),  
25 workman's compensation, working conditions, and other matters  
26 pertaining to labor.

27       21. REPORTING OF ROYALTIES

28           If this contract is in an amount which exceeds  
29 \$10,000 the Luxembourg Government agrees to report in writing  
30 to the Contracting Officer during the performance of this  
31 contract the amount of royalties paid or to be paid by it  
32 directly to others in the performance of this contract. The  
33 Luxembourg Government further agrees (i) to furnish in  
34 writing any additional information relating to such royalties

1 as may be requested by the Contracting Officer, and (ii) to  
2 insert a provision similar to this clause in any subcontract  
3 hereunder which involves an amount in excess of the equivalent  
4 of ten thousand United States dollars.

5       22. EXAMINATION OF RECORDS

6           The following clause is applicable to the extent  
7 required by the laws of the United States:

8           (a) The Luxembourg Government agrees that the  
9 Comptroller General of the United States or any of his duly  
10 authorized representatives shall, until the expiration of  
11 three years after final payment under this contract, have  
12 access to and the right to examine any directly pertinent  
13 books, documents, papers and records of the Luxembourg Govern-  
14 ment involving transactions related to this contract.

15           (b) The Luxembourg Government further agrees to  
16 include in all its subcontracts hereunder a provision to the  
17 effect that the subcontractor agrees that the Comptroller  
18 General of the United States or any of his duly authorized  
19 representatives shall, until the expiration of three years  
20 after final payment under this contract with the United States  
21 Government, have access to and the right to examine any  
22 directly pertinent books, documents, papers, and records  
23 of such subcontractor involving transactions related to the  
24 subcontract. The term "subcontract" as used in this clause  
25 excludes (i) purchase orders not exceeding \$1,000 and (ii)  
26 subcontracts or purchase orders for public utility services  
27 at rates established for uniform applicability to the general  
28 public.

The rights and obligations of the parties to this contract shall be subject to and governed by the Cover Sheet, the Schedule consisting of \_\_\_\_ numbered pages, the General Provisions consisting of 15 numbered pages and this Signature Sheet. To the extent of any inconsistency between the Schedule or the General Provisions, and any specifications or other provisions which are made a part of this contract by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control. To the extent of any inconsistency between this contract and the Agreement dated April 17, 1954, the Agreement shall control. It is agreed that quotations and/or conversations leading up to and during the negotiations of this contract have been consummated by signing this contract which, together with the Agreement dated April 17, 1954, constitute the entire agreement between the parties hereto. The provisions of this contract shall be interpreted on the basis of the laws of the United States and the English language version of this contract.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE GRAND DUCHY OF LUXEMBOURG

THE UNITED STATES OF AMERICA

By \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
(Authorized Officer)

\_\_\_\_\_  
(Contracting Officer)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

For \_\_\_\_\_

*The Luxembourg Minister of Foreign Affairs to the American Minister*

MINISTÈRE  
DES AFFAIRES ETRANGÈRES

LUXEMBOURG, le 17 avril 1954.

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception de la lettre N° 57, en date de ce jour, par laquelle Votre Excellence a bien voulu me transmettre un exemplaire du contrat type préparé à l'issue des entretiens qui ont eu lieu entre les représentants de nos deux Gouvernements, concernant les contrats de gouvernement à gouvernement dans le cadre de l'Accord entre le Grand-Duché de Luxembourg et les Etats-Unis d'Amérique au sujet des achats offshore, signé à Luxembourg ce jour.

La note de Votre Excellence ainsi que la présente réponse seront considérées comme un accord entre nos deux Gouvernements qui devriendra effectif à la date à laquelle l'accord concernant les achats offshore sera lui-même mis en vigueur.

Je saisirai cette occasion, Monsieur le Ministre, de renouveler à Votre Excellence l'assurance de ma haute considération.

Jos BECH

Son Excellence

Monsieur WILEY T. BUCHANAN JR.

*Ministre des Etats-Unis d'Amérique  
Luxembourg*

*Translation*

MINISTRY  
OF FOREIGN AFFAIRS

LUXEMBOURG, April 17, 1954.

MR. MINISTER,

I have the honor to acknowledge the receipt of note No. 57 of this date, in which Your Excellency was good enough to transmit to me a copy of the standard contract prepared at the conclusion of the conversations between the representatives of our two Governments concerning the government-to-government contracts within the framework of the agreement between the Grand Duchy of Luxembourg and the United States of America relating to offshore procurement, signed at Luxembourg today.

Your Excellency's note and the present reply shall be considered an agreement between our two Governments to become effective on the date on which the agreement itself relating to offshore procurement enters into force.

I avail myself of this occasion, Mr. Minister, to renew to Your Excellency the assurance of my high consideration.

Jos BECH

His Excellency

WILEY T. BUCHANAN, Jr.,  
*Minister of the United States of America,  
Luxembourg.*

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*The American Minister to the Luxembourg Minister of Foreign Affairs*

AMERICAN LEGATION  
*Luxembourg, May 10, 1954*

No. 61

EXCELLENCY:

I have the honor to refer to Your Excellency's note of April 17, 1954, acknowledging receipt of my note No. 57, April 17, 1954, which transmitted a copy of the standard contract in connection with the Offshore Procurement Agreement signed the same day.

In order that Clause 13 of the Model Contract may always refer to current legislation, it is desired that it be changed to read as follows:

"The Luxembourg Government agrees to apply to this contract the provisions embodied in Section 631 of Public Law 179 and Section 629 of Public Law 488, 82nd Congress of the United States, and like provisions embodied in subsequent United States appropriation acts."

65 Stat. 450, 66 Stat.  
536.

I would appreciate it if Your Excellency might indicate that this change is acceptable to the Government of Luxembourg.

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

WILEY T. BUCHANAN, Jr.

His Excellency

JOSEPH BECH,  
*Minister of Foreign Affairs for the  
Grand Duchy of Luxembourg.*

*The Luxembourg Acting Minister of Foreign Affairs and Foreign Trade to the American Minister*

MINISTÈRE  
DES  
AFFAIRES ÉTRANGÈRES  
—  
SERVICE  
DU  
COMMERCE EXTÉRIEUR

LUXEMBOURG, le 16 juillet 1954

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception de la lettre n° 61, en date du 10 mai 1954, relative à la clause 13 du Model Contract et d'aviser Votre Excellence que le Gouvernement luxembourgeois est d'accord à compléter la clause 13 du Model Contract par les mots: ". . . and like provisions embodied in subsequent United States appropriation acts."

Je saisis cette occasion, Monsieur le Ministre, de renouveler à Votre Excellence l'assurance de ma haute considération.

Le Ministre des Affaires Etrangères  
et du Commerce Extérieur a. i.,

P FRIEDEN

Son Excellence

Monsieur WILEY BUCHANAN

*Ministre des Etats-Unis d'Amérique  
Luxembourg*

*Translation*

MINISTRY  
OF  
FOREIGN AFFAIRS  
—  
OFFICE  
OF  
FOREIGN TRADE

LUXEMBOURG, July 16, 1954

MR. MINISTER,

I have the honor to acknowledge receipt of note No. 61, dated May 10, 1954, relating to Clause 13 of the Model Contract and to inform Your Excellency that the Luxembourg Government is agreeable to supplementing Clause 13 of the Model Contract with the words: ". . . and like provisions embodied in subsequent United States appropriation acts."

I avail myself of this occasion, Mr. Minister, to renew to Your Excellency the assurance of my high consideration.

P FRIEDEN  
*Acting Minister of Foreign Affairs  
and Foreign Trade*

His Excellency

WILEY BUCHANAN,

*Minister of the United States of America,  
Luxembourg.*



# BRAZIL

## SURPLUS AGRICULTURAL COMMODITIES

*Agreement and exchanges of notes  
Signed at Rio de Janeiro November 16, 1955;  
Entered into force November 16, 1955.*

TIAS 3417  
Nov 16, 1955

### AGRICULTURAL COMMODITIES AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE UNITED STATES OF BRAZIL

The Government of the United States of America

and the Government of the United States of Brazil, hereinafter called the Government of Brazil,

Recognizing the desirability of expanding trade in agricultural commodities between the two countries and with other friendly nations in a manner which would not displace the usual marketings of the United States of America in those commodities or unduly disrupt world prices of agricultural commodities,

Considering that the purchase for cruzeiros of surplus agricultural commodities produced in the United States of America will assist in achieving such expansion of trade,

Considering that the cruzeiros accruing from such purchases will be utilized in a manner beneficial to both countries,

Desiring to set forth the understandings which will govern the sales of agricultural commodities to Brazil pursuant to Title I of the Agricultural Trade

68 Stat. 455.  
7 U.S.C. §§ 1701-  
1709.

Development and Assistance Act of 1954, as amended, Public Law 480, 83rd Congress of the United States, and the measures which the two Governments will take individually and collectively in furthering the expansion of trade in such commodities,

Have agreed as follows.

#### ARTICLE I

##### SALES FOR CRUZEIROS

1. Subject to the issuance and acceptance of the purchase authorizations referred to in Paragraph 2 of this Article, the Government of the United States of America undertakes to finance during the current United

States fiscal year ending June 30, 1956, sales for  
cruzeiros of certain agricultural commodities deter-  
mined to be surplus pursuant to Title I of the  
Agricultural Trade Development and Assistance Act of  
1954, as amended, to purchasers authorized by the  
Government of Brazil.

2. The Government of the United States of America will issue purchase authorizations which shall be subject to acceptance by the Government of Brazil, and shall include provisions relating to the sale and delivery of commodities, the time and circumstances of deposit of cruzeiros accruing from such sales and other relevant matters. Certain commodities, and amounts, with respect to which tentative agreement has been reached by the two Governments, are listed in Paragraph 3 of this Article.

3. The Government of the United States of America undertakes to finance the sale to the Government of Brazil of the following commodities, in the values

indicated, during the United States fiscal year  
1956, under the terms of Title I of the said Act  
and of this Agreement

| <u>Commodity</u>   | <u>Value</u> |
|--|--------------|
| (in United States Dollars)   |              |
| Wheat  | 31,000,000   |
| Wheat flour  | 1,100,000    |
| Feed grains  | 3,010,000    |
| Lard   | 1,790,000    |
| Cigar wrapper tobacco  | 250,000      |
| Ocean transportation for<br>50 percent of commodities<br>(estimated) | 4,070,000    |
| Total  | 41,220,000   |

## ARTICLE II

### USES OF CRUZEIROS

1. The two Governments agree that cruzeiros accruing to the Government of the United States of America as a consequence of the sales made pursuant to this Agreement will be used by the Government of

the United States of America, in such manner and order of priority as the Government of the United States of America shall determine, for the following purposes in the proportions shown.

(A) Twenty-four percent (24%) to help develop new markets for United States agricultural commodities on a mutually benefitting basis, to purchase for shipment to the United States specific materials for the supplemental United States stockpile, to finance international educational exchange activities in Brazil and for other United States expenditures in Brazil, provided that, of this amount \$2,834,400 is to be set aside for purchases of such specific materials at a firm cruzeiro price and under such other terms as may be agreed upon by

the two Governments. Any amount not used for such purchases by December 31, 1957 may, however, be used for any of the other purposes authorized above.

(B) Seventy-six percent (76%) of the accrued cruzeiros shall be loaned to the Government of Brazil to promote the economic development of Brazil in accordance with Article IV of this Agreement.

### ARTICLE III

#### DEPOSITS OF CRUZEIROS

1. The cruzeiros to be deposited to the account of the Government of the United States of America shall be the dollar sales value of the commodities reimbursed or financed by the Government of the United States of America converted into cruzeiros at a rate of exchange to be agreed upon between the two Governments. Such dollar sales value shall include ocean freight and handling reimbursed or financed by the Government of the United

States of America, except that it shall not include any excess cost of ocean freight resulting from the requirement of the Government of the United States of America that the commodities be transported on United States flag vessels.

2. The two Governments agree that upon receipt by the Government of Brazil of notice of dollar disbursements to United States exporters by the Government of the United States of America or in such other manner as may be mutually agreed, the Government of Brazil shall provide for the deposit of the cruzeiro equivalent of the dollar disbursements by the Government of the United States of America, for payment of the transaction concerned, in a "Special Account" of the Government of the United States of America in the Banco Nacional do Desenvolvimento Economico (hereinafter referred to as "Development Bank"), acting as an agent of the Government of Brazil. The cruzeiros constituting the twenty-four percent (24%) specified in Article II, Paragraph 1 (A) may, at the option of

the Government of the United States of America, be withdrawn at any time from the Special Account in the Development Bank, while the remaining seventy-six percent (76%) will be held in the Development Bank for loan purposes in accordance with the provisions of Article IV.

#### ARTICLE IV

##### DEVELOPMENT LOAN

1. The Government of the United States of America, through the Export-Import Bank of Washington, will loan to the Government of Brazil, through the Development Bank, the seventy-six percent (76%) of the deposits referred to in Article II, Paragraph 1 (B). The loan may be denominated in dollars or in cruzeiros as determined by the Government of Brazil.

(A) If denominated in dollars, the amount of the loan will be computed on the basis of the rate of exchange used for deposits of cruzeiros made pursuant to Article III, Paragraph 1. The Govern-

ment of Brazil agrees that this loan  
will be made under the conditions specified  
in a supplemental loan agreement between  
the authorized agencies of the two Govern-  
ments which will include among others, the  
following provisions

(i) Period.

Forty years starting from

January 1, 1956;

(ii) Payment Dates

Payment in semi-annual install-  
ments, the first payment of in-  
terest to be made as of June 30,  
1959, and the first of principal  
on December 31, 1960;

(iii) Payment of Principal and Interest

To be made in United States dollars  
or, at the option of the Government  
of Brazil, in cruzeiros, such pay-  
ment in cruzeiros to be made in

accordance with the provisions

of the loan agreement and any

agreement supplemental thereto;

(iv) Interest Rate

(a) Three percent (3%) per annum,

in the event of payment being made

in dollars, four percent (4%) per

annum if payment is made in

cruzeiros,

(b) No interest shall accrue dur-

ing the first three years.

(B) If denominated in cruzieros, the loan

would be repayable in cruzeiros with the

option of paying principal and interest

in dollars. The Government of Brazil

agrees that this loan will be made under

the conditions specified in a supplemental

loan agreement between the authorized agencies

of the two Governments which will include

among others, the following provisions

(i) Period

Forty years starting from January  
1, 1956,

(ii) Payment Dates

Payment in semi-annual installments,  
the first payment of interest to be  
made as of June 30, 1959, and the  
first of principal on December 31,  
1960;

(iii) Payment of Principal and Interest

To be made in cruzeiros or, at the  
option of the Government of Brazil,  
in United States dollars;

(iv) Interest Rate

(a) Five percent (5%) per annum,  
if the payment is made in cruzeiros,  
four percent (4%) per annum if the  
payment is made in dollars at an  
exchange rate to be determined at  
the time payment becomes due, or

three percent (3%) per annum if payment is made in dollars at the weighted average exchange rate at which cruzeiro sales proceeds were deposited,

(b) No interest shall accrue during the first three years.

2. The Government of the United States of America agrees to take into consideration the economic position of Brazil, including its balance of international payments, in connection with any contemplated use of cruzeiros paid to the Government of the United States of America hereunder.

3. The two Governments undertake to agree as between the Export-Import Bank of Washington as the lender and the Development Bank as the borrower, by letter or any other adequate document, to the conditions for the application of the funds to be loaned to the Government of Brazil through the present Agreement.

4. The loan funds referred to in Paragraph 1 of

this Article shall be used to promote trade and balanced economic development in Brazil.

5. Other details and procedures of the loan and/or modifications thereof shall be mutually agreed upon between the Government of the United States of America or the Export-Import Bank of Washington, an Agency thereof, and the Government of Brazil or the Development Bank.

6. In the event that the cruzeiros set aside for loan to the Government of Brazil are not advanced within three years from the date of this Agreement, the Government of Brazil will repay the cruzeiro equivalent in United States dollars to the Government of the United States of America.

#### ARTICLE V

##### GENERAL UNDERTAKINGS

1. The Government of Brazil agrees that it will take all possible measures to prevent the sale or transhipment to other countries, or the use for other than domestic purposes (except where such resale, transshipment or use is specifically approved by the Government of

the United States of America) of the surplus agricultural commodities purchased pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, and to assure that its purchase of such commodities shall not result in increased availability of these or like commodities to nations unfriendly to the United States of America.

2. The two Governments agree that they will take reasonable precautions to assure that sales or purchases of surplus agricultural commodities pursuant to this Agreement will not unduly disrupt world prices of agricultural commodities, displace the usual marketings of the United States in these commodities or materially impair relations among the countries of the free world.

3. In carrying out this Agreement the two Governments will seek to assure that private traders are used to the maximum extent practicable and will use their best endeavors to develop and expand continuous market demand for agricultural commodities.

4. The Government of Brazil agrees to furnish, upon

request of the Government of the United States of America,  
information on (a) the progress of the transaction  
particularly with respect to arrivals and the condition  
of commodities, (b) provisions for the maintenance of  
usual marketings, and (c) exports of the same and like  
commodities.

#### ARTICLE VI

##### CONSULTATION

The two Governments will, upon request of either  
of them, consult regarding any matter relating to the  
application of this Agreement or to the operation of  
arrangements carried out pursuant to this Agreement.

#### ARTICLE VII

##### ENTRY INTO FORCE

This Agreement shall enter into force upon signature.

In witness whereof, the respective representatives,  
duly authorized for the purpose, have signed the present  
Agreement.

Done at Rio de Janeiro, this 16th day of  
November, 1955, in four copies, two in English and  
two in Portuguese, equally authentic.

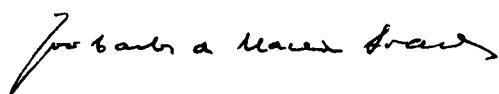
For the Government of the

United States of America



For the Government of the

United States of Brazil



ACÓRDO SÔBRE PRODUTOS AGRÍCOLAS ENTRE O GOVÉRNO  
DOS ESTADOS UNIDOS DA AMÉRICA E O GOVÉRNO DOS  
ESTADOS UNIDOS DO BRASIL

O Govêrno dos Estados Unidos da América, e o Govêrno  
dos Estados Unidos do Brasil, doravante mencionado como Govêrno do  
Brasil,

Reconhecendo a conveniência de expandir o comércio  
de produtos agrícolas entre os dois países e com outras nações ami-  
gas, sem deslocar os mercados normais dos Estados Unidos da América  
para êsses produtos ou perturbar indevidamente os preços internacio-  
nais dos produtos agrícolas;

Considerando que a compra em cruzeiros de excedentes  
agrícolas dos Estados Unidos da América contribuirá para a referida  
expansão do comércio;

Considerando que os cruzeiros provenientes das aqui-  
sições acima serão utilizados de forma a beneficiar ambos os paí-  
ses;

Desejando estabelecer as normas que regularão a ven-  
da de produtos agrícolas ao Brasil nos têrmos do Título I da Lei de  
Assistência e Desenvolvimento do Comércio Agrícola, de 1954, e suas  
emendas (Lei 480, do 83º Congresso dos Estados Unidos da América),  
assim como as medidas que os dois Governos adotarão individual e  
conjuntamente para promover a expansão do comércio dos referidos  
produtos;

Acordaram o seguinte:

ARTIGO I  
VENDAS EM CRUZEIROS

O Governo dos Estados Unidos da América, uma vez emitidas e aceitas as autorizações de compra mencionadas no parágrafo 2 dêste Artigo, se compromete a financiar, durante o corrente ano fiscal dos Estados Unidos da América, a terminar em 30 de junho de 1956, a venda em cruzeiros, a compradores autorizados pelo Governo do Brasil, de determinados produtos agrícolas, definidos como excepcionais, nos termos do Título I da Lei de Assistência e Desenvolvimento do Comércio Agrícola, de 1954, e suas emendas.

O Governo dos Estados Unidos da América emitirá autorizações de compra, sujeitas a aceitação pelo Governo do Brasil, as quais incluirão cláusulas sobre a venda e entrega de produtos, as datas e condições de depósito dos cruzeiros provenientes daquelas vendas e outras questões pertinentes. Estão enumerados no parágrafo 3 dêste Artigo alguns produtos e valores sobre os quais os dois Governos chegaram a um acordo preliminar.

O Governo dos Estados Unidos da América se compromete a financiar a venda ao Governo do Brasil dos seguintes produtos, nos valores indicados, durante o ano fiscal dos Estados Unidos da América, de 1956, de conformidade com os termos do Título I da referida Lei e dêste Acordo:

| <u>Produto</u>   | <u>Valor</u> |
|--|--------------|
| (em dólares dos Estados Unidos da América)                         |              |
| Trigo  | 31,000,000   |
| Farinha de Trigo   | 1,100,000    |
| Cereais para forragem  | 3,010,000    |
| Banha  | 1,790,000    |
| Fumo capeiro   | 250,000      |
| Estimativas do transporte marítimo para 50% dos produtos em apreço | 4,070,000    |
| TOTAL  | 41,220,000   |

ARTIGO II  
UTILIZAÇÃO DOS CRUZEIROS

Os dois Governos concordam em que os cruzeiros que couberem ao Governo dos Estados Unidos da América pelas vendas feitas nos termos deste Acordo serão utilizados pelo mesmo, na forma e na ordem de prioridade que determinar, para as seguintes finalidades e nas proporções indicadas:

- (A) Vinte e quatro por cento (24%) serão destinados  
(a) ao desenvolvimento, em base mútuamente beneficiária, de novos mercados para produtos agrícolas dos Estados Unidos da América; (b) à compra de produtos específicos a serem embarcados para os Estados Unidos da América, para o estoque suplementar desse país; (c) ao financiamento, no Brasil, de atividades de intercâmbio educativo internacional, e (d) ao pagamento de outras despesas dos Estados Unidos da América no Brasil, contanto que, do montante acima, US\$2,834,400 sejam reservados para a compra dos referidos produtos específicos, a um preço firme em cruzeiros, e nas demais condições que venham a ser estabelecidas de comum acordo pelos dois Governos. Qualquer quantia que não tenha sido utilizada para tal aquisição, até 31 de dezembro de 1957, poderá ser despendida em qualquer das outras finalidades acima autorizadas.
- (B) Setenta e seis por cento (76%) do depósito em cruzeiros serão emprestados ao Governo do Brasil para fomentar o desenvolvimento econômico desse país, segundo o disposto no Artigo IV deste Acordo.

ARTIGO IIIDEPÓSITOS EM CRUZEIROS

Os cruzeiros a serem depositados na conta do Governo dos Estados Unidos da América corresponderão ao preço de venda em dólares, dos produtos reembolsados ou financiados pelo Governo dos Estados Unidos da América, convertido em cruzeiros a uma taxa a ser acordada entre os dois Governos. O referido preço de venda em dólares incluirá frete marítimo e gastos de manipulação, excluído qualquer custo extraordinário de fretes marítimos decorrente do requisito legal, para o Governo dos Estados Unidos da America, de que os produtos sejam transportados em barcos de bandeira desse país.

Os dois Governos concordam em que, ao receber notificação de pagamentos em dólares efetuados pelo Governo dos Estados Unidos da América a exportadores desse país, ou noutra forma que possa ser mutuamente ajustada, o Governo do Brasil providenciara o depósito de cruzeiros equivalentes aos dólares desembolsados pelo Governo dos Estados Unidos da América, em pagamento da transação correspondente, em uma "Conta Especial" desse Governo no Banco Nacional do Desenvolvimento Econômico (doravante designado como Banco do Desenvolvimento), que atuará como agente do Governo do Brasil. Os cruzeiros que constituem os vinte e quatro por cento (24%) especificados no Artigo II, Paragrafo 1 (A), poderão ser retirados da "Conta Especial" no Banco do Desenvolvimento a qualquer momento, a critério do Governo dos Estados Unidos da America; os setenta e seis por cento (76%) restantes ficarão em poder do Banco do Desenvolvimento para fins de empréstimo, de acordo com as disposições do Artigo IV do presente Acordo.

ARTIGO IVEMPRÉSTIMO PARA DESENVOLVIMENTO

O Governo dos Estados Unidos da América, através do "Export-Import Bank of Washington", emprestará ao Governo do Brasil, através do Banco do Desenvolvimento, os setenta e seis por cento (76%) dos depósitos mencionados no Artigo II, Parágrafo 1 (B). O empréstimo poderá ser contabilizado em dólares ou em cruzeiros a critério do Governo do Brasil.

(A) Caso o empréstimo seja contabilizado em dólares, o total do mesmo será calculado na base da taxa de conversão utilizada para os depósitos em cruzeiros realizados em virtude do Artigo III, Parágrafo 1. O Governo do Brasil concorda em que o referido empréstimo será feito nos termos especificados em um ajuste suplementar de empréstimo entre as agências autorizadas dos dois Governos, o qual incluirá, entre outras, as seguintes condições:

(i) Prazo:

Quarenta anos a contar de 1<sup>a</sup> de Janeiro de 1956;

(ii) Datas de Pagamento:

O pagamento será feito em prestações semestrais, devendo ser efetuado o primeiro pagamento de juros em 30 de junho de 1959, e o primeiro pagamento do principal em 31 de dezembro de 1960;

(iii) Pagamento do Principal e dos Juros:

O pagamento será feito em dólares dos Estados Unidos da América ou, a critério do Governo do Brasil, em cruzeiros; caso o pagamento seja feito

em cruzeiros, deverá o mesmo seguir o disposto no ajuste de empréstimo ou em qualquer acôrdo suplementar ao mesmo;

(iv) Taxa de Juros:

(a) Três por cento (3%) ao ano, caso o pagamento seja feito em dólares, quatro por cento (4%) ao ano, caso o mesmo seja feito em cruzeiros;

(b) Não serão computados juros durante os três primeiros anos.

(B) Caso o empréstimo seja contabilizado em cruzeiros, o total do mesmo sera reembolsável em cruzeiros, com a opção de pagamento do principal e dos juros em dólares. O Govêrno do Brasil concorda em que êste empréstimo será feito nos têrmos especificados em um ajuste suplementar de empréstimo entre as agências autorizadas dos dois Governos, o qual incluiria, entre outras, as seguintes condições.

(i) Prazo:

Quarenta anos a contar de 1º de Janeiro de 1956,

(ii) Datas de pagamento:

O pagamento sera feito em prestações semestrais, devendo ser efetuado o primeiro pagamento de juros em 30 de junho de 1959, e o primeiro pagamento principal em 31 de dezembro de 1960;

(iii) Pagamento do Principal e dos Juros:

O pagamento será feito em cruzeiros ou, a critério do Govêrno do Brasil, em dólares dos Estados Unidos da America,

(iv) Taxa de Juros:

- (a) Cinco por cento (5%) ao ano, caso o pagamento seja feito em cruzeiros, quatro por cento (4%) ao ano, caso o pagamento seja em dólares, à uma taxa de conversão a ser convencionada na época do pagamento; ou três por cento (3%) ao ano se o pagamento fôr feito em dólares à média ponderada das taxas de conversão pelas quais tenham sido depositados os cruzeiros provenientes da transação;
- (b) Não serão computados juros durante os três primeiros anos.

Ao empregar os cruzeiros recebidos na forma dêste Acôrdo em qualquer dos fins nêle previsto, o Govérno dos Estados Unidos da América se compromete a levar em consideração a posição econômica do Brasil, inclusive a sua balança de pagamentos internacionais.

Os dois Governos se comprometem a promover, entre o "Export-Import Bank of Washington", na qualidade de mutuante, e o Banco do Desenvolvimento, na de mutuário, um ajuste, por troca de cartas ou outro instrumento apropriado, regulando as condições para a aplicação dos recursos a serem emprestados ao Govérno do Brasil através do presente Acôrdo.

O empréstimo a que se refere o Parágrafo 1 dêste Artigo será utilizado para fomentar o comércio e o desenvolvimento econômico equilibrado do Brasil.

Outros pormenores, dispositivos e/ou modificações do empréstimo serão accordados entre o Govérno dos Estados Unidos da América ou o "Export-Import of Washington" e o Govérno do Brasil ou o Banco do Desenvolvimento.

Caso a quantia em cruzeiros reservada para emprestimo ao Governo dos Estados Unidos do Brasil não seja utilizada ou comprometida pelo Banco do Desenvolvimento, dentro de três anos a contar da data deste Acordo, o Governo do Brasil reembolsara o Governo dos Estados Unidos da América da quantia em dólares dos Estados Unidos da América equivalente aos cruzeiros não utilizados ou comprometidos.

ARTIGO V  
OBRIGAÇÕES GERAIS

O Governo do Brasil concorda em tomar todas as medidas ao seu alcance para impedir a venda ou reembarque para outros países, ou utilização para fins que não sejam de consumo interno, dos excedentes agrícolas adquiridos nos termos da Lei de Assistência e Desenvolvimento do Comércio Agrícola, de 1954, e suas emendas (exceto nos casos em que haja concordância específica do Governo dos Estados Unidos da América para a revenda, reembarque ou utilização em aprêço), concorda igualmente em tomar todas as medidas ao seu alcance para assegurar que a compra dos referidos produtos não redunde em maiores disponibilidades dos mesmos, ou de outros produtos semelhantes, para países cujas relações com os Estados Unidos da América não sejam amistosas.

Os dois Governos concordam em tomar precauções razoáveis para assegurar que as vendas ou compras de excedentes agrícolas, nos termos deste Acordo, não perturbem indevidamente os preços internacionais dos produtos agrícolas, não desloquem os mercados normais dos Estados Unidos da América para esses produtos, nem prejudiquem as relações comerciais entre os países do mundo livre.

Na execução deste Acordo os dois Governos procurarão assegurar sejam utilizados, na medida do possível, os canais do comércio privado e esforçar-se-ão por promover e estimular a procura

de produtos agrícolas.

O Governo do Brasil concorda em fornecer, a pedido do Governo dos Estados Unidos da América, dados sobre (a) a execução das transações, em particular as chegadas e condições de recebimento dos referidos produtos; (b) as medidas adotadas com o fim de manter o comércio normal de tais produtos e (c) as exportações dos mesmos e outros semelhantes.

ARTIGO VI

CONSULTA

Os dois Governos, a pedido de uma das partes contrantes, consultar-se-ão sobre qualquer assunto referente à execução do presente Acordo ou das operações nêle previstas.

ARTIGO VII

VIGÊNCIA

O presente Acordo entrará em vigor na data de sua assinatura.

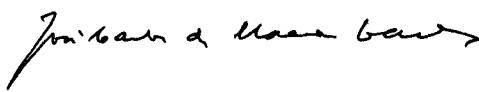
EM FÉ DO QUE, os representantes devidamente autorizados assinam o presente Acordo.

Feito na cidade do Rio de Janeiro, aos dezesseis dias do mês de novembro de 1955, em quatro exemplares, dois em inglês e dois em português, os quais farão igualmente fé.

Pelo Governo dos Estados Unidos da América.



Pelo Governo dos Estados Unidos do Brasil.



*The American Ambassador to the Brazilian Minister of Foreign Affairs*

AMERICAN EMBASSY,

No. 134

*Rio de Janeiro, November 16, 1955*

EXCELLENCY:

I have the honor to refer to the Agricultural Commodities Agreement between the Government of the United States of America and the Government of Brazil signed today and in particular to Article III, Paragraph 1, concerning the rate of exchange for the deposit of cruzeiros by the Government of Brazil in payment for surplus agricultural products.

I wish to confirm my Government's understanding of the agreement reached in conversations which have taken place between this Embassy and the Ministry of Foreign Affairs with reference to the applicable rate of exchange for the deposit of cruzeiros equivalent to the dollar sales value of commodities to be purchased under the Agricultural Commodities Agreement. Under the exchange system now in effect in Brazil, deposits will be made at the 4th or highest category export rate, now 50.06 cruzeiros per dollar. If, during the period of shipment of the commodities purchased, the exchange system of Brazil is changed to establish a unitary rate or a rate generally applicable to import transactions (except imports granted a preferential rate), subsequent deposits will be made at that rate.

If the dollar-denominated loan agreement is chosen by the Government of Brazil in accordance with Article IV, Paragraph 1 (A), it is agreed that payment of principal and interest if made in cruzeiros shall be at the same type of exchange rate as would be applicable to deposits if they were to be made on the date such payments become due.

I shall appreciate receiving Your Excellency's confirmation of the above understanding.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JAMES CLEMENT DUNN

His Excellency

JOSE CARLOS DE MACEDO SOARES,  
*Minister of Foreign Affairs  
of Brazil.*

*The Brazilian Minister of Foreign Affairs to the American  
Ambassador*

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

DE/DAI/CCT/200/842.11(42)(22)

*Em 16 de novembro de 1955*

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da nota nº 134, datada de hoje, de Vossa Excelência, que abaixo transcrevo na sua tradução portuguêsa.

“Tenho a honra de referir-me ao Acôrdo sôbre Produtos Agrícolas hoje concluído entre o Govêrno dos Estados Unidos da América e o Govêrno dos Estados Unidos do Brasil, e, em particular, ao Artigo III, Parágrafo 1, relativo à taxa de conversão aplicável ao depósito em cruzeiros a ser efetuado pelo Govêrno do Brasil em pagamento de excedentes agrícolas.

2. Apraz-me confirmar a interpretação que meu Govêrno dá ao Acôrdo alcançado nas conversações realizadas entre esta Embaixada e o Ministério das Relações Exteriores no tocante à taxa de conversão aplicável ao depósito em cruzeiros equivalente ao valor em dólares das vendas de produtos a serem adquiridos nos termos do Acôrdo sôbre Produtos Agrícolas. De conformidade com o sistema cambial vigente no Brasil, os depósitos serão efetuados à taxa da 4<sup>a</sup>, ou seja a mais elevada categoria, de exportação, atualmente Cr\$ 50,06 por dólar. Caso, durante o período de embarque das mercadorias, o sistema cambial brasileiro seja alterado com o objetivo de estabelecer uma taxa única ou uma taxa aplicável de um modo geral, às transações de importação (excetuadas as importações que gozem de um câmbio preferencial), os depósitos subsequentes serão feitos a essa taxa.

3. Na hipótese de o Govêrno do Brasil, de acordo com o Artigo IV, Parágrafo 1 (A), preferir contabilizar o empréstimo em dólares, fica entendido que o pagamento do principal e dos juros, se feito em cruzeiros, será ao mesmo tipo de taxa de conversão que seria aplicável aos depósitos caso estes fossem efetuados na data em que tais pagamentos se tornem devidos.

4. Muito agradeceria a Vossa Excelência a gentileza de confirmar a interpretação acima”

2. O Govêrno dos Estados Unidos do Brasil concorda com que a nota de Vossa Excelência, acima transcrita, e esta resposta,

constituam um acôrdo entre os dois Governos sôbre êste assunto.  
Aproveito a oportunidade para renovar a Vossa Excelêncie os protestos da minha mais alta consideração.

JOSÉ CARLOS DE MACEDO SOARES

A Sua Excelêncie o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DE/DAI/CCT/200/842.11(42)(22)

November 16, 1955

MR. AMBASSADOR,

I have the honor to acknowledge receipt of Your Excellency's note No. 134, dated today, a Portuguese translation of which I transcribe below.

[For the English language text of the note, see *ante*, p. 4058.]

2. The Government of the United States of Brazil agrees that Your Excellency's note, transcribed above, and this reply constitute an understanding between the two Governments on this matter.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

JOSÉ CARLOS DE MACEDO SOARES

His Excellency

JAMES CLEMENT DUNN,

*Ambassador of the United States of America.*

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*The American Ambassador to the Brazilian Minister of Foreign Affairs*

AMERICAN EMBASSY,

No. 136

Rio de Janeiro, November 16, 1955

EXCELLENCY:

I have the honor to refer to the Agricultural Commodities Agreement between the Government of the United States of America and the Government of Brazil signed today and in particular to Article II, Paragraph 1 (A) regarding the purchase by the United States from Brazil of specific materials for the

United States supplemental stockpile with the proceeds of the sale of surplus agricultural products.

I wish to confirm the understanding of my Government, with reference to the purchase of such specific materials in the amount of \$2,834,400. that the term specific materials as used in this note and in the Agricultural Commodities Agreement means rare earth carbonate having a formula  $RE_2(CO_3)_3 \cdot H_2O$ , or rare earth sodium sulphate having a formula  $RE_2(SO_4)_3 \cdot Na_2SO_4 \cdot 2H_2O$ , subject to chemical analysis meeting limits as specified by the Government of the United States of America, which will include the requirement that there will be no free acid of any kind in the material.

It is also my Government's understanding that the purchases of specific materials will be made at a firm cruzeiro price under an agreement to be entered into by the Government of the United States of America and the Government of the United States of Brazil or their designated Agencies, with payment therefor to be made from the proceeds of the sale of surplus agricultural products. My Government is agreeable to making advance payment for such specific materials as the cruzeiros become available from such sales, provided disbursements are made through the Bank of Brazil and a commitment acceptable to the Government of the United States of America is received that if for any reason any quantity of the specific materials is not delivered, the Government of the United States of America will be reimbursed at the latest on December 31, 1957 which shall be the final date for the settlement of this transaction.

I shall appreciate receiving Your Excellency's confirmation of the foregoing understanding.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JAMES CLEMENT DUNN

His Excellency

JOSE CARLOS DE MACEDO SOARES,  
*Minister of Foreign Affairs  
of Brazil.*

*The Brazilian Minister of Foreign Affairs to the American Ambassador*

MINISTÉRIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

DE/DAI/CCT/201/842.11(42)(22)

*Em 16 de novembro de 1955*

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da nota nº 135, datada de hoje, de Vossa Excelência, que abaixo transcrevo na sua tradução portuguêsa:

"Tenho a honra de referir-me ao Acôrdo sobre Produtos Agrícolas hoje concluído entre o Govêrno dos Estados Unidos da América e o Govêrno dos Estados Unidos do Brasil e em particular, ao Artigo II, Parágrafo 1 (A) relativo a compra de produtos específicos do Brasil pelos Estados Unidos da América, para o seu estoque suplementar, com o produto das vendas de excedentes agrícolas.

2. Apraz-me confirmar a interpretação de meu Govêrno de que, no tocante a compra de produtos específicos, no valor de US\$ 2, 834,400. a expressão "produtos específicos" usada nesta nota e no Acôrdo sobre Produtos Agrícolas significa carbonato de terras raras de fórmula  $RE_2(CO_3)_3 \cdot H_2O$ , ou sulfato de sódio de terras raras, da fórmula  $RE_2(SO_4)_3 \cdot Na_2SO_4 \cdot 2H_2O$ , sujeitos a uma análise química dentro dos limites especificados pelo Govêrno dos Estados Unidos da América inclusive o requisito de que não haja ácido livre de qualquer espécie nos produtos em apreço.

3. Entende ainda o meu Govêrno que a compra dos produtos específicos será feita a um preço firme em cruzeiros através de um ajuste a ser concluído entre o Govêrno dos Estados Unidos da América e o Govêrno dos Estados Unidos do Brasil, ou entre as agências pelos mesmos designadas, mediante pagamento com recursos provenientes da venda de excedentes agrícolas. Meu Govêrno concorda em efetuar pagamentos adiantados por tais produtos específicos a medida que os cruzeiros resultantes da venda de produtos agrícolas se tornem disponíveis contanto que os adiantamentos sejam feitos através do Banco do Brasil e desde que o Govêrno dos Estados Unidos da América receba um compromisso de que, se por qualquer motivo, parte dos produtos específicos não for entregue, o Govêrno dos Estados Unidos da América será reembolsado, até 31 de dezembro de 1957, data final para a conclusão desta operação.

4. Muito agradeceria a Vossa Excelênci a gentileza de confirmar a interpretação acima”
2. O Governo dos Estados Unidos do Brasil concorda com que a nota de Vossa Excelênci, acima transcrita, e esta resposta constituam um acôrdo entre os dois Govêrnos sôbre este assunto.
- Aproveito a oportunidade para renovar a Vossa Excelênci os protestos da minha mais alta consideração.

JOSÉ CARLOS DE MACEDO SOARES

A Sua Excelênci o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DE/DAI/CCT/201/842.11(42)(22)

November 16, 1955

MR. AMBASSADOR,

I have the honor to acknowledge receipt of Your Excellency's note No. 135, dated today, a Portuguese translation of which I transcribe below:

[For the English language text of the note, see *ante*, p. 4060.]

2. The Government of the United States of Brazil agrees that Your Excellency's note, transcribed above, and this reply constitute an understanding between the two Governments on this matter.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

JOSÉ CARLOS DE MACEDO SOARES

His Excellency

JAMES CLEMENT DUNN,  
*Ambassador of the United States of America.*

# JAPAN

## Payment for Damages to Property of Japanese Nationals

TIAS 3418  
Aug. 24, 1955

*Agreement effected by exchange of notes  
Signed at Tokyo August 24, 1955;  
Entered into force August 24, 1955.*

*The American Chargé d'Affaires ad interim to the Japanese Prime Minister and Minister for Foreign Affairs ad interim*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

No. 294

AMERICAN EMBASSY,  
*Tokyo, August 24, 1955.*

EXCELLENCY:

I have the honor to refer to damages to the property of Japanese nationals resulting from a crash of a U.S. Far East Air Forces' RB-29 which was attacked by Soviet MIG fighters off the city of Nemuro, Hokkaido on November 7, 1954.

As Your Excellency is aware, the Far East Air Forces, after the occurrence of the above mentioned incident, provided on an ex-gratia basis \$1,000 (¥360,000) directly to one of the Japanese sufferers, as a token of their sympathy.

The United States Government is of the opinion that the damages resulting from the said incident was caused by the illegal attack by the Soviet fighters on the U.S. aircraft, that the United States has no legal responsibility for such damages, and that the Soviet Government therefore should duly undertake liability for compensation for the said damages. However, I wish to inform Your Excellency that, taking into full consideration the difficult circumstances of the aforementioned sufferers, the United States Government has the intention of paying to the sufferers on an ex-gratia basis \$2,749.65 (¥989,874) in addition to \$1,000 already provided as mentioned above.

It is the understanding of the United States Government that if and when the Soviet Government compensates for the said damages sustained by the Japanese nationals, the said sum total

should be reimbursed to the United States Government to such extent as compensated by the Soviet Government.

It would be much appreciated if Your Excellency would inform me as to whether or not the Japanese Government will agree to the said additional payment and confirm that the said understanding of the United States Government is also that of the Japanese Government.

Accept, Excellency, the assurances of my highest consideration.

J. GRAHAM PARSONS  
*Chargé d'Affaires ad interim*

His Excellency

ICHIRO HATOYAMA,  
*Prime Minister,*  
*Minister for Foreign Affairs ad interim,*  
*Tokyo.*

外務省

外務大臣臨時代理  
内閣總理大臣鳩山一郎

アメリカ合衆国臨時代理大使  
ジョン・グラハム・バーソンズ公使 貴下



見を有しております。しかしながら、本使は、合衆国政府が、前記の被害者の窮状を充分考慮に入れて、既に支給済みの前記の一一千ドルに加えて、更に二、七四九・六五ドル（九八九、八七四円）を、見舞金として被害者に支払う意向を有する旨を閣下に通報いたします。

合衆国政府は、ソ連政府が日本人が被つた前記の損害を補償する場合は、ソ連政府の補償する限度において、前記の金額の総額が合衆国政府に償還さるべきものと了解いたします。

日本国政府が、前記の追加の支払に同意されるかどうか及び前記の合衆国政府の了解が日本国政府の了解でもあることを確認されるかどうかにつき、閣下が通報されれば幸甚であります。

本大臣は、本件事故による日本人被害者に合衆国政府が寄せられた同情を深く感謝し、日本国政府が、前記の追加の支払を行わんとする合衆国政府の意向を確認することを貴下に通報する光榮を有します。

本大臣は、さらに、日本国政府が、合衆国政府が損害について何らの法律的責任を有しないと考えること、日本人被害者が当然有すると考えられるソ連政府に対する補償請求権に関する立場を日本国政府が留保すること、及びソ連政府が日本人の被つたその損害を補償する場合は、三、七四九・六五ドル（一、三四九、八七四円）の全額、すなわち前記の二、七四九・六五ドル（九八九、八七四円）及び既に合衆国極東空軍が被害者のうちの一人に直接支給した一千ドル（三十六万円）は、ソ連政府の補償する限度において、合衆国政府に償還さるべきことを日本国政府に代つて申し述べる光榮を有します。

本大臣は、貴下に敬意を表します。

一九五五年八月二十四日

外務省

*The Japanese Prime Minister and Minister for Foreign Affairs ad interim to the American Chargé d'Affaires ad interim*

書簡をもつて啓上いたします。本大臣は、貴下が次のように通報された本日付の貴簡を受領したことを確認する光榮を有します。

本使は、一九五四年十一月七日、北海道根室市附近で、ソ連ミグ戦斗機の攻撃をうけた合衆国極東空軍機R B-29の墜落から生じた日本人財産に対する損害に言及する光榮を有します。

閣下の知られるとおり、極東空軍は前記の事件の発生後、被害者のうちの一人に対し、同情のしるしとして、見舞金一千ドル(三十六万円)を直接支給しました。

合衆国政府は、前記の事件の結果生じた損害は、合衆国航空機に対するソ連戦斗機の不法攻撃によつて生じたものであり、合衆国はその損害に対し何らの法律的責任を有するものではなく、従つてソ連政府が当然その損害の補償責任を負うべきであるとの意

*Translation*

THE GAIMUSHO

Tokyo, August 24, 1955.

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge the receipt of your note of today's date in which you have informed me as follows:

[For the English language text of the note, see *ante*, p. 4064.]

With full appreciation of the sympathy extended by the U.S. Government to the Japanese sufferers from this incident, I have the honor to inform you that the Japanese Government acknowledges the U.S. intention to make the above mentioned additional payment.

I have further the honor, on behalf of the Japanese Government, to state that the Japanese Government considers that there is no legal responsibility on the part of the U.S. Government for damages and that the Japanese Government reserves its position with regard to the claims for compensation against the Soviet Government to which the Japanese sufferers are considered to be entitled, and that if and when the Soviet Government compensates for the said damages sustained by the Japanese nationals, the sum total of \$3,749.65 (¥1,349,874), viz: the above mentioned \$2,749.65 (¥989,874) and \$1,000 (¥360,000) already provided by the U.S. Far East Air Forces directly to one of the sufferers should be reimbursed to the U.S. Government to such extent as compensated by the Soviet Government.

Accept, Mr. Chargé d'Affaires, the assurances of my high consideration.

ICHIRO HATOYAMA

Prime Minister,  
Minister for Foreign Affairs  
*ad interim*

J. GRAHAM PARSONS, Esq.,  
Minister Plenipotentiary,  
Chargé d'Affaires *ad interim* of  
the United States of America  
Tokyo.

# GUATEMALA

## Reciprocal Trade

*Agreement terminating the reciprocal trade agreement of April 24, 1936.* TIAS 3419  
*Effectuated by exchange of notes* Aug. 2 and  
*Signed at Guatemala August 2 and September 28, 1955;* Sept. 28, 1955  
*Entered into force September 28, 1955.*

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*The Guatemalan Minister of Foreign Relations to the American Ambassador*

MINISTERIO DE RELACIONES EXTERIORES  
REPÚBLICA DE GUATEMALA  
SECCIÓN DIPLOMÁTICA

II-5 (73)

14128

GUATEMALA, 2 de agosto de 1955.

SEÑOR EMBAJADOR:

Tengo el honor de referirme a las conversaciones habidas entre Representantes del Gobierno de Guatemala y del Gobierno de los Estados Unidos relativas a la terminación, por mutuo acuerdo, del Tratado Comercial de 24 de abril de 1936.

El Gobierno de Guatemala ha puesto de manifiesto claramente que a causa de sus leyes y tarifas de aduana anticuadas y la consecuente necesidad de revisarlas, se ha hecho cada vez más difícil la aplicación de los términos del referido Convenio Comercial. En vista de esta situación, y de acuerdo con las conversaciones a que me he referido, tengo el honor de proponer al Ilustrado Gobierno de los Estados Unidos que el Convenio Comercial entre la República de Guatemala y los Estados Unidos de América, suscrito en esta ciudad el 24 de abril de 1936, cese en sus efectos a partir del día 15 de octubre de 1955.

Si el Gobierno de los Estados Unidos de América estuviere de acuerdo con lo anterior, esta nota y la respuesta de Vuestra Excelencia constituirán un arreglo entre nuestros dos Gobiernos que pondrá fin a la vigencia del referido acuerdo comercial, y entrará en vigor en la fecha de la nota de Vuestra Excelencia:

El Gobierno de Guatemala analiza la posibilidad de adherirse al Convenio General de Tarifas y Comercio y, al efecto, está

haciendo un estudio detenido de este asunto que espera concluir en fecha muy próxima.

Aprovecho esta oportunidad para renovar a Vuestra Excelencia el testimonio de mi consideración más alta y distinguida,

DOMINGO GOICOLEA VILLACORTA

Excelentísimo Señor EDWARD J. SPARKS,  
*Embajador Extraordinario y Plenipotenciario  
 de los Estados Unidos.  
 Ciudad.*

*Translation*

MINISTRY OF FOREIGN RELATIONS  
 REPUBLIC OF GUATEMALA  
 DIPLOMATIC SECTION

II-5 (73)

14128

GUATEMALA, August 2, 1955.

MR. AMBASSADOR:

I have the honor to refer to the conversations held between representatives of the Government of Guatemala and the Government of the United States regarding the termination by mutual consent of the Trade Agreement of April 24, 1936.

The Government of Guatemala has clearly stated that, because of its antiquated customs laws and tariffs and the consequent necessity of revising them, the application of the terms of the aforesaid Trade Agreement has become increasingly difficult. In view of this situation and in accordance with the conversations to which I have referred, I have the honor to propose to the Government of the United States that the Trade Agreement between the Republic of Guatemala and the United States of America, signed in this city on April 24, 1936, terminate on October 15, 1955.

If the Government of the United States of America concurs in the foregoing, this note and Your Excellency's reply will constitute an arrangement between our two Governments terminating the validity of the aforesaid Trade Agreement, and will enter into force on the date of Your Excellency's note.

The Government of Guatemala is considering the possibility of adhering to the General Agreement on Tariffs and Trade and, to this end, is making a detailed study of this matter which it hopes to complete at an early date.

EAS 92.  
 49 Stat. 3989.

TIAS 1700.  
 61 Stat. pts. 5 and 6

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

DOMINGO GOICOLEA VILLACORTA

His Excellency

EDWARD J. SPARKS,

*Ambassador Extraordinary and Plenipotentiary  
of the United States,  
City.*

*The American Ambassador to the Guatemalan Minister of Foreign  
Relations*

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 50

*Guatemala, September 28, 1955*

**EXCELLENCE:**

I have the honor to refer to Your Excellency's note dated August 2, 1955 relating to the termination by mutual consent of the Trade Agreement signed April 24, 1936.

I have the honor to inform you that your proposal to terminate the Trade Agreement by mutual consent effective October 15, 1955 is acceptable to the United States Government and that your note and this reply shall constitute an agreement between our two governments which shall enter into force today.

I am pleased to note that the Government of Guatemala is considering the possibility of adhering to the General Agreement on Tariffs and Trade and to this end is making a detailed study which it hopes to complete at an early date. The United States Government hopes that upon completion of this study the Government of Guatemala will find it possible to undertake negotiations with a view to its accession to the General Agreement.

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

EDWARD J. SPARKS

His Excellency

Licenciado DOMINGO COICOLEA VILLACORTA,  
*Minister of Foreign Relations,  
Guatemala.*



# DOMINICAN REPUBLIC

## Technical Cooperation: Agriculture

*Agreement effected by exchange of notes  
Dated at Ciudad Trujillo June 22 and 30, 1955;  
Entered into force June 30, 1955.  
And confirmation signed at Ciudad Trujillo October 13, 1955.*

TIAS 3420  
June 22, 30,  
and Oct. 13, 1955

*The American Embassy to the Dominican Department of State  
for Foreign Affairs and Worship*

No. 505

The Embassy of the United States of America presents its compliments to the Department of State for Foreign Affairs and Worship and has the honor to refer to its Note No. 14002, dated June 7, 1955,[<sup>1</sup>] relative to a request for Technical Assistance in the establishment of a Cooperative Agricultural Servicio in the Dominican Republic for the purpose of effectuating a broad program of agricultural development in accordance with the General Agreement on Technical Cooperation concluded between the Government of the United States of America and the Government of the Dominican Republic on February 20, 1951.

TIAS 2226.  
2 UST 709.

There is cited below the terms of a program agreement on agricultural development assistance into which the Government of the United States through the Foreign Operations Administration is prepared to enter:

### AGREEMENT FOR A COOPERATIVE AGRICULTURE PROGRAM BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DOMINICAN REPUBLIC

The Government of the United States of America and the Government of the Dominican Republic,

Have agreed as follows:

#### ARTICLE I—OPERATING AGENCIES

Pursuant to the General Agreement for Technical Cooperation

<sup>1</sup> Not printed.

between the Government of the United States of America and the Government of the Dominican Republic, effected by an exchange of notes signed at Ciudad Trujillo on February 20, 1951, the cooperative agriculture program in the Dominican Republic shall be continued as set forth herein. The obligations assumed herein by the Government of the United States of America will be performed by it through the Foreign Operations Administration (hereinafter referred to as the "Administration"), an agency of the Government of the United States of America. The Administration may discharge its obligations hereunder through the Institute of Inter-American Affairs. The obligations assumed herein by the Government of the Dominican Republic will be performed by it through its Department of Agriculture (hereinafter referred to as the "Department"). The obligations assumed herein by the Administration and the Department may be performed, respectively, by the Administration and the Department, any successor agency to either of those agencies, or any other agency designated for the purpose. The Administration and the Department may secure the assistance of other public and private agencies in discharging their respective obligations hereunder. The Administration and the Department shall participate jointly in all phases of the planning and administration of the cooperative program. This Agreement and all activities carried out pursuant to it shall be governed by the said General Agreement for Technical Cooperation.

#### ARTICLE II—OBJECTIVES

The objectives of this cooperative agriculture program are:

1. To facilitate and encourage the development of improved agricultural services for the people of the Dominican Republic through cooperative action.
2. To develop methods and techniques whereby knowledge in the field of agriculture may be applied to the solution of agricultural problems of the Dominican Republic.
3. To encourage and assist in the diversification of the agriculture of the Dominican Republic as a means toward a broadened agricultural economy and a better balanced national dietary.
4. To promote the interchange of knowledge, skills and techniques in agriculture between the two countries, to strengthen understanding between the people of the Dominican Republic and the United States, and to foster the growth of democratic ways of living.

ARTICLE III—FIELDS OF ACTIVITY

This cooperative agriculture program will include, to the extent that the parties from time to time agree thereon, operations of the following types:

1. Studies of the needs of the Dominican Republic in the field of agriculture and the resources which are available for exploitation to meet those needs;
2. The formulation and continuous adaptation of a program to help meet such needs;
3. The initiation and administration of projects in the field of agriculture, emphasizing extension and research involved with basic or new crops and with livestock, and with development of such specific crops as coffee and cacao, and also providing for assistance and advice to the Department on its development program and other projects in the field of agriculture as the parties may agree upon;
4. Related training activities both within and outside of the Dominican Republic.

ARTICLE IV—THE COOPERATIVE SERVICE

There is hereby established within the Department, the Servicio Técnico Interamericano Cooperativo Agrícola (hereinafter referred to as the "STICA"). The STICA shall be an agency of the Government of the Dominican Republic, and shall administer the cooperative agriculture program in accordance with the provisions of this Agreement. The Director of the United States Operations Mission (hereinafter referred to as the "Mission Director") or such person as the Mission Director may designate after prior consultation with the Secretary of State for Agriculture (hereinafter referred to as the "Secretary") shall serve as the Director of the STICA, (hereinafter referred to as the "Director"). United States personnel may become officers or employees of the STICA by appointment by the Director, under such terms and conditions as may be agreed upon by the Secretary and the Director.

ARTICLE V—PROJECT OPERATIONS

1. The Cooperative agriculture program herein provided for shall consist of a series of projects to be planned jointly by the Director and the Secretary or his designee. Each project shall be embodied in a written project agreement which shall be signed by the Mission Director and the Secretary or their designees and by the Director. Each project agreement shall define the work

to be done, shall, as necessary, make allocations of funds therefor, from moneys available to the STICA, and may contain such other matters as the parties may desire to include. Project Agreements may be entered into with other departments or agencies of the Government of the Dominican Republic to provide for the administration or projects by such other agencies.

2. Upon completion of any project, a Completion Memorandum shall be drawn up and signed by the Mission Director and the Secretary or their designees and the Director, which shall provide a record of the objectives ought to be achieved, the work done, the expenditures made, the problems encountered and the results achieved.

3. The general policies and general administrative procedures that are to govern the cooperative program, the carrying out of projects and the operations of the STICA, such as the disbursement of, and accounting for, funds, the incurrence of obligations of the STICA, the purchase, use inventory, control and disposition of property, the appointment and discharge of officers and other personnel of the STICA and the terms and conditions of their employment, and all other administrative matters, shall be determined by the Director and the Secretary or their designees.

4. All contracts and other instruments and documents relating to the execution of projects under this Agreement shall be executed in the name of STICA and shall be signed by the Director, provided, that any contract committing STICA funds in an amount in excess of one thousand dollars (\$1000) shall be approved in advance by the Secretary or his designee. The books and records of the STICA relating to the cooperative program shall be open at all times during the term of this Agreement and three years thereafter, for examination by authorized representatives of the Government of the Dominican Republic and the Government of the United States of America. Either party may at any time during the term of this Agreement observe any operations conducted hereunder, and inspect any properties procured by the STICA under this Agreement. The Director shall, when requested by either party, render to such party an annual report of the activities of the STICA, and shall submit other reports at such intervals as may be appropriate.

5. It is understood that, in the event that the STICA is required to be represented before any judicial body or governmental agency in the Dominican Republic, the United States personnel shall not be required to appear for purposes of such representation and that the Department shall, as necessary, arrange such representation.

6. Any power conferred by this Agreement upon the Mission Director or the Secretary may be delegated in writing by either of them to any of their respective assistants. Such delegation shall not limit the right of either of them to refer any matter directly to the other for discussion and decision.

#### ARTICLE VI—UNITED STATES PERSONNEL

1. The Administration will make available funds to pay the costs of furnishing, in accordance with project agreements executed pursuant to paragraph 1 of Article V, the services of technicians to collaborate in carrying out the cooperative program. The Administration will also pay the costs of assigning administrative and technical support personnel necessary in conducting the activities under this Agreement, the number and type of such personnel to be determined by the Administration. All personnel assigned in the Dominican Republic pursuant to this paragraph shall be selected or approved by the Administration and shall be subject to acceptance by the Government of the Dominican Republic. Funds made available by the Administration for purposes of this paragraph shall, unless otherwise specified in the applicable project agreement, be administered directly by the Administration. (The technicians and administrative and technical support personnel whose services are financed pursuant to this paragraph, including United States Government employees, and employees of organizations under contract with, or individuals under contract with, the Government of the United States, the Government of the Dominican Republic, or any agency authorized by the Government of the Dominican Republic, shall herein be referred to as "United States personnel").

2. United States personnel assigned in the Dominican Republic hereunder shall, except as may otherwise be specified by the Administration, be members of the United States Operations Mission to the Dominican Republic, which is headed by the Mission Director. All United States personnel assigned in the Dominican Republic hereunder shall be under the general direction of the Mission Director. (References herein to the Office of Mission Director shall be understood to include any successor office that may be designated by the Government of the United States).

#### ARTICLE VII—JOINT CONTRIBUTIONS OF FUNDS

1. In addition to the contributions provided for in paragraph 1 of Article VI, the Administration shall deposit to the credit of the STICA for the period from the date of entry into force of this

agreement through December 31, 1955, the sum of FIFTY THOUSAND DOLLARS (\$50,000) in currency of the United States. This deposit shall be made according to the following schedule of installments:

Date of signing----- \$50,000

2. The Department shall deposit to the credit of the STICA for the period from the date of entry into force of this Agreement through December 31, 1955, the sum of ONE HUNDRED THOUSAND PESOS (RD\$100,000) in the currency of the Dominican Republic. This deposit shall be made according to the following schedule of installments:

|                      |            |
|----------------------|------------|
| Date of signing----- | RD\$50,000 |
| October 1, 1955----- | RD\$50,000 |

3. The two parties may later contribute additional funds to the program pursuant to arrangements entered into by the Secretary and the Mission Director, or their designees, or by other authorized representatives of the two parties. The provisions of this Article VII shall be applicable to any such future financial contributions.

4. With respect to contributions to be deposited to the credit of the STICA, it is intended that such deposits will, ordinarily, be made by the two parties in installments at the same times and in proportionally equivalent amounts. Each installment deposited to the credit of the STICA by either of the parties shall be available for withdrawal or expenditure only after the corresponding agreed installment of the other party has been deposited. Funds deposited by either party and not matched by the corresponding agreed deposit of the other party shall be returned to the contributing party prior to the distribution provided for in paragraph 5 of Article X of this Agreement.

5. The funds contributed pursuant to paragraph 1, 2 and 3 of this Article VII shall be available for the procurement of supplies, materials and equipment, for obtaining additional technicians and other services by employment or contract, and for any other needs of the program.

6. Funds deposited to the credit of the STICA may be maintained in such bank or banks as the Director and the Secretary or his designee shall agree upon, and shall be available only for the purpose of this Agreement. No funds of the STICA shall be withdrawn for any purpose except by issuance of a check or other suitable withdrawal document signed by the Director and the Secretary or their designees.

ARTICLE VIII—DEPARTMENT CONTRIBUTIONS IN KIND

1. In addition to the contributions of funds by the Department pursuant to Article VII, the Department, as may be specified in project agreements or as may otherwise be required (in addition to the commodities and services obtained pursuant to paragraph 5 of Article VII) for carrying out the cooperative program will at its own expense provide supplies, equipment and facilities, and make available the services of technical and other personnel to collaborate with the United States personnel in carrying out the cooperative program.
2. The Department will, to the extent that it is able to do so, provide office space and office equipment and facilities as required for the cooperative program.
3. The Department will arrange for the cooperation and general assistance of other government and private agencies in the Dominican Republic for carrying out the cooperative program.

ARTICLE IX—ADDITIONAL CONTRIBUTIONS

The projects to be undertaken under this Agreement may include cooperation with national, provincial and local governmental agencies in the Dominican Republic, as well as with organizations of a public or private character in the Dominican Republic and in the United States, and international organizations of which the United States and the Dominican Republic are members. By agreement between the Mission Director and the Secretary or their designees contributions of funds, property, services or facilities by either or both parties, or by any such third party, may be accepted by the STICA for use in effectuating the co-operative agriculture program, in addition to the contributions provided for under Article VI, VII, and VIII.

ARTICLE X—ADDITIONAL FISCAL PROVISIONS

1. All funds deposited to the credit of the STICA pursuant to this Agreement shall continue to be available for the cooperative agriculture program during the existence of this Agreement without regard to annual periods or fiscal years of either of the parties.
2. Title to all materials, equipment and supplies acquired for the STICA by the Administration with funds contributed to the STICA but withheld from deposit to the credit of the STICA shall, unless otherwise agreed by the Secretary and the Mission Director or their designees, pass to the STICA at the time such title is relinquished by the Seller. Property acquired by the STICA shall be used only in the furtherance of this Agreement.

and any such property remaining at the termination of this cooperative program shall be at the disposition of the Department which, it is understood, will use such property in a manner which will further the objectives sought in carrying out this Agreement.

3. Income from operations of the STICA, interest received on funds of the STICA, and any other increment of assets of the STICA, of whatever nature or source, shall be devoted to the carrying out of the cooperative program and shall not be credited against any contribution due from either party.

4. Funds deposited by the Administration to the credit of the STICA shall be convertible into Dominican pesos at the highest rate which, at the time the conversion is made, is not unlawful in the Dominican Republic.

5. Any funds of the STICA which remain unexpended and unobligated on the termination of the cooperative agriculture program, shall, unless otherwise agreed upon in writing by the parties hereto at the time, be returned to the parties hereto in the proportion of the respective contributions made by the Administration and the Department under this Agreement, as it may from time to time be amended and extended.

#### ARTICLE XI—RIGHTS AND PRIVILEGES

1. The Government of the Dominican Republic will extend to the STICA and to all personnel employed by the STICA all rights and privileges which are enjoyed by other agencies of the Department or by their personnel. Such rights and privileges, so far as they pertain to communications, transportation and exemption from taxes, imports and stamp taxes, shall also accrue to agencies and personnel of the United States with respect to operations which are related to and property which is used for the cooperative agriculture program.

2. All employees of the Government of the United States engaged in carrying out the cooperative program of agriculture, who are not citizens of the Dominican Republic, shall be exempt from all Dominican Republic income taxes and social security taxes with respect to income on which they are obligated to pay income or social security taxes to the Government of the country of which they are citizens and from property taxes on personal property intended for their own use. Such employees, shall also be exempt from the payment of customs and import duties on personal effects, equipment and supplies imported into the Dominican Republic for their own use or for the use of the members of their families. The Director on behalf of the STICA, or the Mission Director or his designee, on behalf of the Administration, shall be allowed to

withdraw imports and other shipments from the customs warehouse upon written certification to the Director of Customs that the imports and shipments received are for the use of the STICA or that they are personal effects of those persons exempt from payment of customs duties as stated in the present paragraph.

3. In the case of personnel under contract with or otherwise financed by the Administration who are engaged in carrying out the cooperative program and who do not receive the exemptions from Dominican Republic customs and taxes specified in the preceding paragraph of this Article XI, the Government of the Dominican Republic shall make such arrangements as may be necessary so that such personnel, and the Administration, shall incur no expense for Dominican Republic customs and taxes from which such personnel would be exempt under the preceding paragraph of this Article XI if they were employees of the Administration.

#### ARTICLE XII—SOVEREIGN IMMUNITY

The parties declare their recognition that agencies and corporate instrumentalities of the Government of the United States engaged in activities in the Dominican Republic pursuant to this Agreement are entitled to share fully in all the privileges and immunities, including immunity from suit in the courts of the Dominican Republic, which are enjoyed by the Government of the United States.

#### ARTICLE XIII—LEGISLATIVE AND EXECUTIVE ACTION

The Government of the Dominican Republic will effectuate such executive actions and endeavor to secure such legislative action in the Dominican Republic as may be necessary to carry out the terms of this Agreement.

#### ARTICLE XIV—ENTRY INTO FORCE AND DURATION

1. This Agreement may be referred to as the "Agriculture Program Agreement." It shall enter into force on the date on which it is signed, and shall remain in force through June 30, 1960, or until 30 days after either party shall have given notice in writing to the other of intention to terminate it, whichever is earlier. The obligations of the parties under this Agreement except for obligations specified in paragraphs 1 and 2 of Article VII and except as may subsequently be provided in contribution agreements, project agreements or similar arrangements, shall be subject to the availability of funds to the parties for purpose of the program.

2. The provisions of this agreement shall, except as may be subsequently agreed by the two parties, be applicable from the

date of its entry into force to all activities in the Dominican Republic within the scope of Article III hereof which are being carried out in cooperation with the Administration. The provisions of any prior agreements providing for such activities are hereby superseded to the extent that they are inconsistent herewith.

The Government of the United States will consider the present note and the Department's reply concurring therein as constituting an agreement between the two governments, which shall enter into force on the date of the Department's note in reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of State for Foreign Affairs and Worship the assurance of its highest consideration.

WTP

CIUDAD TRUJILLO, DOMINICAN REPUBLIC

June 22, 1955

*The Dominican Department of State for Foreign Affairs and Worship  
to the American Embassy*

REPUBLICA DOMINICANA  
SECRETARIA DE ESTADO  
DE RELACIONES EXTERIORES Y CULTO

16086

La Secretaría de Estado de Relaciones Exteriores y Culto presenta sus saludos a la Embajada de los Estados Unidos de América, y tiene el honor de referirse a la nota Núm. 505, de fecha 22 de junio de 1955, en la cual esa Embajada transcribe los términos del programa del Convenio sobre Ayuda en el Desarrollo Agrícola, para ser formalizado entre el Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana.

El indicado proyecto de Convenio ha sido examinado detenidamente y merecido la aprobación del Gobierno de la República Dominicana, por lo cual la presente nota de respuesta servirá para hacer entrar en vigor el Convenio, de conformidad con lo expresado en el párrafo final de la mencionada nota Núm. 505.

La Secretaría de Estado de Relaciones Exteriores y Culto hace provecho de la oportunidad para reiterar a la Embajada de los Estados Unidos de América, las seguridades de su alta consideración.

E DE M

CIUDAD TRUJILLO, 30 de junio de 1955.-

AÑO DEL BENEFACTOR DE LA PATRIA

*Translation*

DOMINICAN REPUBLIC  
DEPARTMENT OF STATE  
FOR FOREIGN AFFAIRS AND WORSHIP

16086

The Department of State for Foreign Affairs and Worship presents its compliments to the Embassy of the United States of America and has the honor to refer to note No. 505 dated June 22, 1955, in which the Embassy transcribes the terms of the program agreement on agricultural development assistance to be concluded between the Government of the United States of America and the Government of the Dominican Republic.

The said draft agreement has been carefully examined and approved by the Government of the Dominican Republic; therefore, the present note in reply will serve to bring the agreement into force, in conformity with the final paragraph of the aforesaid note No. 505.

The Department of State for Foreign Affairs and Worship avails itself of the opportunity to renew to the Embassy of the United States of America the assurances of its high consideration.

E DE M

CIUDAD TRUJILLO, *June 30, 1955.*  
YEAR OF THE NATION'S BENEFACTOR

**AGREEMENT FOR A COOPERATIVE AGRICULTURE  
PROGRAM BETWEEN THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA AND THE GOVERN-  
MENT OF THE DOMINICAN REPUBLIC**

The Government of the United States of America and the Government of the Dominican Republic, desiring to amplify and intensify technical collaboration by the establishment of a Cooperative Agricultural Service in the Dominican Republic for the purpose of realizing an extensive program of agricultural development in conformity with the General Agreement for Technical Cooperation entered into between the Government of the United States and the Government of the Dominican Republic on

*TIAS 2226.  
2 UST 709.*

February 20, 1951,  
Deeming it convenient to conclude an agreement that facilitates these purposes,

Have agreed as follows:

**ARTICLE I—OPERATING AGENCIES**

Pursuant to the General Agreement for Technical Cooperation between the Government of the United States of America and the Government of the Dominican Republic, effected by an exchange of notes signed at Ciudad Trujillo on February 20, 1951, the cooperative agriculture program in the Dominican Republic shall be continued as set forth herein. The obligations assumed herein by the Government of the United States of America will be performed by it through the Foreign Operations Administration (hereinafter referred to as the "Administration"), an agency of the Government of the United States of America. The Administration may discharge its obligations hereunder through the Institute of Inter-American Affairs. The obligations assumed herein by the Government of the Dominican Republic will be performed by it through its Department of Agriculture (hereinafter referred to as the "Department"). The obligations assumed herein by the Administration and the Department, any successor agency to either of those agencies, or any other agency designated for the purpose. The Administration and the Department may secure the assistance of other public and private agencies in discharging their respective obligations hereunder. The Administration and the Department shall participate jointly in all phases of the planning and administration of the cooperative program. This Agreement and all activities carried out pursuant

to it shall be governed by the said General Agreement for Technical Cooperation.

[For the text of Articles II–XIII, see *ante*, pp. 4076–4083.]

#### ARTICLE XIV—ENTRY INTO FORCE AND DURATION

1. This Agreement may be referred to as the "Agriculture Program Agreement." This Agreement entered into force on June 30, 1955, which is the date of Diplomatic Note numbered 16086 of the Department of State for Foreign Affairs and Worship, accepting its provisions, and shall remain in force through June 30, 1960, or until 30 days after either party shall have given notice in writing to the other of intention to terminate it, whichever is earlier. The obligations of the parties under this Agreement except for obligations specified in paragraphs 1 and 2 of Article VII and except as may subsequently be provided in contribution agreements, project agreements or similar arrangements, shall be subject to the availability of funds to the parties for purpose of the program.

2. The provisions of this agreement shall, except as may be subsequently agreed by the two parties, be applicable from the date of its entry into force to all activities in the Dominican Republic within the scope of Article III hereof which are being carried out in cooperation with the Administration. The provisions of any prior agreements providing for such activities are hereby superseded to the extent that they are inconsistent herewith.

This Agreement is in confirmation of that reached in the exchange of the United States of America Embassy's note number 505, dated June 22, 1955, and that of the Department of State for Foreign Affairs and Worship of the Dominican Republic numbered 16086 and dated June 30, 1955.

DONE in duplicate, in the English and Spanish languages, at CIUDAD TRUJILLO, DOMINICAN REPUBLIC, this 13th day of October, 1955.

FOR THE GOVERNMENT OF  
THE DOMINICAN REPUBLIC:

E DE MARCHENA  
*Secretary of State for  
Foreign Affairs and Worship*

J U GARCIA B  
*Secretary of State for  
Agriculture and Mines*

FOR THE GOVERNMENT  
OF THE UNITED STATES:

WILLIAM T. PHEIFFER  
*Ambassador of the  
United States of America*

RALPH R. WILL.  
*Director of the  
United States of America  
Operations Mission to the  
Dominican Republic*

**Acuerdo  
Sobre un Programa  
Cooperativo Agrícola  
entre Los  
Estados Unidos de América  
y la  
República Dominicana**

ACUERDO  
SOBRE UN PROGRAMA COOPERATIVO AGRICOLA ENTRE  
LOS ESTADOS UNIDOS DE AMERICA  
Y LA  
REPUBLICA DOMINICANA

El Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana, animados del deseo de ampliar e intensificar la colaboración técnica mediante el establecimiento de un Servicio Cooperativo Agrícola en la República Dominicana con el propósito de realizar un extenso programa de desarrollo agrícola, de conformidad con el Convenio General sobre Cooperación Técnica celebrado entre el Gobierno de los Estados Unidos y el Gobierno de la República Dominicana el 20 de febrero de 1951,

Considerando conveniente la concertación de un Acuerdo que facilite esos propósitos,

Han convenido en lo siguiente:

ARTICULO I

FUNCIONAMIENTO DE LAS INSTITUCIONES

De conformidad con el Convenio General para Cooperación Técnica, existente entre el Gobierno de los Estados Unidos y el de la República Dominicana, realizado mediante un intercambio de notas, suscrito en Ciudad Trujillo el 20 de Febrero de 1951, el programa cooperativo agrícola continuará en la República Dominicana, conforme se expone en el presente escrito. Las obligaciones contraídas por el Gobierno de los Estados Unidos de América serán ejecutadas por medio de la Administración de Operaciones Extranjeras, (la que en lo adelante se denominará "Administración", una dependencia del Gobierno de los

Estados Unidos de América. La Administración puede cumplir las obligaciones que contrae en el presente convenio, por medio del Instituto de Asuntos Inter-Americanos. Las obligaciones contraídas por el Gobierno de la República Dominicana serán ejecutadas por medio de su Secretaría de Estado de Agricultura y Minas (la que en lo adelante se denominará "Secretaría"). Las obligaciones contraídas por la Administración y por la Secretaría pueden ser ejecutadas, respectivamente, por la Administración y la Secretaría, por un organismo sucesor de cualquiera de las dos instituciones, o por cualquiera otra que se designe para tal fin. La Administración y la Secretaría pueden obtener la ayuda de otras instituciones públicas y privadas en el desempeño de las obligaciones que contraen por el presente. La Administración y la Secretaría participarán, conjuntamente, en todos los aspectos del planeamiento y administración del programa cooperativo. Este convenio, así como todas las actividades practicadas de acuerdo con el mismo, serán regidos por el prealudido convenio general para cooperación técnica.

#### ARTICULO II

##### OBJETIVOS

Los objetivos de este programa cooperativo agrícola son:

1.- Facilitar y estimular, por medio de una acción cooperativa, el desarrollo de servicios agrícolas mejorados, en beneficio del pueblo de la República Dominicana.

2.- Desarrollar métodos y técnicas, por medio de las cuales el conocimiento en el campo de la Agricultura pueda aplicarse a la solución de los problemas agrícolas de la República Dominicana.

3.- Estimular y ayudar en la diversificación de la agricultura de la República Dominicana, como un medio tendiente a incrementar la economía agrícola y a lograr una alimentación nacional mejor balanceada.

4.- Promover el intercambio de conocimientos prácticos y técnicos en agricultura entre ambos países, robustecer el entendimiento

entre el pueblo de la República Dominicana y el de los Estados Unidos y fomentar el crecimiento de las normas democráticas de vida.

ARTICULO III  
CAMPOS DE ACTIVIDAD

Hasta el punto en que las partes puedan convenir oportunamente, este programa cooperativo agrícola incluirá operaciones como las siguientes:

1.- Estudio de las necesidades de la República Dominicana en el campo de la Agricultura y de los recursos disponibles para explotación con el objeto de satisfacer esas necesidades;

2.- La formulación y continua adaptación de programas para coadyuvar a satisfacer tales necesidades;

3.- La iniciación y administración de proyectos en el campo de la agricultura, preferentemente sobre la extensión e investigación relacionadas con cosechas básicas o nuevas y con la ganadería y sobre el desarrollo de tales cosechas específicas como café y cacao, e igualmente proporcionar ayuda y consejo a la Secretaría sobre su programa de desarrollo y otros proyectos en el campo de la agricultura, según convengan las partes.

4.- Actividades de entrenamiento relativas a la materia, tanto afuera como dentro de la República Dominicana.

ARTICULO IV  
SERVICIO COOPERATIVO

Por el presente convenio, se crea en la Secretaría, el Servicio Técnico Inter-American Cooperativo Agrícola (el que en lo adelante se denominará "STICA"). El STICA será una institución del Gobierno de la República Dominicana y administrará el programa agrícola cooperativo, de acuerdo con las estipulaciones del presente convenio. El Director de la Misión de Operaciones de los Estados Unidos (el que en lo adelante se denominará "Director de la Misión") o cualquiera otra persona que designe el Director de la Misión, después de consultar previamente al Secretario de Agricultura (el que en lo adelante se denomi-

nará "El Secretario"), actuará como Director del STICA (el que en lo adelante se denominará "Director"). Los miembros del personal de los Estados Unidos podrán ser funcionarios o empleados del STICA en virtud del nombramiento que haga el Director, bajo las cláusulas y condiciones que puedan convenir el Secretario y el Director.

#### ARTICULO V

##### MODOS DE EJECUTAR EL PROYECTO

1.- El programa cooperativo agrícola que aquí se expone, consistirá en una serie de proyectos que serán delineados conjuntamente por el Director y el Secretario o su representante. Cada proyecto será formulado en un convenio de proyecto escrito, el cual será suscrito por el Director de la Misión y por el Secretario, o sus representantes, y por el Director. Cada convenio de proyecto definirá el trabajo a realizarse, hará las asignaciones de fondos necesarios, de los fondos disponibles del STICA, y podrá contener cualesquiera otros asuntos que las partes deseen incluir. Los convenios de proyectos podrán celebrarse con otros organismos o dependencias del Gobierno de la República Dominicana para confiar la administración de los proyectos a tales organismos.

2.- Al completarse cualquier proyecto, se preparará un memorandrum completo, el cual será firmado por el Director de la Misión y el Secretario o sus delegados y el Director, el cual contendrá un informe de los fines perseguidos, el trabajo realizado, los gastos en que se haya incurrido, los problemas encontrados y los resultados obtenidos.

3.- Las prácticas generales y los procedimientos administrativos generales que han de regir el programa cooperativo, la ejecución de los proyectos y las operaciones del STICA, tales como el desembolso y asignación de fondos, el incurrir en obligaciones por parte del STICA, la compra, el uso, el inventario, control y disposición de la propiedad, el nombramiento y la destitución de funcionarios y otros empleados del STICA, así como las cláusulas y condiciones de sus nombra-

mientos, al igual que otros asuntos administrativos, serán decididos por el Director y por el Secretario o sus delegados.

4.- Todos los contratos y otras escrituras y documentos relacionados con la ejecución de los proyectos bajo este Convenio, serán instrumentados a nombre del STICA y serán suscritos por el Director, siempre que cualesquiera obligaciones que comprometan los fondos del STICA por cantidades mayores de mil dólares (\$1,000.00), tengan la previa aprobación del Secretario o su delegado. Los libros y records del STICA relativos al programa cooperativo, estarán disponibles para ser examinados por representantes autorizados del Gobierno de la República Dominicana y del de los Estados Unidos de América, en todo momento, durante la vigencia de este convenio, o por tres años después de concluido el mismo. Cualquiera de las partes podrá, durante la vigencia de este Convenio, hacer los reparos que juzgue atinados a cualquiera operación que se lleve a cabo, e inspeccionar las propiedades adquiridas por el STICA, en virtud de este convenio. El Director, cuando cualquiera de las partes así lo solicite, rendirá un informe anual de las actividades del STICA y rendirá otros informes a intervalos que estime convenientes.

5.- Queda entendido que, en caso de que el STICA necesite ser representado ante un tribunal o institución gubernamental en la República Dominicana, el personal de los Estados Unidos no será obligado a comparecer para hacer tal representación y que el Secretario hará los arreglos de lugar para tales fines.

6.- Cualquiera facultad conferida, en virtud de este Convenio, al Director de la Misión o al Secretario, podrá delegarse por escrito por cualquiera de ellos, en favor de sus respectivos ayudantes. Tal Delegación no limitará el derecho de cualquiera de ellos de referir cualquier asunto directamente a la otra parte, para fines de discusión y decisión.

ARTICULO VIPERSONAL DE LOS ESTADOS UNIDOS

1.- La Administración hará disponible los fondos necesarios para cubrir el costo del servicio de técnicos que colaboren en la ejecución del programa cooperativo, conforme a los acuerdos de proyectos ejecutados en virtud del párrafo 1 del Artículo V. La Administración también pagará los valores requeridos para la asignación del personal de ayuda técnica y administrativo requerido para llevar a cabo las actividades estipuladas bajo este Convenio, el cual será determinado por la Administración. Todo el personal designado en la República Dominicana, de conformidad con este párrafo, será seleccionado o aprobado por la Administración y estará sujeto a la aceptación por parte del Gobierno de la República Dominicana. Los fondos que provea la Administración para los fines consignados en este párrafo, serán administrados directamente por la Administración, a menos que otra cosa se especifique en el acuerdo de proyecto a realizarse. (Los técnicos y el personal de ayuda administrativa y técnica, cuyos servicios sean remunerados de conformidad con este párrafo, incluyendo los empleados del gobierno de los Estados Unidos, y empleados de organizaciones bajo contrato, o personas bajo contrato con el Gobierno de los Estados Unidos, el de la República Dominicana, o cualquier Departamento autorizado por el Gobierno de la República Dominicana, será denominado en lo adelante "Personal de los Estados Unidos").

2.- El personal de los Estados Unidos, asignado en la República Dominicana en virtud del presente convenio, a excepción del que especifique la Administración, serán miembros de la Misión de Operaciones de los Estados Unidos en la República Dominicana, la cual está presidida por el Director de la Misión. Todo el personal de los Estados Unidos asignado en la República Dominicana, en virtud de este convenio, estará bajo la dirección general del Director de la Misión. (Las referencias que se hacen a la Oficina del Director de la Misión, se entenderán que incluyen cualquier oficina sucesora que pueda ser designada

por el Gobierno de los Estados Unidos).

#### ARTICULO VII

##### CONTRIBUCIONES CONJUNTAS DE FONDOS

1.- Además de las contribuciones previstas en el párrafo 1, Artículo VI, la Administración depositará al crédito del STICA para el período desde la fecha de la puesta en vigor de este convenio, hasta Diciembre 31 de 1955, la suma de cincuenta mil dólares (\$50,000.00) en moneda de los Estados Unidos. Este depósito se hará de acuerdo con el siguiente cuadro de pagos por cuotas:

Fecha de la firma del convenio. . . . . \$50,000.00

2.- La Secretaría depositará al crédito del STICA, para el período a partir de la fecha de la puesta en vigor de este convenio, hasta Diciembre 31, 1955, la suma de cien mil pesos dominicanos -- (RD\$100,000.00) en moneda de la República Dominicana. Este depósito se hará de acuerdo con el siguiente cuadro de cuotas:

Fecha de la firma del convenio. . . . . RD\$50,000.00

1o. de Octubre de 1955. . . . . RD\$50,000.00

3.- Las dos partes podrán posteriormente contribuir con fondos para el programa según los arreglos convenidos por el Secretario y el Director de la Misión o sus delegados, o por otros representantes autorizados por las dos partes. Las estipulaciones de este Artículo VII serán aplicables a cualesquiera otras contribuciones monetarias que puedan hacerse.

4.- Con referencia a las contribuciones para fines de depósito al crédito del STICA, se considera que tales depósitos se harán ordinariamente por las dos partes, en pagos parciales, al mismo tiempo, y en cantidades proporcionalmente equivalentes. Cada pago parcial depositado al crédito del STICA, por cualquiera de las partes estará disponible para ser retirado o para gastos, sólo después que el correspondiente pago parcial convenido de la otra parte, haya sido depositado. Los fondos depositados por cualquiera de las partes, sin que la otra haya hecho el correspondiente depósito de su parte, serán

devueltos a la parte que los haya aportado antes de hacer la distribución conforme con lo estipulado en el párrafo 5 del Artículo I de este Convenio.

5.- Los fondos aportados de conformidad con los párrafos 1, 2 y 3, de este Artículo VII estarán disponibles para la adquisición de suministros, materiales y equipo, para adquirir técnicos adicionales y otros servicios, por contrato o por empleo, y para satisfacer cualquiera otra necesidad del programa.

6.- Los fondos depositados al crédito del STICA, pueden mantenerse en el banco, o bancos, que acuerden el Director y el Secretario o sus delegados, y estarán disponibles sólo para satisfacer los fines de este Convenio. Ningún fondo del STICA podrá ser retirado, no importa el fin a que se destine, sino mediante la expedición de un cheque o de cualquier otro documento adecuado, suscrito por el Director y el Secretario o sus delegados.

#### ARTICULO VIII

##### CONTRIBUCION DE LA SECRETARIA EN ESPECIE

1.- Además de las contribuciones de fondos hechas por la Secretaría, conforme al Artículo VII, la Secretaría, según pueda especificarse en los acuerdos de proyectos, o según pueda de otro modo requerirse, (además de los artículos, y servicios adquiridos conforme al párrafo 5 del Artículo VII) para llevar a cabo el programa cooperativo, suministrará por su cuenta artículos, equipo y facilidades y dispondrá los servicios del personal técnico o de cualquier otro personal, para colaborar con el personal de los Estados Unidos en llevar a cabo el programa cooperativo.

2.- La Secretaría hasta donde le sea posible, proveerá local y equipo de oficina, así como las facilidades que pueda requerir el programa cooperativo.

3.- La Secretaría hará los arreglos de lugar para asegurar la cooperación y asistencia de dependencias del Gobierno e instituciones privadas de la República Dominicana, para la realización del programa

cooperativo.

#### ARTICULO IX

##### CONTRIBUCIONES ADICIONALES

Los proyectos a emprenderse bajo este Convenio, pueden incluir la cooperación con las dependencias nacionales, provinciales, o locales del Gobierno de la República Dominicana, así como organizaciones de carácter público o privado de la República Dominicana, y de los Estados Unidos, y organizaciones internacionales de las cuales sean miembros los Estados Unidos y la República Dominicana. Por acuerdo que hagan el Director de la Misión y el Secretario o sus delegados, las contribuciones, propiedades, servicios o facilidades hechas por cualquiera de las dos partes, o por un tercero, pueden ser aceptados por el STICA para ser utilizados en la realización del programa cooperativo agrícola en adición a las contribuciones hechas según los Artículos VI, VII, VIII.

#### ARTICULO X

##### OTRAS MEDIDAS FISCALES

1.- Todos los fondos depositados al crédito del STICA, de conformidad con este Convenio, permanecerán disponibles para el programa cooperativo agrícola durante la vigencia de este Convenio, sin tomar en consideración los períodos anuales o fiscales de cualquiera de las partes.

2.- Los materiales, equipos y suministros ordenados para el STICA por la Administración, con fondos aportados para el STICA, pero no depositados al crédito del STICA, a menos que otra cosa convengan el Secretario y el Director de la Misión o sus delegados, pasarán a ser propiedad del STICA en el mismo momento en que se efectúe la compra de los mismos. La propiedad adquirida por el STICA se usará sólo en beneficio de este Convenio y cualquiera propiedad que quede a la terminación de este programa cooperativo, estará a la disposición de la Secretaría, la cual se entiende, utilizará dicha propiedad en forma tal que beneficie los objetivos perseguidos en este Convenio.

3.- Los beneficios resultantes de las operaciones del STICA, los intereses devengados por los fondos del STICA, y cualquier otro aumento del activo del STICA, de cualquier fuente o naturaleza, serán dedicados a la ejecución del programa cooperativo y no podrán ser destinados a pagar una contribución cualquiera de una de las partes.

4.- Los fondos depositados por la Administración al crédito del STICA serán convertidos en pesos dominicanos, al tipo de cambio más elevado que permitan las leyes de la República Dominicana en el momento en que dicho cambio se efectúe.

5.- Los fondos del STICA que no hayan sido gastados o comprometidos a la terminación del programa cooperativo agrícola, serán devueltos a las partes en la proporción aportada por la Administración y la Secretaría, según lo acordado en este convenio, a menos que se convenga por escrito lo contrario, ya que el presente Convenio puede ser modificado o extendido oportunamente.

#### ARTICULO XI

##### DERECHOS Y PRIVILEGIOS

1.- El Gobierno de la República Dominicana, concederá al STICA y a todo el personal empleado por el STICA, todos los derechos y privilegios de que disfrutan otras dependencias de la Secretaría o su personal. Tales derechos y privilegios, en cuanto se refiere a comunicaciones, transportación y exoneraciones de impuestos, derechos de importación y sellos, también se otorgarán a las dependencias y personal de los Estados Unidos, con respecto a operaciones relacionadas con el programa cooperativo agrícola y la propiedad utilizada para ello.

2.- Todos los empleados del Gobierno de los Estados Unidos ocupados en la ejecución del programa cooperativo agrícola, que no sean ciudadanos dominicanos, estarán exonerados de todos los impuestos sobre la renta y sobre seguro social de la República Dominicana, con respecto a rentas sobre las cuales ellos están obligados a pagar impuestos o seguro social al Gobierno del país del cual son ellos ciu-

dadanos, y estarán también exonerados del impuesto sobre propiedad personal que se dedique a su propio uso. Tales empleados estarán también exonerados del pago de impuestos aduanales y de importación sobre efectos personales, equipo y suministros importados a la República Dominicana para su propio uso o para el uso de los miembros de su familia. El Director, actuando en representación del STICA, o el Director de la Misión o su representante, actuando en representación de la Administración, tendrá la facultad de retirar de las aduanas, importaciones y otros embarques, por medio de una certificación escrita, dirigida al Director General de Aduanas, en la que conste que las importaciones y embarques recibidos son destinados al uso de STICA, o que los mismos son efectos personales para el uso de miembros del personal que están exonerados de derechos aduanales, en virtud de los términos del presente párrafo.

3.- Cuando se trate del personal bajo contrato o remunerado en cualquiera otra forma por la Administración, que esté ocupado en ejecutar el programa cooperativo y que no reciba las exoneraciones de los impuestos y derechos aduanales de la República Dominicana, especificados en el párrafo precedente de este Artículo XI, el Gobierno de la República Dominicana hará los arreglos de lugar, de manera que dicho personal y la Administración no incurran en gastos por concepto de pago de impuestos y derechos aduanales de los cuales estarán exonerados en virtud del párrafo anterior de este mismo Artículo, si hubieran sido empleados de la Administración.

#### ARTICULO XII

##### INMUNIDAD DE SOBERANIA

Las partes declaran su reconocimiento de que las instituciones, y los instrumentos cooperativos del Gobierno de los Estados Unidos, ocupados en actividades en la República Dominicana, de conformidad con este Convenio, gozarán de pleno de todos los privilegios e inmunidades, incluyendo la inmunidad de ser traducido ante los tribunales de la República Dominicana, de los cuales disfruta el Gobierno de

los Estados Unidos.

ARTICULO XIII

ACCION LEGISLATIVA Y EJECUTIVA

El Gobierno de la República Dominicana tomará la acción ejecutiva y gestionará las medidas legislativas que puedan requerirse para llevar a ejecución las estipulaciones de este Convenio.

ARTICULO XIV

VIGENCIA Y DURACION

1.- Este convenio se denominará Convenio sobre Programa Agrícola. Este Acuerdo entró en vigor el 30 de junio de 1955, fecha de la nota diplomática Núm. 16086 de la Secretaría de Estado de Relaciones Exteriores y Culto de la República Dominicana, nota mediante la cual fueron aceptadas las provisiones del Acuerdo y estará vigente hasta el 30 de junio de 1960, o hasta 30 días después que cualquiera de las partes haya avisado por escrito a la otra parte su intención de darlo por terminado, aunque sea en fecha anterior. Las obligaciones que tienen las partes, en virtud de este convenio, estarán sujetas a la disponibilidad de fondos que tengan las partes para los fines del programa, exceptuándose las obligaciones consignadas en los párrafos 1 y 2 del Artículo VII y las que puedan preverse en los acuerdos de contribuciones, en los acuerdos de proyectos o acuerdos similares.

2.- Las estipulaciones de este convenio, a excepción de lo que puedan convenir las dos partes posteriormente, se aplicarán en la República Dominicana desde la fecha en que se ponga en vigor, a todas las actividades esbozadas en el Artículo III y que se realicen en cooperación con la Administración. Las disposiciones de cualesquiera convenios previos que se refieran a tales actividades, por el presente, quedan derogadas hasta el punto en que les sean contrarias.

Este Acuerdo constituye una confirmación del Convenio llevado a efecto por el intercambio de la nota Núm. 505 de la Embajada de los

Estados Unidos de América en Ciudad Trujillo, de fecha 22 de junio de 1955, y la nota Núm. 16086, de la Secretaría de Estado de Relaciones Exteriores y Culto de la República Dominicana, de fecha 30 de junio de 1955.

Hecho en dos originales, en idiomas inglés y español en Ciudad Trujillo, República Dominicana, hoy día trece de Octubre del año mil novecientos cincuenta y cinco.

FOR EL GOBIERNO DE LA REPUBLICA  
DOMINICANA:

POR EL GOBIERNO DE LOS ESTADOS  
UNIDOS DE AMERICA:

E DE MARCHENA

WILLIAM T. PHEIFFER

Secretario de Estado de Relacio-  
nes Exteriores y Culto.

Embajador de los Estados Unidos  
de América.

J U GARCIA B

RALPH R. WILL.

Secretario de Estado de Agricul-  
tura y Minas.

Director de la Misión de Operacio-  
nes de los Estados Unidos de América.



# BRAZIL

## Defense: Joint Brazil-United States Military and Defense Commissions

*Agreement effected by exchange of notes*

*Signed at Rio de Janeiro August 1 and September 20, 1955;*

*Entered into force September 20, 1955.*

TIAS 3421  
Aug. 1 and  
Sept. 20, 1955

*The American Ambassador to the Brazilian Minister of Foreign Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
*Rio de Janeiro, August 1, 1955.*

No. 28

EXCELLENCY:

I have the honor to advise Your Excellency that the Government of the United States of America, recognizing the long friendship and mutual cooperation which have existed between our two Governments throughout their history and mindful of the ever-increasing community of interests which our two Governments share, and desiring to further the ability of the United States of America and of the Republic of the United States of Brazil to participate more effectively in arrangements for their individual and mutual security and the security of the hemisphere within the scope of the Inter-American Treaty of Reciprocal Assistance and the framework of the Charter of the United Nations, proposes the following agreement:

TIAS 1838.  
62 Stat., pt. 2, p.  
1681.  
TS 903.  
59 Stat. 1031.

(1) The joint Brazil-United States Military Commission (JBUSMC), originally established in Rio de Janeiro during World War II by the two Governments as a means of assisting each other in achieving their common goal of mutual security, will continue to function as the principal agency in the United States of Brazil for facilitating military cooperation between the two countries.

(2) The Joint Brazil-United States Defense Commission (JBUSDC), originally established in Washington, D. C., during

World War II by the two Governments as a means of assisting each other in achieving their common goal of mutual security, will continue to function as the principal agency in the United States of America for facilitating military cooperation between the two countries.

(3) Each Government, upon being appropriately advised, agrees to receive personnel of the other Government who will discharge responsibilities of that Government in connection with the implementation of this agreement.

(4) Arrangements governing the composition, functions, and procedures of the two commissions may be entered into from time to time, as necessary, by the appropriate military authorities of the two Governments.

(5) This Agreement shall remain in effect until one year from the date of notice by either Government of its intention to terminate the Agreement.

If the foregoing provisions are acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply thereto shall be regarded as constituting an agreement between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest esteem and consideration.

JAMES CLEMENT DUNN

His Excellency

RAUL FERNANDES,

*Minister of Foreign Affairs of Brazil,  
Rio de Janeiro.*

*The Brazilian Minister of Foreign Affairs to the American  
Ambassador*

MINISTÉRIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

DPO/DAI/152/620.6(20)

*Em 20 de setembro de 1955.*

SENHOR EMBAXADOR,

Tenho a honra de acusar recebimento da nota nº 28, de 1º de agosto último, em que Vossa Excelência dá a conhecer que, tendo em vista a comunhão de interesses cada vez maior entre o Brasil e os Estados Unidos da América, e o desejo que têm ambos os Governos de desenvolver esse entendimento através de acordos que visem a desenvolver sua segurança comum e também a segurança do Hemisfério, dentro do espírito do Tratado Inter-

americano de Assistência Recíproca e da Carta das Nações Unidas, deseja o Govérno dos Estados Unidos da América celebrar um Acôrdo para a reestruturação da Comissão Militar Mista Brasil-Estados Unidos, nas seguintes bases:

1) A Comissão Militar Mista Brasil Estados Unidos (CMMBEU), estabelecida no Rio de Janeiro durante a II Guerra Mundial pelos dois Governos, como um meio de assistência mútua para atingirem o seu objetivo comum de segurança, continuará a funcionar como a principal agência nos Estados Unidos do Brasil para facilitar a cooperação militar entre os dois países.

2) A Comissão Mista de Defesa Brasil-Estados Unidos (CMDBEU), estabelecida em Washington DC durante a II Guerra Mundial pelos dois Governos como um meio de assistência mútua para atingirem o seu objetivo comum de segurança, continuará a funcionar como a principal agência nos Estados Unidos da América para facilitar a cooperação militar entre os dois países.

3) Cada Govérno concorda em receber, ao ser devidamente notificado, funcionários do outro Govérno, que assumirão, em nome do seu Govérno, responsabilidades relativas ao cumprimento do presente Acôrdo.

4) A composição, as funções e as regras de processo das duas Comissões poderão ser, de tempos em tempos, conforme se fizer necessário, estabelecidas pelas autoridades militares competentes dos dois Governos.

5) Este Acôrdo continuará em vigor ainda durante um ano, a contar da data de sua denúncia por qualquer dos dois Governos.

2. Em resposta, apraz-me comunicar-lhe que o Govérno Brasileiro aceita a proposta submetida por Vossa Excelênciia e assume, a partir da data de hoje, os compromissos dela decorrentes.

Aproveito a oportunidade para renovar a Vossa Excelênciia os protestos da minha mais alta consideração.

RAUL FERNANDES

A Sua Excelênciia o Senhor JAMES CLEMENT DUNN,  
*Embaixador dos Estados Unidos da América.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO.

DPO/DAI/152/620.6(20)

September 20, 1955.

MR. AMBASSADOR,

I have the honor to acknowledge receipt of note No. 28 of August 1, 1955, in which Your Excellency states that, in view of

the ever greater community of interests between Brazil and the United States of America, and of both Governments' desire to develop this understanding through agreements aimed at increasing their mutual security and also the security of the hemisphere in the spirit of the Inter-American Treaty of Reciprocal Assistance and the Charter of the United Nations, the Government of the United States of America desires to enter into an agreement for the reorganization of the Joint Brazil-United States Military Commission on the following bases:

[For the terms of the agreement, see *ante*, p. 4103.]

2. In reply, I am happy to inform you that the Brazilian Government accepts the proposal submitted by Your Excellency and assumes, on this date, the commitments deriving therefrom.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

RAUL FERNANDES

His Excellency

JAMES CLEMENT DUNN,

*Ambassador of the United States of America.*

# FRANCE

## SURPLUS AGRICULTURAL COMMODITIES

*Agreement amending the agreement of August 11, 1955.*

TIAS 3422

*Effectuated by exchange of letters*

Nov. 18, 1955

*Signed at Paris November 18, 1955;*

*Entered into force November 18, 1955.*

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*The French Secretary General of the Interdepartmental Committee  
for European Economic Cooperation Affairs to the American  
Acting Minister for Economic Affairs*

PRÉSIDENCE DU CONSEIL

COMITÉ INTERMINISTÉRIEL POUR  
LES QUESTIONS DE COOPÉRATION  
ÉCONOMIQUE EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

PN/LM n° 1470

PARIS, le 18 novembre 1955  
216, Rue de l'Université  
Tél. INV. 98-10

CHER MONSIEUR MC GREW,

L'accord intervenu le 11 août 1955 entre nos deux Gouvernements pour une importation de tabacs dans le cadre des dispositions de la Loi américaine 480 stipule dans son article III: ". . . . le taux de conversion à utiliser pour déterminer le montant des francs correspondant à la valeur en dollars des ventes sera le taux le plus élevé coté pour le dollar sur le marché libre des changes à Paris, à la date ou aux dates des règlements en dollars effectués par la ou les banques américaines chargées de la transaction ou des transactions en question . . . .".

En raison de la procédure employée pour cette importation qui concerne le Monopole des Tabacs, l'autorisation d'achat n° 27-01 du 23 septembre 1955 émise par le Département américain de l'Agriculture prévoit dans ses dispositions spéciales, paragraphe 6, que le taux de conversion susvisé sera "le taux le plus élevé coté pour le dollar sur le marché libre des changes à Paris à la date de chaque remboursement opéré par la CCC."

Etant donné l'intérêt que présente la mise en concordance des termes de l'accord susvisé avec la procédure adoptée ultérieurement pour des motifs d'application pratique dudit accord, je suggère que les mots "à la date ou aux dates des règlements en dollars effectués par la ou les banques américaines chargées de la ou des transactions en question" de l'article III de l'accord soient remplacés par les mots "à la date ou aux dates des remboursements en dollars effectués par l'Administration américaine pour la ou les transactions en question".

Si cette suggestion reçoit l'agrément de votre Gouvernement, la présente lettre et votre réponse constituerait l'accord de nos deux Gouvernements sur la modification ci-dessus envisagée de l'article III précité.

Veuillez agréer, cher Monsieur Mc Grew, l'expression de ma haute considération.

le Secrétaire Général,

J. DONNEDIEU

J. Donnedieu de Vabres

Mr. DONALD J. MC GREW

*Acting for the Minister for Economic Affairs*

*American Embassy*

*2, avenue Gabriel*

*Paris*

*Translation*

OFFICE OF THE PREMIER

INTERDEPARTMENTAL COMMITTEE FOR  
EUROPEAN ECONOMIC COOPERATION  
AFFAIRS

GENERAL SECRETARIAT

PN/LM No. 1470

PARIS, November 18, 1955

216, Rue de l'Université

Tél. INV. 98-10

DEAR MR. McGREW,

[For the English translation of the text of the letter, see *post*,  
p. 4109.]

Accept, dear Mr. McGrew, the expression of my high consideration.

J DONNEDIEU

J. Donnedieu de Vabres  
Secretary General

MR. DONALD J. MCGREW

*Acting for the Minister for Economic Affairs,  
American Embassy,  
2, avenue Gabriel,  
Paris*

*The American Acting Minister for Economic Affairs to the French  
Secretary General of the Interdepartmental Committee for European  
Economic Cooperation Affairs*

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA  
AMERICAN EMBASSY  
PARIS, FRANCE  
November 18, 1955

MR. JACQUES DONNEDIEU DE VABRES

*Secrétaire Général*

*Comité Interministériel pour les Questions  
de Coopération Economique Européenne  
216, rue de l'Université  
Paris VIIe*

DEAR MR. DONNEDIEU DE VABRES:

I write with reference to your letter of November 18, 1955, which reads as follows in translation:

"Article III of the Agreement of August 11, 1955 between our two Governments providing for the import into France of tobacco under the U.S. Agricultural Trade Development and Assistance Act of 1954 stipulates:

TIAS 3340.  
*Ante*, p. 2933.

68 Stat. 454.  
7 U.S.C. § 1691 note.

"'. . . The conversion rate to be used in determining the amount of francs equivalent to the dollar sales value shall be the highest selling rate for dollars quoted on the free foreign exchange market at Paris on the date or dates of the dollar disbursements by the United States bank or banks handling the transaction or transactions in question. . . .'

"Because of the procedure used for this import, which involves the French Tobacco Monopoly, Purchase Authorization No.

27-01 of September 23, 1955 issued by the U.S. Department of Agriculture provides in paragraph 6 of the section entitled 'Special Provisions' that the above-mentioned rate of exchange will be 'the highest selling rate for dollars quoted on the free foreign exchange market in Paris in effect on the date of each dollar reimbursement (made by the C. C. C.).'<sup>[1]</sup>

"Given the importance of having the provision of the above-mentioned Agreement correspond with the procedure adopted subsequently for the purpose of giving practical effect to that Agreement, I propose that the words in Article III of the Agreement reading 'on the date or dates of the dollar disbursements by the United States bank or banks handling the transaction or transactions in question' be replaced by the words 'on the date or the dates of the dollar reimbursements effected by the United States Government for the transaction or transactions in question.'

"If this proposal meets with the approval of your Government, this letter and your reply will constitute the agreement of our two Governments on the above-mentioned amendment of Article III of the Agreement of August 11, 1955."

I have the honor to confirm to you that the proposed amendment set forth in your letter quoted above meets with the approval of the United States Government, and that, therefore, the provisions of Article III of the Agreement of August 11, 1955 are to be considered as amended accordingly.

Please accept, dear Mr. Donnedieu de Vabres, the renewed assurances of my highest consideration.

DONALD J. McGREW  
*Acting for the Minister for Economic Affairs*

---

<sup>1</sup> Commodity Credit Corporation.

# EL SALVADOR

## FISHERIES MISSION

*Agreement extending the agreement of July 19, 1951, as extended.*

TIAS 3423  
Sept. 13, 1954,  
and July 25, 1955

*Effectuated by exchange of notes*

*Signed at San Salvador September 13, 1954, and July 25, 1955;*

*Entered into force July 25, 1955;*

*Operative retroactively August 19, 1954.*

---

*The Salvadoran Minister of Foreign Affairs to the American  
Ambassador*

MINISTERIO DE RELACIONES EXTERIORES  
REPUBLICA DE EL SALVADOR, C. A.

DEPARTAMENTO DE ORGANISMOS  
INTERNACIONALES

PALACIO NACIONAL:

*San Salvador, 13 de septiembre de 1954.*

A-780-D-2410  
SEÑOR EMBAJADOR:

Tengo el honor de dirigirme a Vuestra Excelencia y referirme a los servicios que en el desarrollo de la industria pesquera de El Salvador, presta el señor Charles B. Wade, de conformidad con el Programa del Punto Cuarto de la Ley Pública N° 535, de los Estados Unidos de América.

El Ministerio de Economía se ha dirigido a esta Cancillería solicitando la iniciación de las gestiones correspondientes a fin de que el señor Wade pueda continuar prestando su valiosa colaboración, y en tal virtud me permite solicitar, por el digno medio de Vuestra Excelencia, al culto Gobierno de los Estados Unidos de América, que se prorrogue por un año más a partir del 19 de agosto próximo pasado, el contrato del mencionado experto, en la misma forma en que fué prorrogado en ocasiones anteriores.

Expreso anticipadamente a Vuestra Excelencia las más cumplidas gracias por sus valiosas gestiones en tal sentido, y aprovecho

la oportunidad para reiterarle las seguridades de mi distinguida consideración.

ROBERTO E CANESSA

Roberto E. Canessa,

*Ministro de Relaciones Exteriores*

Excelentísimo señor don MICHAEL McDERMOTT,  
*Embajador Extraordinario y Plenipotenciario  
 de los Estados Unidos de América,  
 Presente.*

*Translation*

MINISTRY OF FOREIGN AFFAIRS  
 REPUBLIC OF EL SALVADOR, C.A.

DEPARTMENT OF INTERNATIONAL  
 ORGANIZATIONS

NATIONAL PALACE:

*San Salvador, September 13, 1954.*

MR. AMBASSADOR:

I have the honor to address Your Excellency and to refer to the services being given by Mr. Charles B. Wade in the development of the fishery industry of El Salvador under the Point Four Program of Public Law No. 535 of the United States of America.

64 Stat. 204.  
 22 USC § 1557 note.

The Ministry of Economy has requested this Ministry to undertake the appropriate steps for a continuation of Mr. Wade's valuable cooperation, and I, therefore, take the liberty of requesting, through Your Excellency, that the Government of the United States of America extend the contract of the above-mentioned technical expert for another year beginning August 19, 1954, in the same manner in which it was extended on previous occasions.

I express in advance to Your Excellency my most sincere thanks for your valued efforts in this direction, and I avail myself of the opportunity to renew to you the assurances of my distinguished consideration.

ROBERTO E CANESSA

Roberto E. Canessa,

*Minister of Foreign Affairs*

His Excellency

MICHAEL McDERMOTT,

*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America,  
 City.*

*The American Chargé d'Affaires ad interim to the Salvadoran  
Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
*San Salvador, July 25, 1955*

No. 9

**EXCELLENCY:**

I have the honor to acknowledge receipt of note A-780-D-2410 of September 13, 1954, from Your Excellency's predecessor requesting, on behalf of the Government of El Salvador, a further extension for the period of one year from August 19, 1954, of the Fisheries Project Agreement signed at San Salvador on July 19, 1951, and extended several times in the interim.

TIAS 2337.  
2 UST 2116.

I have been authorized by my Government to agree to this proposal which, together with this note in reply, may be considered as constituting an extension of the Fisheries Project Agreement for the period August 19, 1954 to August 18, 1955.

My Government considers that as this proposed extension would soon terminate, Your Excellency's Government may be interested in a further extension of one year, i.e. from August 19, 1955 to August 18, 1956. I am also authorized to agree to such an additional extension, [!] which would become effective immediately upon receipt from Your Excellency of a note agreeing to it.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

D. CHADWICK BRAGGIOTTI  
*Chargé d'Affaires ad interim*

His Excellency

Dr. J. GUILLERMO TRABANINO,  
*Minister of Foreign Affairs,*  
*San Salvador.*

<sup>1</sup> See Treaties and Other International Acts Series 3424; *post*, p. 4114.

TIAS 3423

# EL SALVADOR

## FISHERIES MISSION

TIAS 3424  
July 25 and  
Oct. 24, 1955

*Agreement extending the agreement of July 19, 1951, as extended.*

*Effectuated by exchange of notes*

*Signed at San Salvador July 25 and October 24, 1955;*

*Entered into force October 25, 1955;*

*Operative retroactively August 19, 1955.*

---

*The American Charge d'Affaires ad interim to the Salvadoran  
Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA,

No. 9

*San Salvador, July 25, 1955*

EXCELLENCY:

I have the honor to acknowledge receipt of note A-780-D-2410 of September 13, 1954, [<sup>1</sup>] from Your Excellency's predecessor requesting, on behalf of the Government of El Salvador, a further extension for the period of one year from August 19, 1954, of the Fisheries Project Agreement signed at San Salvador on July 19, 1951, and extended several times in the interim.

I have been authorized by my Government to agree to this proposal which, together with this note in reply, may be considered as constituting an extension of the Fisheries Project Agreement for the period August 19, 1954 to August 18, 1955. [<sup>1</sup>]

My Government considers that as this proposed extension would soon terminate, Your Excellency's Government may be interested in a further extension of one year, i. e. from August 19, 1955 to August 18, 1956. I am also authorized to agree to such an additional extension, which would become effective immediately upon receipt [<sup>2</sup>] from Your Excellency of a note agreeing to it.

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<sup>1</sup> See Treaties and Other International Acts Series 3423; *ante*, p. 4111.

<sup>2</sup> Oct. 25, 1955.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

D. CHADWICK BRAGGIOTTI  
*Charge d'Affaires ad interim*

His Excellency

Dr. J. GUILLERMO TRABANINO,  
*Minister of Foreign Affairs,*  
*San Salvador.*

*The Salvadoran Minister of Foreign Affairs to the American Charge  
d'Affaires ad interim*

MINISTERIO DE RELACIONES EXTERIORES  
REPÚBLICA DE EL SALVADOR, C. A.

DEPARTAMENTO DE ORGANISMOS  
INTERNACIONALES

A-780-D 2558

SAN SALVADOR, 24 de octubre de 1955

SEÑOR ENCARGADO:

Me es honroso dirigirme a Vuestra Señoría y de conformidad al penúltimo párrafo de la apreciable comunicación de esa Embajada N° 9 de 25 de julio de 1955, me complace manifestarle que mi Gobierno, altamente agradecido acepta que la comunicación referida y la presente, constituyan el canje de notas que formaliza la prórroga de un año más, o sea del 19 de agosto de 1955 al 18 de agosto de 1956, del Acuerdo del Proyecto de Pesquerías firmado en San Salvador el 19 de julio de 1951 y prorrogado en la misma forma en los años sucesivos.

Esta oportunidad me es propicia para expresar a Vuestra Señoría, las demostraciones de mi más alta y distinguida consideración.

CARLOS AZÚCAR CHÁVEZ  
Carlos Azúcar Chávez  
*Ministro de Relaciones Exteriores*

Honorable Señor Don D. CHADWICK BRAGGIOTTI,  
*Encargado de Negocios a. i.*  
*de los Estados Unidos de América*  
*Presente*

*Translation*

MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF ELSALVADOR, C.A.

DEPARTMENT OF INTERNATIONAL  
ORGANIZATIONS

A-780-D 2558

SAN SALVADOR, October 24, 1955

MR. CHARGÉ D'AFFAIRES:

In accordance with the penultimate paragraph of your Embassy's courteous communication No. 9 of July 25, 1955, I have the honor to inform you that my Government, deeply grateful, agrees that the above-mentioned communication and this one shall constitute an exchange of notes formalizing the extension for one additional year, that is, from August 19, 1955, to August 18, 1956, of the Fisheries Project Agreement signed at San Salvador July 19, 1951, and extended in the same manner in the succeeding years.

I avail myself of this opportunity to express to you the assurances of my highest and most distinguished consideration.

CARLOS AZÚCAR CHÁVEZ

Carlos Azúcar Chávez

*Minister of Foreign Affairs*

Mr. D. CHADWICK BRAGGIOTTI,  
*Chargé d'Affaires ad interim*  
*of the United States of America,*  
*City.*

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