

DEPARTMENT OF FOREIGN AFFAIRS

TREATY SERIES

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In this Issue

TERMS OF REFERENCE OF THE FAR EASTERN COMMISSION

CONSULAR CONVENTION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF GREAT BRITAIN AND NORTHERN IRELAND FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION AS AMENDED IN THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946

TREATY OF FRIENDSHIP BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE FRENCH REPUBLIC

AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA REGARDING THE PAYMENT OF PUBLIC AND PRIVATE CLAIMS

*For complete contents
see page i*

(P2.00 a copy)



TABLE OF CONTENTS

TREATY SERIES

VOLUME I, NUMBER 3

	Page
1. INTERIM AGREEMENT ON INTERNATIONAL CIVIL AVIATION. (PICAO)	1
2. CONVENTION ON INTERNATIONAL CIVIL AVIATION	16
(a) Protocol relating to an amendment of the Con- vention on International Civil Aviation. (ICAO)	53
3. INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT	56
4. TERMS OF REFERENCE OF THE FAR EASTERN COMMISSION.....	61
5. PROVISIONAL AGREEMENT BETWEEN THE REPUBLIC OF THE PHIL- IPPINES AND THE UNITED STATES OF AMERICA CONCERNING FRIENDLY RELATIONS AND DIPLOMATIC AND CONSULAR REPRESENTATION	64
6. CONSTITUTION OF THE WORLD HEALTH ORGANIZATION.....	66
7. CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION, AS AMENDED IN THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946	91
(a) Formal declaration of Acceptance of Membership by the President	
8. CONSULAR CONVENTION BETWEEN THE REPUBLIC OF THE PHILIP- PINES AND THE UNITED STATES OF AMERICA	115
9. AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING COAST AND GEODETIC SURVEY WORK AND TRAINING PROGRAM	127
10. TREATY OF FRIENDSHIP BETWEEN THE REPUBLIC OF THE PHILIP- PINES AND THE FRENCH REPUBLIC	
11. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING RADIO BROADCASTING FACILITIES	137
(a) Protocol to above agreement	142
12. POSTAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES	146
13. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF GREAT BRITAIN AND NORTHERN IRELAND FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES	153
(a) Schedule 1—Routes to be served by the designated air lines of the Republic of the Philippines.....	160
(b) Schedule 2—Routes to be served by the designated air lines of the United Kingdom	160
14. AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA REGARDING THE PAYMENT OF PUBLIC AND PRIVATE CLAIMS	161
15. EXCHANGE OF NOTES SIGNED ON DEC. 22, 1948, BETWEEN THE PHILIPPINES AND SPAIN, CREATING THE COURT OF ARBITRATION AND THE PERMANENT CONCILIATION COMMISSION, AS PROVIDED FOR IN ARTICLES II AND III OF THE TREATY OF FRIENDSHIP BE- TWEEN THE PHILIPPINES AND SPAIN	167

**INTERIM AGREEMENT ON INTERNATIONAL
CIVIL AVIATION (PICAO)**

The undersigned, on behalf of their respective governments, agree to the following:

ARTICLE I

THE PROVISIONAL ORGANIZATION

Section 1

The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

Section 2

The Organization shall consist of an Interim Assembly and an Interim Council, and it shall have its seat in Canada.

Section 3

The Organization is established for an interim period which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have agreed upon other arrangements; provided, however, that the interim period shall in no event exceed three years from the coming into force of the present Agreement.

Section 4

The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

ARTICLE II

THE INTERIM ASSEMBLY

Section 1

The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary

meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.

All member states shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present.

Section 2

The powers and duties of the Assembly shall be to:

1. Elect at each meeting its President and other officers.
2. Elect the member States to be represented on the Council, as provided in Article III, Section 1.
3. Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council.
4. Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable.
5. Approve an annual budget and determine the financial arrangements of the Organization.
6. At its discretion, refer to the Council any specific matter for its consideration and report.
7. Delegate to the Council all the powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly.
8. Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

ARTICLE III

THE INTERIM COUNCIL

Section 1

The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not

otherwise included which make the largest contribution to the provision of facilities for international civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented. Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

Section 2

No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Section 3

The Council shall elect, and determine the emoluments of, a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The President shall convene, and preside at, the meetings of the Council; he shall act as the Council's representative; and he shall carry out such functions on behalf of the Council as may be assigned to him.

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

Section 4

Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote; provided that, in any case in which there is a dispute between one or more member States who are not members of the Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

Section 5

The powers and duties of the Council shall be to:

1. Carry out the directives of the Assembly.

2. Determine its own organization and rules of procedure.
3. Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.
4. Appoint a Secretary General.
5. Provide for the establishment of any subsidiary working groups which may be considered desirable among which there shall be the following interim committees:
 - a. A Committee on Air Transport,
 - b. A Committee on Air Navigation, and
 - c. A Committee on International Convention on Civil Aviation.

If a member State so desires, it shall have the right to appoint a representative on any such interim committee or working group.

6. Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.
7. Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization.

Section 6

In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to:

1. Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.
2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.
3. Supervise and coordinate the work of:
 - a. The Committee on Air Transport, whose functions shall be to:
 - (1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.
 - (2) Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.

- (3) Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.
- (4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

b. The Committee on Air Navigation, whose functions shall be to:

- (1) Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and system of dimensioning and specification of dimensions used in connection with international air navigation.
- (2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.
- (3) Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

c. The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

4. Receive and consider the reports of the committees and working groups.

5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

7. Submit an annual report to the Assembly.

8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.

9. On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.

ARTICLE IV

THE SECRETARY GENERAL

The Secretary General shall be the chief executive and administrative officer of the Organization. The Secretary General shall be responsible to the Council as a whole and, following established policies of the Council, shall have full power and authority to carry out the duties assigned to him by the Council. The Secretary General shall make periodic reports to the Council covering the progress of the Secretariat's activities. The Secretary General shall appoint the staff of the Secretariat. He shall likewise appoint the secretariat and staff necessary to the functioning of the Assembly, of the Council, and of Committees or such working groups as are mentioned in the present Agreement or may be constituted pursuant thereto.

ARTICLE V

FINANCES

Each member State shall bear the expenses of its own delegation to the Assembly and the salary, travel and other expenses of its own delegate on the Council and of its representatives on committees or subsidiary working groups.

The expenses of the organization shall be borne by the member States in proportions to be decided by the Assembly. Funds shall be advanced by each member State to cover the initial expenses of the Organization.

The Assembly may suspend the voting power of any member State that fails to discharge, within a reasonable period, its financial obligations to the Organization.

ARTICLE VI

SPECIAL DUTIES

The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreements.

ARTICLE VII

TRANSFER OF FUNCTIONS, RECORDS, AND PROPERTY

The exercise of any functions which shall have been herein assigned to the Provisional Organization shall cease at any time that those particular functions have been completed or transferred to another international organization. At the time of the coming into force of the Convention on International Civil Aviation signed at Chicago, December 7, 1944, the records and property of the Provisional Organization shall be transferred to the International Civil Aviation Organization established under the above-mentioned Convention.

ARTICLE VIII

FLIGHT OVER TERRITORY OF MEMBER STATES

Section 1

The member States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Section 2

For the purposes of this Agreement the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Section 3

This Agreement shall be applicable only to civil aircraft, and shall not be applicable to state aircraft. Aircraft used in military, customs and police services shall be deemed to be state aircraft.

Section 4

Except in a case where, under the terms of an agreement or of a special authorization, aircraft are permitted to cross the territory of a member State without landing, every aircraft which enters the territory of a member State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a member State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the Provisional International Civil Aviation Organization for communication to all other member States.

Section 5

Subject to the provisions of this Agreement, the laws and regulations of a member State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all member States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Section 6

Each member State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever it may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each member State undertakes to insure the prosecution of all persons violating the regulations applicable.

Section 7

The laws and regulations of a member State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers,

crew or cargo upon entrance into or departure from, or while within the territory of that State.

Section 8

The member States agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, and plague, and such other communicable diseases as the member States shall from time to time decide to designate, and to that end member States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the member States may be parties.

Section 9

Each member State may, subject to the provisions of this Agreement,

1. Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

2. Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

Provided that, Upon representation by an interested member State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 10

The appropriate authorities of each of the member States shall have the right, without unreasonable delay, to search aircraft of the other member States on landing or departure, and to inspect the certificates and other documents prescribed by this Agreement.

ARTICLE IX

MEASURES TO FACILITATE AIR NAVIGATION

Section 1

Each member State undertakes, so far as it may find practicable, to make available such radio facilities, such meteorolo-

logical services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this Agreement.

Section 2

Each member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to the control of its own authorities, the owners or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

Section 3

In the event of an accident to an aircraft of a member State occurring in the territory of another member State, and involving death or serious injury, or indicating serious technical defect, in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

ARTICLE X

CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

Section 1

Every aircraft of a member State, engaged in international navigation, shall carry the following documents:

- (a) Its certificate of registration.
- (b) Its certificate of airworthiness.
- (c) The appropriate licenses for each member of the crew.
- (d) Its journey log book.
- (e) If it is equipped with radio apparatus, the aircraft radio station license.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

Section 2

(a) Aircraft of each member State may, in or over the territory of other member States, carry radio transmitting

apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the member State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Section 3

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Section 4

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each member State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another member State.

Section 5

Subject to the provisions of Section 4 (b), certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the member State in which the aircraft is registered, shall be recognized as valid by the other member State.

Section 6

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and each journey.

Section 7

Each member State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

ARTICLE XI

AIRPORTS AND AIR NAVIGATION FACILITIES

Where a member State desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for the provision of such assistance so far as may be practicable in accordance with the provisions of Chapter XV of the Convention on International Civil Aviation signed at Chicago, December 7, 1944.

ARTICLE XII

JOINT OPERATING ORGANIZATIONS AND ARRANGEMENTS

Section 1

Nothing in this Agreement shall prevent two or more member States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Agreement, including those relating to the registration of agreements with the Council.

Section 2

The Council may suggest to member States concerned that they form joint organizations to operate air services on any routes or in any regions.

Section 3

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be State-owned or partly State-owned or privately owned.

ARTICLE XIII

UNDERTAKINGS OF MEMBER STATES

Section 1

Each member State undertakes to transmit to the Council copies of all existing and future contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State, or any airline of a member State is a party, as described in Article III, Section 6, Subsection 2.

Section 2

Each member State undertakes to require its international airlines to file with the Council, in accordance with requirements laid down by the Council, traffic reports, cost statistics, and financial statements as described in Article III, section 6, Subsection 3, *a* (1) and (2), showing, among other things, all receipts and the sources thereof.

Section 3

The member States undertake, with respect to the matters set forth in Article III, section 6, Subsection 3, *b* (1), to apply, as rapidly as possible, in their national civil aviation practices, the general recommendations of the International Civil Aviation Conference, convened in Chicago, November 1, 1944, and such recommendations as will be made through the continuing study of the Council.

ARTICLE XIV

WITHDRAWAL

Any member State, a party to the present Agreement, may withdraw therefrom on six months' notice given by it to the Secretary General, who shall at once inform all the member States of the Organization of such notice of withdrawal.

ARTICLE XV

DEFINITIONS

For the purpose of this Agreement the expression:

(a) "Air Service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the airspace over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

ARTICLE XVI

ELECTION OF FIRST INTERIM COUNCIL

The first Interim Council shall be composed of the States elected for that purpose by the International Civil Aviation Conference convened in Chicago on November 1, 1944, provided

that no State thus elected shall become a member of the Council until it has accepted the present Agreement and unless such acceptance has taken place within six months after December 7, 1944. In no case shall the term of office of a State as a member of the first Interim Council begin before or go beyond the period of two years, starting from the coming into force of the Present Agreement.

Each State so elected to the Interim Council shall take its seat in the Council upon acceptance by that State of this Agreement or upon the entry into force of this Agreement, whichever is the later date, and it shall hold its seat until the end of the two years following the coming into force of this Agreement: *Provided*, that any State so elected to the Council which does not accept this Agreement within six months after the above-mentioned election shall not become a member of the Council and the seat shall remain vacant until the next meeting of the Assembly.

ARTICLE XVII

SIGNATURES AND ACCEPTANCES OF AGREEMENT

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to the present Interim Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State, a member of the United Nations and any State associated with them, as well as any State which remained neutral during the present world conflict, not a signatory to this Agreement, may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

The present Interim Agreement shall come into force when it has been accepted by twenty-six States. Thereafter it will become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government.

The Government of the United States shall inform all governments represented at the International Civil Aviation Conference referred to of the date on which the present Interim Agreement comes into force and shall likewise notify them of all acceptances of the Agreement.

IN WITNESS WHEREOF, the undersigned, having been duly authorized sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the states which may sign and accept this Agreement.

(This document was opened for signature at Chicago on December 7 and, by February 28, 1945, had been signed by representatives of the following countries:

Afghanistan	Haiti	Poland
Australia (subject to confirmation by the Australian Government)	Honduras	Portugal
	Iceland	Spain
	India	Sweden
	Iran	Switzerland
Bolivia	Iraq	Syria
Canada	Ireland	Turkey
Chile	Lebanon	United Kingdom
China	Liberia	United States
Dominican Republic	Mexico	Uruguay
Ecuador	Netherlands	Venezuela (ad referendum)
Egypt	New Zealand	
France	Nicaragua	The Danish Minister
Greece	Norway	ter
Guatemala	Peru	The Thai Minister
	Philippine Commonwealth	

[Formulated by the International Civil Aviation Conference at Chicago from November 1 to December 7, 1944.]

CONVENTION
ON
INTERNATIONAL CIVIL AVIATION

PREAMBLE

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

WHEREAS it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this convention to that end.

PART I.—AIR NAVIGATION

CHAPTER I

GENERAL PRINCIPLES AND APPLICATION OF THE CONVENTION

Article I

Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 2

Territory

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Article 3

Civil and state aircraft

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Article 4

Misuse of civil aviation

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

CHAPTER II

FLIGHT OVER TERRITORY OF CONTRACTING STATES

Article 5

Right of non-scheduled flight

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Article 6

Scheduled air services

No scheduled international air service may be operated over or into the territory of a contracting State, except with the

special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

Article 7

Cabotage

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Article 8

Pilotless aircraft

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Article 9

Prohibited areas

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect,

temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Article 10

Landing at customs airport

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Article 11

Applicability of air regulations

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Article 12

Rules of the air

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its

territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Article 13

Entry and clearance regulations

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Article 14

Prevention of spread of disease

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Article 15

Airport and similar charges

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions

to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Article 16

Search of aircraft

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

CHAPTER III

NATIONALITY OF AIRCRAFT

Article 17

Nationality of aircraft

Aircraft have the nationality of the State in which they are registered.

Article 18

Dual registration

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

Article 19

National laws governing registration

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Article 20

Display of marks

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Article 21

Report of registrations

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports of the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

CHAPTER IV

MEASURES TO FACILITATE AIR NAVIGATION

Article 22

Facilitation of formalities

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

Article 23

Customs and immigration procedures

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Article 24

Customs duty

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Article 25

Aircraft in distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated

measures which may be recommended from time to time pursuant to this Convention.

Article 26

Investigation of accidents

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Article 27

Exemption from seizure on patent claims

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Article 28

Air navigation facilities and standard systems

Each contracting State undertakes, so far as it may find practicable, to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

CHAPTER V

CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

Article 29

Documents carried in aircraft

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;

(g) If it carries cargo, a manifest and detailed declarations of the cargo.

Article 30

Aircraft radio equipment

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Article 31

Certificates of airworthiness

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32

License of personnel

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33

Recognition of certificates and licenses

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued

or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Article 34

Journey log books

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Article 35

Cargo restrictions

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitute munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purpose of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restrictions shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Article 36

Photographic apparatus

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI

INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

Article 37

Adoption of international standards and procedures

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regula-

tions, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommend practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground marking;
- (b) Characteristics of airports and landing areas;
- (c) Rules of the air and air traffic control practices;
- (d) Licensing of operating and mechanical personnel;
- (e) Airworthiness of aircraft;
- (f) Registration and identification of aircraft;
- (g) Collection and exchange of meteorological information;
- (h) Log books;
- (i) Aeronautical maps and charts;
- (j) Customs and immigration procedures;
- (k) Aircraft in distress and investigation of accidents; and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Article 38

Departures from international standards and procedures

Any State which finds it impracticable to comply in all respects with any such international standards or procedures, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any state which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other States of the difference which exists between one

or more features of an international standard and the corresponding national practice of that State.

Article 39

Endorsement of certificates and licenses

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Article 40

Validity of endorsed certificates and licenses

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Article 41

Recognition of existing standards of airworthiness

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Article 42

Recognition of existing standards of competency of personnel

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel

whose licenses remain valid five years after the date of adoption of such standard.

PART II.—THE INTERNATIONAL CIVIL AVIATION
ORGANIZATION

CHAPTER VII

THE ORGANIZATION

Article 43

Name and composition

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made of an Assembly, a Council, and such other bodies as may be necessary.

Article 44

Objectives

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

Article 45

Permanent seat

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation

signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council.

Article 46

First meeting of Assembly

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Article 47

Legal capacity

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

CHAPTER VIII

THE ASSEMBLY

Article 48

Meeting of Assembly and voting

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

Article 49

Powers and duties of Assembly

The powers and duties of the Assembly shall be to:

- (a) Elect at each meeting its President and other officers;
- (b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;

(c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;

(d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;

(e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;

(f) Review expenditures and approve the accounts of the Organization;

(g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;

(h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;

(i) Carry out the appropriate provisions of Chapter XIII;

(j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;

(k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

CHAPTER IX

THE COUNCIL

Article 50

Composition and election of Council

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Article 51

President of Council

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members one or more Vice-Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

- (a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- (b) Serve as representative of the Council; and
- (c) Carry out on behalf of the Council the functions which the Council assigns to him.

Article 52

Voting in Council

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Article 53

Participation without a vote

Any contracting State may participate without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Article 54

Mandatory functions of Council

The Council shall:

- (a) Submit annual reports to the Assembly;
- (b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;

- (c) Determine its organization and rules of procedure;
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- (g) Determine the emoluments of the President of the Council;
- (h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;
- (i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;
- (j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;
- (k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;
- (l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;
- (m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;
- (n) Consider any matter relating to the Convention which any contracting State refers to it.

Article 55

Permissive functions of Council

The Council may:

- (a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;

(b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;

(c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

CHAPTER X

THE AIR NAVIGATION COMMISSION

Article 56

Nomination and appointment of Commission

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Article 57

Duties of Commission

The Air Navigation Commission shall:

(a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;

(b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;

(c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

CHAPTER XI

PERSONNEL

Article 58

Appointment of personnel

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Article 59

International character of personnel

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

Article 60

Immunities and privileges of personnel

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

CHAPTER XII

FINANCE

Article 61

Budget and apportionment of expenses

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and

expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Article 62

Suspension of voting power

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Article 63

Expenses of delegations and other representatives

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

CHAPTER XIII

OTHER INTERNATIONAL ARRANGEMENTS

Article 64

Security arrangements

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

Article 65

Arrangement with other international bodies

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Article 66

Functions relating to other agreements

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and

by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III.—INTERNATIONAL AIR TRANSPORT

CHAPTER XIV

INFORMATION AND REPORTS

Article 67

File reports with Council

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

CHAPTER XV

AIRPORTS AND OTHER AIR NAVIGATION FACILITIES

Article 68

Designation of routes and airports

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

Article 69

Improvement of air navigation facilities

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No con-

tracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 70

Financing of air navigation facilities

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Article 71

Provision and maintenance of facilities by Council

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Article 72

Acquisition or use of land

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Article 73

Expenditure and assessment of funds

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

Article 74

Technical assistance and utilization of revenues

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

Article 75

Taking over of facilities from Council

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Article 76

Return of funds

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

CHAPTER XVI

JOINT OPERATING ORGANIZATIONS AND POOLED SERVICES

Article 77

Joint operating organizations permitted

Nothing in the Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such

organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Article 78

Function of Council

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Article 79

Participation in operating organizations

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV.—FINAL PROVISIONS

CHAPTER XVII

OTHER AERONAUTICAL AGREEMENTS AND ARRANGEMENTS

Article 80

Paris and Habana Conventions

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

Article 81

Registration of existing agreements

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline

of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Article 82

Abrogation of inconsistent arrangements

The contracting States accept this Convention as abrogating all obligations and undertakings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

Article 83

Registration of new arrangements

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

CHAPTER XVIII

DISPUTES AND DEFAULT

Article 84

Settlement of disputes

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Per-

manent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

Article 85

Arbitration procedure

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

Article 86

Appeals

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Article 87

Penalty for non-conformity by airline

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council has decided that the airline concerned

is not conforming to a final decision rendered in accordance with the previous Article.

Article 88

Penalty for non-conformity by State

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

CHAPTER XIX

WAR

Article 89

War and emergency conditions

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

CHAPTER XX

ANNEXES

Article 90

Adoption and amendment of Annexes

(a) The adoption by the Council of the Annexes described in Article 54, subparagraph (1), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

CHAPTER XXI

RATIFICATIONS, ADHERENCES, AMENDMENTS, AND DENUNCIATIONS

Article 91

Ratification of Convention

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be de-

posited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

Article 92

Adherence to Convention

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

Article 93

Admission of other States

States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

Article 94

Amendment of Convention

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

Article 95

Denunciation of Convention

(a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

CHAPTER XXII

DEFINITIONS

Article 96

For the purpose of this Convention the expression :

(a) "Air service" means any schedule air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the airspace over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

(d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

SIGNATURE OF CONVENTION

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be open for signature at Washington, D. C. Both

texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

For Afghanistan:

(Sgd.) A. HOSAYN AZIZ

For the Government of the Commonwealth of Australia:

(Sgd.) ARTHUR S. DRAKEFORD

For Belgium:

(Sgd.) VICOMTE DU PARC April 9th, 1945

For Bolivia:

(Sgd.) TONL. AL. PACHECO

For Brazil:

(Sgd.) FERNANDO LOBO May 29th, 1945

For Canada:

(Sgd.) H. J. SYMINGTON

For Chile:

(Sgd.) R. SAÉNZ
 " G. BISQUERT
 " R. MAGALLANES B.

For China:

(Sgd.) CHANG KIA-NGAU

For Colombia:

(Sgd.) GONZALO RESTREPO JARAMILLO
 October 31, 1947

For Costa Rica:

(Sgd.) F. DE P. GUTIERREZ March 10th, 1945

For Cuba:

(Sgd.) GMO BELT April 20, 1945

For Czechoslovakia:

(Sgd.) V. S. HURBAN April 18, 1945

For the Dominican Republic:

(Sgd.) C. A. McLAUGHLIN

For Ecuador:

(Sgd.) J. A. CORREA

" FRANCISCO GOMEZ JURADO

For Egypt:

(Sgd.) M. HASSAN

" M. ROUSHDY

" M. A. KHALIFA

For El Salvador:

(Sgd.) FELIPE VEGA-GÓMEZ

May 9, 1945

For Ethiopia:

(Sgd.) RAS H. S. IMRU

February 10, 1947

For France:

(Sgd.) M. HYMANS

" C. LEEEL

" BOURGES

" P. LOCUSSOL

For Greece:

(Sgd.) D. T. NOTI BOTZARIS

" A. J. ARGYROPOULOS

For Guatemala:

(Sgd.) OSC MORALES L.

January 30, 1945

For Haiti:

(Sgd.) G. EDOUARD ROY

For Honduras:

(Sgd.) E. P. LEFEBVRE

For Iceland:

(Sgd.) THOR THORS.

For India:

(Sgd.) G. V. BEWOOR

For Iran:

(Sgd.) M. SHAYESTEH

For Iraq:

(Sgd.) ALI JAWDAT

For Ireland:

(Sgd.) ROBT. BRENNAN
 " JOHN LEYDON
 " JOHN J. HEARNE
 " T. J. O'DRISCOLL

For Lebanon:

(Sgd.) C. CHAMOUN
 " F. EL-HOSS

For Liberia:

(Sgd.) WALTER F. WALKER

For Luxembourg:

(Sgd.) HUGES LE GALLAIS July 9th, 1945

For Mexico:

(Sgd.) PEDRO A. CHAPA

For the Netherlands:

(Sgd.) COPES
 " F. C. ARONSTEIN

For the Government of New Zealand:

(Sgd.) DANIEL GILES SULLIVAN

For Nicaragua:

(Sgd.) R. E. FRIZELL

For Norway:

(Sgd.) W. MUNTHE MONGENSTIERNE

January 30, 1945

For Panama:

The Delegation of the Republic of Panama signs this Convention *ad referendum*, and subject to the following reservations:

1. Because of its strategic position and responsibility in the protection of the means of communication in its territory, which are of the utmost importance to world trade, and vital to the defense of the Western Hemisphere, the Republic of Panama reserves the right to take, with respect to all flights through the air space above its territory, all measures which in its judgment may be proper for its own security or the protection of said means of communication.

2. The Republic of Panama understands that the technical annexes to which reference is made in the Convention constitute recommendations only, and not binding obligations.

For Paraguay:

(Sgd.) CELSO R. VELÁZQUEZ

July 27, 1945

For Peru:

(Sgd.) A. REVOREDO
 " J. S. KOECHLIN
 " LUIS ALVARADO
 " F. ELGUERA
 " GILMO VAN ORDT. LEON

For the Philippine Commonwealth:

(Sgd.) J. HERNANDEZ
 " URBANO A. ZAPRA
 " J. H. FOLEY

For Poland:

(Sgd.) ZBYSLAW CIOLKOSZ
 " Dr. H. J. GORECKI
 " STEFAN J. KONORSKI
 " WITOLD A. URBANDO WICZ
 " LUDWIK H. GOTTLIEB

For Portugal:

(Sgd.) MÁRIO DE FIGUEREDO
 " ALFREDO DELESQUE DOS SANTOS CINTRA

(Sgd.) DUARTE CALHEIROS
 " VASCO VIEIRA GARIN

For Spain:

(Sgd.) E. TERRADAS
 " GERMÁN BARAIBAR
 " DUARTE CALHEIROS

For Sweden:

(Sgd.) R. KUMLIN

For Switzerland:

(Sgd.) CHARLES BRUGGMANN July 6th, 1945

For Syria:

(Sgd.) N. KAHALE

For Turkey:

(Sgd.) S. KOCAK
 " F. SAHINBAS
 " ORHAN H. EROL

For the Union of South Africa:

(Sgd.) D. D. FORSYTH 4th June, 1945

For the Government of the United Kingdom of Great Britain
 and Northern Ireland:

(Sgd.) SWINTON

For the United States of America:

(Sgd.) ADOLF A. BERLE, Jr.
 " ALFRED L. BULWINKLE
 " CHAS. A. WOLVERTON
 " F. LAGUARDIA
 " EDWARD WARNER
 " L. WELCH POGUE
 " WILLIAM A. M. BURDEN

For Uruguay:

(Sgd.) CARL CARBAJAL
 " Col. MEDARNO R. FARIAS

For Venezuela:

For Yugoslavia:

For Denmark:

(Sgd.) HENRIK KAUFFMANN

For Thailand:

(Sgd.) M. R. SENI PRAMOJ

-
1. The above Convention was signed in the English original version formulated at the International Civil Aviation Conference which took place at Chicago from 1 November to 7 December, 1944. No trilingual text has been opened for signature as provided for in the Convention.
 2. Came into force on 4 April 1947, the thirtieth day after deposit with the Government of the United States of America of the twenty-sixth instrument of ratification thereof or notification of adherence thereto, in accordance with article 91 (b).
 3. Concurred in by the Senate of the Philippines on September 5, 1946 and proclaimed by President Roxas on October 12, 1946.

PROTOCOL
RELATING TO AN AMENDMENT TO THE CONVENTION
ON INTERNATIONAL CIVIL AVIATION (ICAO)

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION,

HAVING been convened at Montreal by the Interim Council of the Provisional International Civil Aviation Organization, and having met in its First Session on May 6th 1947, and

HAVING considered it advisable to amend the Convention on International Civil Aviation done at Chicago on December 7th 1944,

APPROVED on the thirteenth day of May of the year one thousand nine hundred and forty-seven, in accordance with the provisions of Article 94 (a) of the Convention on International Civil Aviation done at Chicago on December 7th 1944, the following proposed amendment to the said Convention which shall be numbered as "Article 93 bis":

"ARTICLE 93 bis

(A) Notwithstanding the provisions of Articles 91, 92 and 93, above,

(1) A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;

(2) A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.

(B) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions

of paragraph (A) above may, after approval by the General Assembly of the United Nations, be readmitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council,

(C) Members of the Organization which are suspended from the exercise of the rights and privileges of membership of the United Nations shall, upon the request of the latter, be suspended from the rights and privileges of membership in this Organization",

SPECIFIED on the sixteenth day of May of the year one thousand nine hundred and forty-seven, pursuant to the provisions of the said Article 94(a) of the said Convention, that the above mentioned amendment shall come into force when ratified by twenty-eight Contracting States, and

INSTRUCTED at the same date the Secretary General of the International Civil Aviation Organization to draw up a Protocol embodying this proposed amendment and to the following effect, which Protocol shall be signed by the President and the Secretary General of the First Assembly.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

The present Protocol shall be subject to ratification by any State which has ratified or adhered to the said Convention. The instruments of ratification shall be transmitted to the Secretary General of the International Civil Aviation Organization for deposit in the archives of the Organization; the Secretary General of the Organization shall immediately notify all Contracting States of the date of deposit of each ratification;

The aforesaid proposed amendment of the Convention shall come into force, in respect of the States which have ratified this Protocol, on the date which the twenty-eight instrument of ratification is deposited. The Secretary General of the Organization shall immediately notify all the States parties to or signatories of the said Convention of the date on which the proposed amendment comes into force;

The aforesaid proposed amendment shall come into force in respect of each State ratifying after that date upon deposit of its instrument of ratification in the archives of the Organization.

IN FAITH WHEREOF the President and the Secretary General of the First Assembly of the International Civil Aviation Or-

ganization, being authorized thereto by the Assembly, sign this present Protocol.

DONE at Montreal on the twenty-seventh day of May of the year one thousand nine hundred and forty-seven in a single document in the English, French and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to or signatories of the Convention on International Civil Aviation done at Chicago on December 7th 1944.

(Sgd.) ARTHUR S. DRAKEFORD
President of the First Assembly

(Sgd.) ALBERT ROPER
Secretary General of the First Assembly

INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation and, when it comes into force, with the provisions of the Convention on International Civil Aviation, both drawn up at Chicago on December 7, 1944.

Section 3

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of a contracting State.

Section 4

Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 5

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE II

Section 1

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under

this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Section 2

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE III

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

ARTICLE IV

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article II, Section 2, and Article V, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council, respectively.

ARTICLE V

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE VI

SIGNATURE AND ACCEPTANCES OF AGREEMENT

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have

affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D. C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or accept this Agreement.

(This document was opened for signature at Chicago on December 7 and, by February 28, 1945, had been signed by representatives of the following countries:

Afghanistan	Iraq	Sweden
Bolivia	Lebanon	Turkey
Canada	Liberia	United Kingdom
Chile	Mexico	(not including
Ecuador	Netherlands	Newfoundland

Egypt	New Zealand	United States Uru-
France	Nicaragua	guay
Greece	Norway	Venezuela (ad ref-
Guatemala	Peru	erendum)
Haiti	Philippine Com-	The Danish Minis-
Honduras	monwealth	ter
India	Poland	The Thai Minister
Iran	Spain	

[Formulated by the International Civil Aviation Conference at Chicago from November 1 to December 7, 1944.]

TERMS OF REFERENCE OF THE FAR EASTERN COMMISSION

I. ESTABLISHMENT OF THE COMMISSION

A Far Eastern Commission is hereby established composed of the representatives of the Union of Soviet Socialist Republics, United Kingdom, United States, China, France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth.

II. FUNCTIONS

A. The functions of the Far Eastern Commission shall be :

1. To formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished.

2. To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission.

3. To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance with the voting procedure provided for in Article V-2 hereunder.

B. The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments.

C. The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces.

III. FUNCTIONS OF THE UNITED STATES GOVERNMENT

1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency. The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission.

2. If the Commission decides that any directive or action reviewed in accordance with Article II-A-2 should be modified, its decision shall be regarded as a policy decision.

3. The United States Government may issue interim directives to the Supreme Commander pending action by the Commission whenever urgent matters arise not covered by policies already formulated by the Commission; provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission.

4. All directives issued shall be filed with the Commission.

IV. OTHER METHODS OF CONSULTATION

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments.

V. COMPOSITION

1. The Far Eastern Commission shall consist of one representative of each of the States party to this agreement. The membership of the Commission may be increased by agreement among the participating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. The Commission shall provide for full and adequate consultations, as occasion may require, with representatives of the United Nations not members of the Commission in regard to matters before the Commission which are of particular concern to such nations.

2. The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.

VI. LOCATION AND ORGANIZATION

1. The Far Eastern Commission shall have its headquarters in Washington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so. It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers.

2. Each representative on the Commission may be accompanied by an appropriate staff comprising both civilian and military representation.

3. The Commission shall organize its secretariat, appoint such committees as may be deemed advisable, and otherwise perfect its organization and procedure.

VII. TERMINATION

The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China. Prior to the termination of its functions the Commission shall transfer to any interim or permanent security organization of which the participating Governments are members those functions which may appropriately be transferred.

December 7, 1945

PROVISIONAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING FRIENDLY RELATIONS AND DIPLOMATIC AND CONSULAR REPRESENTATION

The Government of the United States of America and the Government of the Republic of the Philippines, considering that in accordance with the expressed will of the Congress and people of the United States of America and of the Congress and people of the Philippines, the political ties which have united these two peoples are to be dissolved on July 4, 1946,

Considering also the mutual desire that the friendship and affection which have long existed between the two peoples shall be reaffirmed and continued without interruption for all time, and

Desiring to establish a basis for relations between the Governments of the two countries pending the conclusion, by established constitutional processes, of definitive treaties,

Do now make of record this provisional agreement concerning friendly relations and diplomatic and consular representation.

ARTICLE I

The Government of the United States of America recognizes the Republic of the Philippines as a separate, independent and self-governing nation and acknowledges the authority and control of the Government of the Republic of the Philippines over the territory of the Philippine Islands.

ARTICLE II

The Government of the United States of America will notify the Governments with which it has diplomatic relations of the independence of the Republic of the Philippines and will invite those Governments to recognize the Republic of the Philippines as a member of the family of nations.

ARTICLE III

The diplomatic representatives of each contracting party shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law. The

consular representatives of each contracting party, duly provided with exequaturs, shall be permitted to reside in the territories of the other; they shall enjoy the privileges and immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any third country.

ARTICLE IV

The two contracting parties mutually agree that they will forthwith enter into negotiations for the conclusion of treaties and agreements regulating relations between the two countries, including a treaty of friendship, commerce and navigation, an executive agreement relating to trade, a general relations treaty, a consular convention, and other treaties and agreements as may be necessary, and will endeavor to conclude these instruments as soon as may be possible.

ARTICLE V

This provisional agreement shall enter into force upon signature.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this provisional agreement at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:

[SEAL]

(Sgd.) PAUL V. MCNUTT

For the Government of the Republic of the Philippines:

[SEAL]

(Sgd.) MANUEL ROXAS

CONSTITUTION OF THE WORLD HEALTH ORGANIZATION

THE STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:

Health is a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction or race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

ACCEPTING THESE PRINCIPLES, and for the purpose of co-operation among themselves and with others to promote and protect the health of all peoples, the contracting parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of the Charter of the United Nations.

CHAPTER I

OBJECTIVE

Article 1

The objective of the World Health Organization (hereinafter called the Organization) shall be the attainment by all peoples of the highest possible level of health.

CHAPTER II

FUNCTIONS

Article 2

In order to achieve its objective, the functions of the Organization shall be:

- (a) to act as the directing and co-ordinating authority on international health work;
- (b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;
- (c) to assist governments, upon request, in strengthening health services;
- (d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of governments;
- (e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;
- (f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;
- (g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;
- (h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;
- (i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;
- (j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;

- (k) to propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;
- (l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;
- (m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;
- (n) to promote and conduct research in the field of health;
- (o) to promote improved standards of teaching and training in the health, medical and related professions;
- (p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;
- (q) to provide information, counsel and assistance in the field of health;
- (r) to assist in developing an informed public opinion among all peoples on matters of health;
- (s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;
- (t) to standardize diagnostic procedures as necessary;
- (u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;
- (v) generally to take all necessary action to attain the objective of the Organization.

CHAPTER III

MEMBERSHIP AND ASSOCIATE MEMBERSHIP

Article 3

Membership in the Organization shall be open to all States.

Article 4

Members of the United Nations may become Members of the Organization by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes.

Article 5

The States whose governments have been invited to send observers to the International Health Conference held in New

York, 1946, may become Members by signing or otherwise accepting this Constitution in accordance with provisions of Chapter XIX and in accordance with their constitutional processes provided that such signature or acceptance shall be completed before the first session of the Health Assembly.

Article 6

Subject to the conditions of any agreement between the United Nations and the Organization, approved pursuant to Chapter XVI, States which do not become Members in accordance with Article 4 and 5 may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

Article 7

If a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

Article 8

Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives or Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly.

CHAPTER IV

ORGANS

Article 9

The work of the Organization shall be carried out by:

- (a) The World Health Assembly (herein called the Health Assembly);
- (b) The Executive Board (herein called the Board);
- (c) The Secretariat.

CHAPTER V

THE WORLD HEALTH ASSEMBLY

Article 10

The Health Assembly shall be composed of delegates representing Members.

Article 11

Each Member shall be represented by not more than three delegates, one of whom shall be designated by the Member as chief. These delegates should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member.

Article 12

Alternates and advisers may accompany delegates.

Article 13

The Health Assembly shall meet in regular annual session and in such special sessions as may be necessary. Special sessions shall be convened at the request of the Board or of a majority of the Members.

Article 14

The Health Assembly, at each annual session, shall select the country or region in which the next annual session shall be held, the Board subsequently fixing the place. The Board shall determine the place where a special session shall be held.

Article 15

The Board, after consultation with the Secretary-General of the United Nations, shall determine the date of each annual and special session.

Article 16

The Health Assembly shall elect its President and other officers at the beginning of each annual session. They shall hold office until their successors are elected.

Article 17

The Health Assembly shall adopt its own rules of procedure.

Article 18

The functions of the Health Assembly shall be:

- (a) to determine the policies of the Organization;
- (b) to name the Members entitled to designate a person to serve on the Board;
- (c) to appoint the Director-General;
- (d) to review and approve reports and activities of the Board and of the Director-General and to instruct the Board in regard to matters upon which action, study, investigation or report may be considered desirable;
- (e) to establish such committees as may be considered necessary for the work of the Organization;
- (f) to supervise the financial policies of the Organization and to review and approve the budget;
- (g) to instruct the Board and the Director-General to bring to the attention of Members and of international organizations, governmental or non-governmental, any matter with regard to health which the Health Assembly may consider appropriate;
- (h) to invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly; but in the case of national organizations, invitations shall be issued only with the consent of the government concerned;
- (i) to consider recommendations bearing on health made by the General Assembly, the Economic and Social Council, the Security Council or Trusteeship Council of the United Nations, and to report to them on the steps taken by the Organization to give effect to such recommendations;
- (j) to report to the Economic and Social Council in accordance with any agreement between the Organization and the United Nations;
- (k) to promote and conduct research in the field of health by the personnel of the Organization, by the establishment of its own institutions or by co-operation with official or non-official institutions of any Member with the consent of its government;
- (l) to establish such other institutions as it may consider desirable;

- (m) to take any other appropriate action to further the objective of the Organization.

Article 19

The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

Article 20

Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

Article 21

The Health Assembly shall have authority to adopt regulations concerning:

- (a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;
- (b) nomenclatures with respect to diseases, causes of death and public health practices;
- (c) standards with respect to diagnostic procedures for international use;
- (d) standards with respect to the safety, purity and potency of biological, pharmaceutical and similar products moving in international commerce;
- (e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

Article 22

Regulations adopted pursuant to Article 21 shall come into force for all Members after due notice has been given of their

adoption by the Health Assembly except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice.

Article 23

The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.

CHAPTER VI

THE EXECUTIVE BOARD

Article 24

The Board shall consist of eighteen persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Article 25

These Members shall be elected for three years and may be re-elected; provided that of the Members elected at the first session of the Health Assembly, the terms of six Members shall be for one year and the terms of six Members shall be for two years, as determined by lot.

Article 26

The Board shall meet at least twice a year and shall determine the place of each meeting.

Article 27

The Board shall elect its Chairman from among its members and shall adopt its own rules of procedure.

Article 28

The functions of the Board shall be:

- (a) to give effect to the decisions and policies of the Health Assembly;

- (b) to act as the executive organ of the Health Assembly;
- (c) to perform any other function entrusted to it by the Health Assembly;
- (d) to advise the Health Assembly on questions referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;
- (e) to submit advice or proposals to the Health Assembly on its own initiative;
- (f) to prepare the agenda of meetings of the Health Assembly;
- (g) to submit to the Health Assembly for consideration and approval a general programme of work covering a specific period;
- (h) to study all questions within its competence;
- (i) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action. In particular it may authorize the Director-General, to take the necessary steps to combat epidemics, to participate in the organization of health relief to victims of a calamity and to undertake studies and research the urgency of which has been drawn to the attention of the Board by any Member or by the Director-General.

Article 29

The Board shall exercise on behalf of the whole Health Assembly the powers delegated to it by that body.

CHAPTER VII

THE SECRETARIAT

Article 30

The Secretariat shall comprise the Director-General and such technical and administrative staff as the Organization may require.

Article 31

The Director-General shall be appointed by the Health Assembly on the nomination of Board on such terms as the Health Assembly may determine. The Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

Article 32

The Director-General shall be *ex-officio* Secretary of the Health Assembly, of the Board, of all commissions and committees of the Organization and of conferences convened by it. He may delegate these functions.

Article 33

The Director-General or his representative may establish a procedure by agreement with Members, permitting him, for the purpose of discharging his duties, to have direct access to their various departments, especially to their health administrations and to national health organizations, governmental or non-governmental. He may also establish direct relations with international organizations whose activities come within the competence of the Organization. He shall keep Regional Offices informed on all matters involving their respective areas.

Article 34

The Director-General shall prepare and submit annually to the Board the financial statements and budget estimates of the Organization.

Article 35

The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The paramount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 36

The conditions of service of the staff of the Organization shall conform as far as possible with those of other United Nations organizations.

Article 37

In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their

position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

CHAPTER VIII

COMMITTEES

Article 38

The Board shall establish such committees as the Health Assembly may direct and, on its own initiative or on the proposal of the Director-General, may establish any other committees considered desirable to serve any purpose within the competence of the Organization.

Article 39

The Board, from time to time and in any event annually, shall review the necessity for continuing each committee.

Article 40

The Board may provide for the creation of or the participation by the Organization in joint or mixed committees with other organizations and for the representation of the Organization in committees established by such other organizations.

CHAPTER IX

CONFERENCES

Article 41

The Health Assembly or the Board may convene local, general, technical or other special conferences to consider any matter within the competence of the Organization and may provide for the representation of such conferences of international organizations and, with the consent of the government concerned, of national organizations, governmental or non-governmental. The manner of such representation shall be determined by the Health Assembly or the Board.

Article 42

The Board may provide for representation of the Organization at conferences in which the Board considers that the Organization has an interest.

CHAPTER X
HEADQUARTERS
Article 43

The location of the headquarters of the Organization shall be determined by the Health Assembly after consultation with the United Nations.

CHAPTER XI
REGIONAL ARRANGEMENTS

Article 44

(a) The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization.

(b) The Health Assembly may, with the consent of a majority of the Members situated within each area so defined, establish a regional organization to meet the special needs of such area. There shall not be more than one regional organization in each area.

Article 45

Each regional organization shall be an integral part of the Organization in accordance with this Constitution.

Article 46

Each regional organization shall consist of a Regional Committee and a Regional Office.

Article 47

Regional Committees shall be composed of representatives of the Member States and Associate Members in the region concerned. Territories or groups of territories within the region, which are not responsible for the conduct of their international relations and which are not Associate Members, shall have the right to be represented and to participate in Regional Committees. The nature and extent of the rights and obligations of these territories or groups of territories in Regional Committees shall be determined by the Health Assembly in consultation with the Member or other authority having responsibility for the international relations of those territories and with the Member States in the region.

Article 48

Regional Committees shall meet as often as necessary and shall determine the place of each meeting.

Article 49

Regional Committees shall adopt their own rules of procedure.

Article 50

The functions of the Regional Committee shall be:

- (a) to formulate policies governing matter of an exclusively regional character;
- (b) to supervise the activities of the Regional Office;
- (c) to suggest to the Regional Office the calling of technical conferences and such additional work or investigation in health matters as in the opinion of the Regional Committee would promote the objective of the Organization within the region;
- (d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization;
- (e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance;
- (f) to recommend additional regional appropriations by the governments of the respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions;
- (g) such other functions as may be delegated to the Regional Committee by the Health Assembly, the Board or the Director-General.

Article 51

Subject to the general authority of the Director-General of the Organization, the Regional Office shall be the administrative organ of the Regional Committee. It shall, in addition, carry out within the region the decisions of the Health Assembly and of the Board.

Article 52

The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee.

Article 53

The staff of the Regional Office shall be appointed in a manner to be determined by agreement between the Director-General and the Regional Director.

Article 54

The Pan American sanitary organization represented by the Pan American Sanitary Bureau and the Pan American Sanitary Conferences, and all other inter governmental regional health organizations in existence prior to the date of signature of this Constitution, shall in due course be integrated with the Organization. This integration shall be effected as soon as practicable through common action based on mutual consent of competent authorities expressed through the organizations concerned.

CHAPTER XII

BUDGET AND EXPENSES

Article 55

The Director-General shall prepare and submit to the Board the annual budget estimates of the Organization. The Board shall consider and submit to the Health Assembly such budget estimates, together with any recommendations the Board may deem advisable.

Article 56

Subject to any agreement between the Organization and the United Nations, the Health Assembly shall review and approve the budget estimates and shall apportion the expenses among the Members in accordance with a scale to be fixed by the Health Assembly.

Article 57

The Health Assembly or the Board acting on behalf of the Health Assembly may accept and administer gifts and bequests made to the Organization provided that the conditions attached to such gifts or bequests are acceptable to the Health Assembly or the Board and are consistent with the objective and policies of the Organization.

Article 58

A special fund to be used at the discretion of the Board shall be established to meet emergencies and unforeseen contingencies.

CHAPTER XIII

VOTING

Article 59

Each Member shall have one vote in the Health Assembly.

Article 60

(a) Decisions of the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and inter governmental organizations and agencies in accordance with Articles 69, 70 and 72; amendments to this Constitution.

(b) Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

(c) Voting on analogous matters in the Board and in committees of the Organization shall be made in accordance with paragraphs (a) and (b) of this Article.

CHAPTER XIV

REPORTS SUBMITTED BY STATES

Article 61

Each Member shall report annually to the Organization on the action taken and progress achieved in improving the health of its people.

Article 62

Each Member shall report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations.

Article 63

Each Member shall communicate promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned.

Article 64

Each Member shall provide statistical and epidemiological reports in a manner to be determined by the Health Assembly.

Article 65

Each Member shall transmit upon the request of the Board such additional information pertaining to health as may be practicable.

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfillment of its objective and for the exercise of its functions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfillment of its objective and for the exercise of its functions.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

CHAPTER XVI

RELATIONS WITH OTHER ORGANIZATIONS

Article 69

The Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. The agreement or agreements bringing the Organization into relation with the United Nations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 70

The Organization shall establish effective relations and cooperate closely with such other intergovernmental organizations as may be desirable. Any formal agreement entered into with such organization shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 71

The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

Article 72

Subject to the approval by a two-thirds vote of the Health Assembly, the Organization may take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

CHAPTER XVII

AMENDMENTS

Article 73

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to Members at least six months in advance of their consideration by the Health Assembly. Amendments shall come into force for all Members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the Members in accordance with their respective constitutional processes.

CHAPTER XVIII

INTERPRETATION

Article 74

The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

Article 75

Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

Article 76

Upon authorization by the General Assembly of the United Nations or upon authorization in accordance with any agreement between the Organization and the United Nations, the Organization may request the International Court of Justice for an advisory opinion on any legal question arising within the competence of the Organization.

Article 77

The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion. He shall make arrangements for the presentation of the case before the Court including arrangements for the argument of different views on the question.

CHAPTER XIX

ENTRY INTO FORCE

Article 78

Subject to the provisions of Chapter III, this Constitution shall remain open to all States for signature or acceptance.

Article 79

- (a) States may become parties to this Constitution by
 - (i) signature without reservation as to approval;
 - (ii) signature subject to approval followed by acceptance; or
 - (iii) acceptance.
- (b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 80

This Constitution shall come into force when twenty-six Members of the United Nations have become parties to it in accordance with the provisions of Article 79.

Article 81

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to approval on behalf of one State or upon deposit of the first instrument of acceptance.

Article 82

The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned representatives having been duly authorized for that purpose, sign this Constitution.

DONE in the City of New York this twenty-second day of July 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the Governments represented at the Conference.

For Argentina:

(Sgd.) ALBERTO ZWANCK ad referendum

For Australia:

(Sgd.) A. H. TANGE Subject to approval and acceptance by Government of Commonwealth of Australia.

For the Kingdom of Belgium:

(Sgd.) Dr. M. DE LAET Subject to ratification

For Bolivia:

(Sgd.) LUIS V. SOTELO ad referendum

For Brazil:

(Sgd.) GERALDO H. DE PAULA SOUZA
ad referendum

- For Byelorussian Soviet Socialist Republic:
 (Sgd.) N. EVSTAFIEV Subject to ratification by the Government.
- For Canada:
 (Sgd.) BROOKE CLAXTON Subject to approval
 (Sgd.) BROCK CHISHOLM
- For Chile:
 (Sgd.) JULIO BUSTOS Con reserva de ratificación constitucional
- For China:
 (Sgd.) SHEN J. K.
 I. CHIN YUAN
 SZEMING SZE
- For Colombia:
 (Sgd.) CARLOS URIBE AGUIRRE ad referendum
- For Costa Rica:
 (Sgd.) JAIME BENAVIDES ad referendum
- For Cuba:
 (Sgd.) Dr. PEDRO NOGUERA ad referendum
 (Sgd.) VICTOR SANTAMARINA
- For Czechoslovakia:
 (Sgd.) Dr. JOSEF CANKIK ad referendum
- For Denmark:
 (Sgd.) J. OERSKOV ad referendum
- For the Dominican Republic:
 (Sgd.) Dr. L. F. THOMEN ad referendum
- For Ecuador:
 (Sgd.) R. NEVAREZ VASQUEZ ad referendum
- For Egypt:
 (Sgd.) Dr. A. T. CHOUCHA
 TAHA ELSAYED NASR BEY
 M. S. ABAZA Subject to ratification

For Liberia :

(Sgd.) JOSEPH NAGBE TOGBA ad referendum
JOHN B. WEST

For the Grand Duchy of Luxembourg :

(Sgd.) Dr. M. DE LAET Subject to ratification

For Mexico :

(Sgd.) MONDRAGON ad referendum

For the Kingdom of the Netherlands :

(Sgd.) C. VAN DEN BERO ad referendum
C. BANNING
W. A. TIMMERMAN

For New Zealand :

(Sgd.) T. R. RITCHIE ad referendum

For Nicaragua :

(Sgd.) A. SEVILLA-SACASA ad referendum

For the Kingdom of Norway :

(Sgd.) HANS TH. SANDBERG ad referendum

For Panama :

(Sgd.) J. J. VALLERINO ad referendum

For Paraguay :

(Sgd.) ANGEL R. GINES ad referendum

For Peru :

(Sgd.) CARLOS ENRIQUE PAZ SOLDAN
A. TORANZO ad referendum

For the Republic of the Philippines :

(Sgd.) H. LARA
WALFRIDO DE LEON ad referendum

For Poland :

(Sgd.) EDWARD GRZEGORZEWSKI
ad referendum

For Saudi Arabia:

(Sgd.) Dr. YAHIA NASRI
 Dr. MEDHAT CHEIKHAL-ARDH
 Subject to ratification

For Syria:

(Sgd.) Dr. C. TREFI Subject to ratification

For Turkey:

(Sgd.) Z. N. BARKER Subject to ratification.
 I sign subject to approval and confirmation
 by my Government.

For the Ukrainian Soviet Socialist Republic:

(Sgd.) L. I. MEDVED Subject to ratification by
 the Supreme Council of
 (Sgd.) I. I. KALTCHENKO Ukrainian Soviet Socialist Republic.

For the Union of Soviet Socialist Republics:

(Sgd.) F. G. KROTKOV Subject to ratification by
 the Presidium of the
 Supreme Council of the
 USSR.

For the Union of South Africa:

(Sgd.) H. S. GEAR ad referendum

For the United Kingdom of Great Britain and Northern Ireland:

(Sgd.) MELVILLE D. MACKENZIE
 (Sgd.) G. E. YATES

For the United States of America:

(Sgd.) THOMAS PARRAN Subject to approval
 (Sgd.) MARTHA M. ELIOT
 (Sgd.) FRANK G. BOUDREAU

For Uruguay:

(Sgd.) JOSE A. MORA ad referendum
 (Sgd.) R. RIVERO
 (Sgd.) CARLOS M. BARBEROUSSE

For Venezuela:

(Sgd.) A. ARREAZA GUZMAN ad referendum

- For Yugoslavia:
 (Sgd.) Dr. A. STAMPAR With reservation as to
 ratification.
- For Afghanistan:
- For Albania:
 (Sgd.) T. JAKOVA With reservation.
- For Austria:
 (Sgd.) Dr. MARIUS KAISER With reservation.
- For Bulgaria:
 (Sgd.) Dr. D. P. ORAHOVATZ Subject to ratification.
- For Eire:
 (Sgd.) JOHN D. MACCORMACK Subject to acceptance
- For Finland:
 (Sgd.) OSMOS TURPEINEN ad referendum
- For Hungary:
 (Sgd.) ALADAR SZEGEDY-MASZAK
 February 19th, Subject to ratification
 1947
- For Iceland:
- For Italy:
 (Sgd.) GIOVANNI ALBERTO CANAPERIA
 Subject to ratification
- For Portugal:
 (Sgd.) FRANCISCO C. CAMBOURNAG
 Subject to ratification
- For Rumania:
- For Siam:
 (Sgd.) BUNLIANG TAMTHAI Subject to approval

For Sweden:

(Sgd.) HERMAN ERIKSSON Subject to ratification
January 13, 1947

For Switzerland:

(Sgd.) Dr. J. EUGSTER Subject to ratification
(Sgd.) A. SAUTER

For Tansjordan:

(Sgd.) Dr. D. P. TUTUNJI Subject to ratification

For Yemen:

Concurred in by the Philippine Senate on May 10, 1948

CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION AS AMENDED IN THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946

PREAMBLE

WHEREAS universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The **HIGH CONTRACTING PARTIES**, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this **PREAMBLE**, agree to the following Constitution of the International Labour Organisation:

CHAPTER I.—Organisation

Article 1

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and pur-

poses of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the Session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new Member or its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a Governing Body composed as described in Article 7; and
- (c) an International Labour Office controlled by the Governing Body.

Article 3

1. The meeting of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

(a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and

(b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 4

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.

Article 5

The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

Article 6

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of votes cast by the delegates present.

Article 7

1. The Governing Body shall consist of thirty-two persons:

- Sixteen representing Governments,
- Eight representing the employers, and
- Eight representing the workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for

that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented, six shall be non-European States.

3. The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers and one a person representing the workers.

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives of the Governing Body.

Article 8

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International

Labour Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

Article 9

1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

5. Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office will—

(a) prepare the documents on the various items of the agenda for the meetings of the Conference;

(b) accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the deci-

sions of the Conference and the improvement of administrative practices and systems of inspection;

(c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;

(d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Article 11

The Government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their Government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

1. The International Labour Organisation shall coöperate within the terms of this Constitution with any general international organisation entrusted with the coördination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

2. The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations including international organisations of employers, workers, agriculturists and co-operators.

Article 13

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2(c) of this Article.

4. A member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II.—*Procedure*

Article 14

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation

recognised for the purpose of Article 3, or by any public international organisation.

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Article 15

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Article 16

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the delegates present is in favor of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 17

1. The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents shall be a Government delegate, one an employers' delegate and one a workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Article 18

The Conference may add to any committees which it appoints technical experts without power to vote.

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

Two copies of the Conventions or Recommendations shall be authenticated by the signatures of the President of the Conference and Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

5. In the case of a Convention—

(a) The Convention will be communicated to all Members for ratification;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

(c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

(c) The Members shall inform the Director-General of the International Labour Office of the measures taken in

accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

(a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;

(b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

- (i) make, in accordance with its Constitution and the Constitution of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action;
- (ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State coördinated action to give effect to the provisions of such Conventions and Recommendations;
- (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions

and Recommendations before the appropriate federal, State, provincial or cantonal authorities regarded as appropriate and of the action taken by them;

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favorable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Article 20

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Article 21

1. If any Convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the delegates present, it shall nevertheless be

within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed shall be communicated by the Governments concerned to the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Article 23

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.

2. Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Article 25

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for communicate with the Government in question in the manner prescribed in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when it has made such communication no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Article 28

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Enquiry to the Governing Body and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Article 30

In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (1) of Article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Article 31

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Article 34

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or

with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or the decision of the International Court of Justice is in favor of the defaulting Government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.

CHAPTER III.—*General*

Article 35

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied in giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory, may communicate to the Director-General of the

International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modifications of the provisions of the Convention as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by

the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organization including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Article 37

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organization and any observations which they may make thereon shall be brought before the Conference.

Article 38

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV.—*Miscellaneous Provisions*

The International Labour Organisation shall possess full juridical personality and in particular the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Article 40

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.



ANNEX

DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE
INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigor within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- (e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

- (d) policies in regard to wages and earning, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) adequate protection for the life and health of workers in all occupations;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilization of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in the Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development

reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, duly adopted by the General Conference of the International Labour Organisation on the ninth day of October, one thousand nine hundred and forty-six, in the course of its Twenty-ninth Session, which was held at Montreal.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this first day of November, 1946.

The President of the Conference,
HUMPHERY HITCHELL

The Director-General of the International Labour
Office,
EDWARD PHELAN

Concurred in by the Senate on March 19, 1948

ELPIDIO QUIRINO
President of the Philippines

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, according to the provisions of paragraph 3, Article 1 of the Constitution of the International Labour Organisation, any original member of the United Nations may become a member of said organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation;

WHEREAS, the Government of the Republic of the Philippines is an original member of the United Nations; and as such is entitled to membership of the International Labour Organisation in accordance with the procedure laid down in the aforesaid provisions of the Constitution;

WHEREAS, the Senate of the Philippines, by virtue of its Resolution No. 44 adopted on March 19, 1948, has given its concurrence to the acceptance for the Government of the Republic of the Philippines of membership in the International Labour Organisation pursuant to the provisions of paragraph 3, Article I of the Constitution of said Organization, and of the obligations of the Constitution of the International Labour Organisation Instrument of Amendment, 1946;

NOW, THEREFORE, be it known that I, Elpidio Quirino, President of the Philippines, do hereby declare, in pursuance of the aforesaid concurrence of the Senate of the Philippines, that the Government of the Republic of the Philippines accepts membership in the International Labour Organisation in accordance with the provisions of paragraph 3, Article I of the Constitution of said organisation and the obligations of the Constitution of the International Labour Organisation Instrument of Amendment, 1946.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 19th day of May, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the second.

(Sgd.) ELPIDIO QUIRINO
President of the Philippines

By the President:

BERNABE AFRICA
Undersecretary of Foreign Affairs

**CONSULAR CONVENTION
BETWEEN THE REPUBLIC OF THE PHILIPPINES
AND THE UNITED STATES OF AMERICA**

The President of the Philippines, and the President of the United States of America, being desirous of defining the rights, privileges, exemptions and immunities of consular officers of each country in the territories of the other country, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

The President of the Philippines:

His Excellency ELPIDIO QUIRINO, Vice-President and concurrently Secretary of Foreign Affairs of the Republic of the Philippines, and

The President of the United States of America:

His Excellency PAUL V. MCNUTT, Ambassador of the United States of America,

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed on the following Articles:

ARTICLE I

1. The Government of each High Contracting Party shall, in respect of any consular officer duly commissioned by it to exercise consular functions in the territories of the other High Contracting Party, give written notice to the Government of such other High Contracting Party of the appointment of such consular officer and shall request that recognition be accorded to such consular officer. The Government of each High Contracting Party shall furnish free of charge the necessary exequatur of any consular officer of the other High Contracting Party who presents a regular commission signed by the Chief Executive of the appointing country and under its great seal,

and shall issue to a subordinate or substitute consular officer who is duly appointed by an accepted superior consular officer or by any other competent officer of his Government, such documents as according to the laws of the respective High Contracting Parties shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High Contracting Party rights, privileges, exemptions and immunities no less favorable in any respect than the rights, privileges, exemptions and immunities which are enjoyed by consular officers of the same grade of any third country and in conformity with modern international usage. As official agents, such officers shall be entitled to the high consideration of all officials, national, state, provincial or municipal, with whom they have official intercourse in the territories of the High Contracting Party which receives them. It is understood that the term "consular officers," as used in the present Convention, includes consuls general, consuls and vice consuls who are not honorary.

3. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any secretary, chancellor or assistant, whose official character as an employee in the consulate may previously have been made known to the Government of the High Contracting Party in whose territories the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

4. A consular officer or a diplomatic officer of either High Contracting Party, a national of the country by which he is appointed and duly commissioned or accredited, may, in the territories of the other High Contracting Party, have the rank also of a diplomatic officer or consular officer, as the case may be, it being understood that permission for him to exercise such dual functions shall have been duly granted by the Government of the High Contracting Party in the territories of which he exercises his functions.

ARTICLE II

1. Consular officers, nationals of the High Contracting Party by which they are appointed, and not engaged in any private occupations for gain within the territories of the country in which they exercise their functions, shall be exempt from arrest in such territories except when charged with the commission of an offense designated by local legislation as a crime other than a misdemeanor and subjecting the individual guilty thereof to punishment by imprisonment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever, and the exemptions provided for by this sentence shall apply equally to employees in a consulate who are nationals of the High Contracting Party by which they are employed, and not engaged in any private occupation for gain.

2. In criminal cases the attendance at court by a consular officer as witness may be demanded by the plaintiff, the defense or the court. The demand shall be made with all possible respect for the consular dignity and the duties of the office, and when so made there shall be compliance on the part of the consular officer.

3. In civil cases, consular officers shall be subject to the jurisdiction of the courts in the territories of the High Contracting Party which receives them. When the testimony of a consular officer who is a national of the High Contracting Party which appoints him and who is not engaged in any private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

4. Consular officers and employees in a consulate shall not be required to testify in criminal or civil cases, regarding acts performed by them in their official capacity.

ARTICLE III

1. The Government of each High Contracting Party shall have the right to acquire and hold, lease and occupy land and buildings required for diplomatic or consular purposes in the territories of the other High Contracting Party, and shall have the right to erect buildings on land which is held by or on behalf

of such Government in the territories of the other High Contracting Party for diplomatic or consular purposes, subject to local building regulations.

2. No tax of any kind, national, state, provincial or municipal, shall be levied in the territories of either High Contracting Party on the Government of the other High Contracting Party, or on any officer or employee of such other High Contracting Party, in respect of land or buildings acquired, leased, or occupied by such other High Contracting Party and used exclusively for the conduct of official business, except assessments levied for services or local public improvements by which the premises are benefited, provided the right of each High Contracting Party to tax the owner of property leased to the other High Contracting Party is not hereby abridged.

ARTICLE IV

Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, and not engaged in any private occupation for gain within the territories in which they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal, levied on their persons or property, except taxes levied on account of the possession or ownership of immovable property situated within the territories in which they exercise their functions or taxes levied on account of income derived from property of any kind situated within such territories. Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, shall be exempt from the payment of all taxes, national, state, provincial and municipal, on the salaries, allowances, fees or wages received by them in compensation for consular services.

ARTICLE V

1. All furniture, equipment and supplies intended for official use in the consular offices and official consular residences of either High Contracting Party in the territories of the other High Contracting Party shall be permitted entry into such territories free of all duty.

2. Consular officers of either High Contracting Party and members of their families and suites, including employees in a consulate and their families, shall be exempt from the payment of any duty in respect of the entry into the territories

of the other High Contracting Party of their baggage and all other personal property, whether preceding or accompanying them to a consular post, either upon first arrival or upon subsequent arrivals, or imported at any time while assigned to or employed at such post.

3. It is understood, however,

(a) that the exemptions provided in paragraph 2 of this Article shall not be extended to consular officers and members of their suites, including employees in a consulate, who are not nationals of the High Contracting Party by which they are appointed or employed, or who are engaged in any private occupation for gain within the territories of the other High Contracting Party;

(b) that in the case of each consignment of articles imported for the personal use of consular officers or members of their families or suites, including employees in a consulate and their families, at any time during their official residence within the territories in which they exercise their functions, a request for entry free of duty shall be made through diplomatic channels; and

(c) that nothing herein shall be construed to permit the entry into the territory of either High Contracting Party of any article the importation of which is specifically prohibited by law.

ARTICLE VI

1. Consular officers of either High Contracting Party may place over the outer door of their respective offices the arms of their country with an appropriate inscription designating the nature of the office, and they may place the coat of arms and fly the flag of their country on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices, including those situated in the capitals of the respective countries. They may likewise fly such flag over any boat, vessel, or aircraft employed in the exercise of their consular functions.

2. The quarters where consular business is conducted, all consular correspondence in transit under official seal, and all papers, records, and correspondence comprising the consular archives shall at all times be inviolable and under no pretext shall any authorities of any character of the country in which such quarters or archives are located invade such premises or

make any examination or seizure of papers or other property in such quarters or of such archives. When the consular officers are engaged in business within the territories in which they exercise their functions, the consular files and documents shall be kept in a place entirely separate from the place where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or to testify as to their contents.

ARTICLE VII

1. Consular officers of either High Contracting Party shall have the right, within their respective consular districts, to apply to or address the authorities, national, state, provincial, or municipal, for the purpose of protecting the nationals of the High Contracting Party by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection shall justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital shall have the right to apply directly to the Government of the country.

2. Consular officers of either High Contracting Party shall, within their respective districts, have the right to interview, to communicate with, and to advise nationals of their country; to inquire into any incidents which have occurred affecting the interest of such nationals; and to assist such nationals in proceedings before or relations with authorities in the territories of the other High Contracting Party. Consular officers of either High Contracting Party shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted without delay to visit and communicate with any such national.

3. Nationals of either High Contracting Party in the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of either High Contracting Party who are under de-

tention or arrest or in prison or are awaiting trial in the territories of the other High Contracting Party shall be forwarded without delay to such consular officers by the local authorities.

ARTICLE VIII

1. Consular officers in pursuance of the laws of their respective countries shall have the right, within their respective consular districts:

(a) To take and attest the oaths, affirmations or depositions of any occupant of a vessel of their country, or of any national of their country, or of any person having permanent residence within the territories of their country;

(b) To authenticate signatures;

(c) To draw up, attest, certify and authenticate unilateral acts, translations, deeds, testamentary dispositions and contracts of the nationals of the High Contracting Party by which the consular officers are appointed; and

(d) To draw up, attest, certify, and authenticate unilateral acts, deeds, contracts, testamentary dispositions and written instruments of any kind, which are intended to have application, execution and legal effect principally in the territories of the High Contracting Party by which the consular officers are appointed.

2. Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of either High Contracting Party as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by or executed before a notary or other public officer duly authorized in the territories of the High Contracting Party by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity with the laws and regulations of the country where they are designed to take effect.

ARTICLE IX

1. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of

the High Contracting Party of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the persons concerned.

2. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without will or testament whereby he has appointed a testamentary executor, the consular officer of the High Contracting Party of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of such property. Such consular officer shall have the right to be appointed as administrator within the discretion of a court or other agency controlling the administration of estates, provided the laws governing administration of the estate so permit.

3. Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself in that capacity to the jurisdiction of the court or other agency making the appointment for all necessary purposes to the same extent as if he were a national of the High Contracting Party by which he has been received.

ARTICLE X

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be non-residents of the country and nationals of the High Contracting Party by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by duly authorized representatives.

2. A consular officer of either High Contracting Party shall have the right, on behalf of the non-resident nationals of the High Contracting Party by which he was appointed, to collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of workmen's compensation laws or other like statutes, for transmission

through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence of the remission of the funds to distributees, it being understood that his responsibility with respect to remission of such funds shall cease when such evidence has been furnished by him to and accepted by such court or other agency.

ARTICLE XI

1. A consular officer of either High Contracting Party shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country and shall alone exercise jurisdiction in situations, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrong-doing shall have entered the territorial waters or territories within his consular district. Consular officers shall also have jurisdiction over issues concerning the adjustment of wages of the crews and the execution of contracts relating to their wages or conditions of employment, provided the local laws so permit.

2. When acts committed on board private vessels of the country by which the consular officer has been appointed and within the territories or the territorial waters of the High Contracting Party by which he has been received, constitute crimes according to the laws of the receiving country, subjecting the persons guilty thereof to punishment by a sentence of death or of imprisonment for a period of at least one year, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the laws of the receiving country.

3. A consular officer shall have the right freely to invoke the assistance of the local police authorities in all matters pertaining to the maintenance of internal order on board vessels of his country within the territories or the territorial waters of the country by which he has been received, and upon such request the requisite assistance shall be given promptly.

4. A consular officer shall have the right to appear with the officers and crews of vessels of his country before the judicial authorities of the country by which he has been received for the purpose of observing proceedings or of rendering assistance as an interpreter or agent.

ARTICLE XII

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for the ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible dispatch and without unnecessary delay.

ARTICLE XIII

1. All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other High Contracting Party shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized for such purpose by the law of such country and whose identity and authority shall be made known to the local authorities by the consular officer.

2. The local authorities of the country where the wreck has occurred shall immediately inform the consular officer, or such other authorized person, of the occurrence. Pending the arrival of the consular officer or such other authorized person, the local authorities shall take all necessary measures for the protection of persons and the preservation of the wrecked property. The local authorities shall intervene only to maintain order, to protect the interests of the salvors, if the salvors do not belong to the crew of the wrecked vessel, and to ensure the execution of the arrangements which shall be made for the entry and exportation of the salvaged merchandise and equipment. It is understood that such merchandise and equipment shall not be subjected to any customs or customhouse charges unless intended for consumption in the country where the wreck has occurred.

3. When the wreck occurs within a port, there shall be observed also those arrangements which may be ordered by the

local authorities with a view to avoiding any damage that might otherwise be caused thereby to the port and to other ships.

4. The intervention of the local authorities shall occasion no expense of any kind to the owners or operators of the wrecked vessels, except such expenses as may be caused by the operations of salvage and the preservation of the merchandise and equipment saved, together with expenses that would be incurred under similar circumstances by vessels of the country.

ARTICLE XIV

Honorary consuls or vice consuls of either High Contracting Party, as the case may be, shall enjoy those rights, privileges, exemptions and immunities provided for in Article I, paragraph 1, Article II, paragraph 1, Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the present Convention, for which they have received authority in conformity with the laws of the High Contracting Party by which they are appointed; and they shall enjoy in any case all the rights, privileges, exemptions and immunities enjoyed by honorary consular officers of the same rank of any third country.

ARTICLE XV

A consular officer shall cease to discharge his functions (1) by virtue of an official communication from the Government of the High Contracting Party by which appointed addressed to the Government of the High Contracting Party by which he has been received advising that his functions have ceased, or (2) by virtue of a request from the Government of the High Contracting Party by which appointed that an exequator be issued to a successor, or (3) by withdrawal of the exequator granted him by the Government of the High Contracting Party in whose territory he has been discharging his duties.

ARTICLE XVI

1. The present Convention shall be ratified and the ratification thereof shall be exchanged at Manila. The Convention shall take effect in all its provisions immediately upon the exchange of ratifications and shall continue in force for the term of ten years.

2. If, six months before the expiration of the aforesaid period of ten years, the Government of neither High Contracting Party shall have given notice to the Government of the other High

Contracting Party of an intention to terminate the Convention upon the expiration of the aforesaid period of ten years, the Convention shall continue in effect after the aforesaid period and until six months from the date on which the Government of either High Contracting Party shall have notified to the Government of the other High Contracting Party an intention to terminate the Convention.

In faith whereof the above named plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Manila, this fourteenth day of March in the year of Our Lord one thousand nine hundred and forty-seven and of the Independence of the Republic of the Philippines the first.

For the Government of the Republic of the Philippines:

(Sgd.) ELPIDIO QUIRINO

For the Government of the United States of America:

(Sgd.) PAUL V. MCNUTT

Concurred in by the Senate on April 11, 1947. Ratified on October 19, 1948 and Exchange of Ratifications was made on November 18, 1948.

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF THE PHILIPPINES REGARDING
COAST AND GEODETIC SURVEY WORK AND
TRAINING PROGRAMME**

WHEREAS, the Government of the United States of America has enacted Public Law 370-79th Congress, approved April 30, 1946, known as the Philippine Rehabilitation Act of 1946, whereof Section 310, entitled "Coast and Geodetic Surveys," provides:

"The Coast and Geodetic Survey of the Department of Commerce is authorized to continue, until June 30, 1950, the survey work which was being conducted by it in the Philippines prior to December 7, 1941. The Director of the Coast and Geodetic Survey is authorized to train not exceeding twenty Filipinos each year prior to July 1, 1950, to be designated by the President of the Philippines subject to the provisions of section 311 (c), in order that they may become qualified to take over and continue such survey work on and after July 1, 1950, and to pay all expenses incident to their temporary employment and training", and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits, facilities and services which are authorized by the above-quoted section 310 of the said Public Law 370-79th Congress;

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have mutually agreed as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Director of the United States Coast and Geodetic Survey of the Department of Commerce, hereinafter referred to as the United States Director. The United States Director may delegate to a duly authorized representative all or any part of his authority for effectuating the provisions of this Agreement. The duties, functions and powers exercised in the Republic of the Philippines under the terms of this Agreement

by the United States Director, or his duly authorized representative, shall be under the general supervision of the United States Ambassador accredited to the Government of the Republic of the Philippines or, in the absence of the Ambassador, of the Charge d'Affaires *ad interim* of the United States of America. The United States Director, or his duly authorized representative, may negotiate and conclude any working agreements necessary for carrying out the provisions of this Agreement.

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Director of the Bureau of Coast and Geodetic Survey of the Department of National Defense, hereinafter referred to as the Philippine Director. The Philippine Director may delegate to an officer or employee of the Bureau of Coast and Geodetic Survey of the Department of National Defense all or any part of his authority for effectuating the provisions of this Agreement. The Philippine Director, or his authorized representative, shall be the representative of the Government of the Republic of the Philippines in the negotiation and conclusion of all working agreements necessary for carrying out the provisions of this Agreement.

The United States Director and the Philippine Director shall cooperate in every way possible to carry out the spirit and purpose of this Agreement.

ARTICLE II

The United States Director shall assign one commissioned officer of the United States Coast and Geodetic Survey of the Department of Commerce who shall perform the duties of Director of Coast Surveys, Manila Field Station, United States Coast and Geodetic Survey.

The Director of Coast Surveys, Manila Field Station, shall act as adviser on Coast and Geodetic Surveys to the President of the Republic of the Philippines and shall also direct the office and field operations of all personnel paid with United States Government funds. Other Coast and Geodetic Survey commissioned officers and Civil Service personnel may, pursuant to the purposes of this Agreement, be assigned to duty in the Republic of the Philippines and shall serve under the Director of Coast Surveys, Manila Field Station. The organization of the Philippine Bureau of Coast and Geodetic Survey is to be determined entirely by the Republic of the Philippines.

The United States Coast and Geodetic Survey of the Department of Commerce shall assume financial responsibility for manning, repairing and operating one survey vessel, the "Tulip."

The United States Coast and Geodetic Survey shall conduct surveying operations in the Republic of the Philippines and instruct Philippine personnel in the Republic of the Philippines in United States Coast and Geodetic Survey techniques of surveying, mapping and charting.

Original hydrographic, topographic, triangulation and leveling records and accompanying surveys and reports made by the United States Coast and Geodetic Survey under the terms of this Agreement will become the property of the Government of the Republic of the Philippines, and the United States Coast and Geodetic Survey will retain, or be provided with, three photo-lithographic copies of all triangulation, air photo, topographic, tidal, magnetic, photogrametric, leveling, hydrographic and other surveys and one copy of each descriptive report.

The United States Coast and Geodetic Survey will print charts of the Republic of the Philippines for the Philippine Bureau of the Coast and Geodetic Survey until the latter is in position to assume responsibility for the operation.

ARTICLE III

The United States Director shall provide for the temporary employment and training during the period of this Agreement of not to exceed twenty (20) citizens of the Republic of the Philippines each year in surveying, mapping, charting and related activities. The United States Director shall provide for the payment of all expenses incidental to such temporary employment and training, including, but not necessarily limited to, actual transportation expenses to and from and in the United States of America, allowances for tuition, educational fees and subsistence.

Subject to the provisions of Section 311 (c) of the said Public Law 370-79th Congress, the trainees referred to in the preceding paragraph of this Article shall be designated by the President of the Philippines in accordance with procedures and standards established by the United States Director. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names and necessary supporting documents of the trainees so designated.

ARTICLE IV

Vessels owned by the Government of the United States of America (including small boats) operated by the Coast and Geodetic Survey of the United States Department of Commerce as part of the program carried out pursuant to this Agreement shall be permitted to move freely in the territorial waters of the Republic of the Philippines, to enter and sail from the several ports with or without pilots and without the necessity of formal entrance or clearance that may ordinarily be required of commercial and other vessels and to establish or utilize such means of communications between such vessels and shore facilities as may be necessary to the effective administration of the programs contemplated by this Agreement. Quarantine procedures and inspections shall be required only at the first Philippine port of call on original entry.

Vessels of the Government of the United States of America used in the Coast and Geodetic Survey program (including small boats), their equipment, tackle, and appurtenances shall be immune from seizure under Admiralty or other legal process.

Vessels owned by the Government of the United States of America (including small boats) used in the Coast and Geodetic Survey program shall be exempt from all requirements of the Government of the Republic of the Philippines relating to inspection, registry, manning or licensing of vessels or marine personnel.

Where suitable public wharves or facilities for moorage are available, such vessels shall be furnished wharfage or moorage without cost.

ARTICLE V

The Government of the Republic of the Philippines agrees to provide free of cost to the Government of the United States of America such lands, rights-of-way and easements as may be necessary for carrying out the terms of this Agreement. The United States Director is authorized to accept and utilize for the performance of the terms of this Agreement contributions of labor, materials, equipment and money from the Government of the Republic of the Philippines and its political subdivisions.

ARTICLE VI

The Government of the Republic of the Philippines agrees to provide such equipment and facilities, including such satis-

factory ships and small boats for survey work as may be necessary to carry out the purposes of this Agreement as may be available to the Government of the Republic of the Philippines.

The Government of the Republic of the Philippines shall provide and pay qualified personnel (except officers and employees referred to in Articles II and III of this Agreement) necessary to conduct surveying, mapping and charting operations in the Republic of the Philippines, and shall defray all expenses necessary for the operation of the Philippine Bureau of the Coast and Geodetic Survey except as specifically provided for elsewhere in this Agreement.

ARTICLE VII

The Government of the Republic of the Philippines will cooperate with the United States Director, or his duly authorized representative, in providing such temporary or permanent office and other space and facilities as may be required and shall render all practicable assistance in securing adequate housing accommodations, at reasonable rental rates, for personnel of the United States Coast and Geodetic Survey who are engaged in effectuating this program, and their families.

ARTICLE VIII

The Government of the Republic of the Philippines will save harmless all officers and employees of the United States Coast and Geodetic Survey of the Department of Commerce who are citizens of the United States of America from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

ARTICLE IX

Officers, employees and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees or agents of the United States Coast and Geodetic Survey over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE X

Pending the conclusion of negotiations now being considered by the United States of America and the Republic of the Philippines, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines which is owned by the United States Coast and Geodetic Survey of the Department of Commerce and used for purposes under the present Agreement or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of United States Coast and Geodetic Survey personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XI

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

ARTICLE XII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds by the Government of the United States of America.

ARTICLE XIII

This Agreement shall become effective on the date of its signature and shall continue in effect until completely executed on both sides, but in no event later than June 30, 1950; provided, however, that this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the

two contracting parties; and provided further that either Government may terminate this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this twelfth day of May, 1947.

For the Government of the United States of America:

(Sgd.) NATHANIEL P. DAVIS
*Charge d'Affairs ad interim of the
United States of America at Manila*

For the Government of the Republic of the Philippines:

(Sgd.) RUPERTO K. KANGLEON
Secretary of National Defense

**TREATY OF FRIENDSHIP BETWEEN THE REPUBLIC OF THE
PHILIPPINES AND THE FRENCH REPUBLIC**

The President of the Republic of the Philippines and the President of the French Republic, equally desirous of strengthening the ties of friendship by which their two countries are united, have resolved to conclude a Treaty to this effect and have designated as their respective plenipotentiaries:

The President of the Republic of the Philippines:

His Excellency Elpidio QUIRINO, Vice President of the Republic of the Philippines, and concurrently Secretary of Foreign Affairs,

The President of the French Republic:

His Excellency Monsieur Georges BIDAULT, Minister for Foreign Affairs,

who, after having exchanged their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

There shall be between the Republic of the Philippines and the French Republic constant peace and perpetual friendship.

ARTICLE 2

Each of the High Contracting Parties shall accredit to the other, subject to its approval, diplomatic representatives who, during the period of their mission, shall enjoy the rights, privileges and immunities generally recognized under international law and usage.

ARTICLE 3

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls or Consular Agents, in places designated by mutual agreement, in the territory of the other.

Such Consuls General, Consuls, Vice-Consuls or Consular Agents, duly provided with exequatur, shall exercise their func-

tions under conditions to be determined by Consular Convention which shall be concluded by the Parties at the earliest possible date.

ARTICLE 4

The High Contracting Parties agree to conclude, as soon as practicable, a Treaty of Establishment, Commerce and Navigation.

ARTICLE 5

Pending the conclusion of the Treaty provided for in Article 4 above, and subject to the respective police and security laws and the other laws and regulations of each of the High Contracting Parties including the restrictions imposed by such laws and regulations on nationals of other countries, Philippine nationals, French nationals and nationals of the French Union shall enjoy, on condition of reciprocity, in the whole of the territory of the French Republic and the French Union on the one hand, and on the other, of the Republic of the Philippines, the right to acquire, possess and dispose of every kind of personal or real property as well as the liberty to reside, travel and engage in trade or industry.

ARTICLE 6

The High Contracting Parties undertake to recognize as compulsory, *ipso facto* and without a special Convention, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2 of the Statute of the Court, over any dispute subsequent to the ratification of this Treaty, which it shall not have been possible to adjust by negotiation, except those for which the Parties shall agree to resort to another form of pacific settlement.

This undertaking shall not apply to disputes relating to matters considered by the Republic of the Philippines and the French Republic as being essentially of their national competence.

ARTICLE 7

The High Contracting Parties shall ratify the present Treaty according to the procedure of their respective Constitutions; it shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Manila.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed this Treaty and hereunto affixed their seals.

Done in Paris, in duplicate in French and English language.
This 26th day of June 1947.

For the President of the Republic of the Philippines:

(Sgd.) ELPIDIO QUIRINO

For the President of the French Republic:

(Sgd.) GEORGES BIDAULT

Concurred in by the Senate on May 4, 1948. Exchange of ratifications held on April 19, 1950.

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA REGARDING RADIO BROADCASTING FACILITIES**

The Government of the Republic of the Philippines and the Government of the United States of America,

Being desirous of insuring the continuation of radio broadcasting in the Republic of the Philippines, of affording a medium for the transmission of radio programs by each Government, and of providing a means for the training of Philippine radio technicians; and

Wishing to provide for the use by the two Governments of certain broadcasting facilities now existing or to be constructed in the Republic of the Philippines; and Being convinced that these purposes should be fulfilled in a spirit of good neighborliness between the Government of the Republic of the Philippines and the Government of the United States of America, and that details of their practical application should be arranged by friendly cooperation;

Have decided to conclude an agreement for those purposes and have agreed as follows:

ARTICLE I

The Government of the Republic of the Philippines and the Government of the United States of America will cooperate, in accordance with the provisions of the present Agreement, in the use of the radio facilities referred to herein which have been or may be constructed in the Republic of the Philippines by the Government of the United States of America.

ARTICLE II

The Government of the Republic of the Philippines shall have the exclusive right to program time from 2200 to 1000 Greenwich Civil Time for domestic broadcasting on the medium wave broadcast transmitter installed at Malolos, Bulacan Province, by the Government of the United States of America. Programs and other material broadcast over that transmitter by the Government of the Republic of the Philippines shall

be identified by proper announcement as Philippine programs, and sole responsibility for their transmission shall rest upon the Government of the Republic of the Philippines.

ARTICLE III

The Government of the United States of America shall have the right, as provided in the present Agreement, to operate radio facilities in the Republic of the Philippines for transmission of broadcasts to any or all parts of the world in any language or languages. The operating rights granted by this Article shall apply to the two fifty kilowatt broadcast transmitters and related equipment now existing and to any other radio facilities which may be constructed or installed hereafter in the Republic of the Philippines by the Government of the United States of America under this Agreement.

Programs and other material broadcast by the Government of the United States of America over facilities located in the Republic of the Philippines shall be identified by proper announcement as United States programs, and sole responsibility for their transmission shall rest upon the Government of the United States of America.

ARTICLE IV

In order to facilitate the operation of radio transmission in the Republic of the Philippines the Government of the United States of America shall be permitted

1. To lease or purchase real property upon which radio transmission and receiving facilities have been erected or installed or upon which, in agreement with the Government of the Republic of the Philippines, such facilities may be erected or installed in the future;
2. To lease or purchase necessary public utility services on terms no less favorable than are enjoyed by citizens of the Republic of the Philippines, such as power and telephone services of various kinds, including the leasing of lines and rental of equipment;
3. To construct and install radio transmitters and receivers, including antenna structures, with due regard to restrictions imposed by generally applicable laws relating to air navigation safety;

4. To own and operate motor vehicles necessary to or relating to the operation of radio transmission;

5. To operate distillation equipment for the production of distilled water for use in the operation of radio transmitting equipment;

6. To transmit programs and materials originating in the Republic of the Philippines and to receive radio transmission originating outside the Republic of the Philippines for rebroadcast on a live or delayed (recorded) basis;

7. To utilize for radio transmission on terms mutually agreeable to the Government of the Republic of the Philippines and the Government of the United States of America the frequencies, types of emission, and frequency band widths, which are or may become available for medium or short wave radio transmission in accordance with the Madrid Telecommunications Convention, 1932, including its appended regulations, or any treaty and regulations concerning short wave radio transmission, taking their place in the future. The terms agreed to shall be no less favorable to the Government of the United States of America than to nationals of the Republic of the Philippines.

ARTICLE V

Officers and employees of the Government of the United States of America who are citizens of the United States of America and who are on duty or assigned to duty in the Republic of the Philippines in connection with the transmission of radio broadcasts under the provisions of the present Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing passport and visa regulations and shall not be restricted by the Government of the Republic of the Philippines in their movement to and between their residences and the various locations at which the radio transmission or their other official business is carried on, and shall have free access to any other locations which it may be necessary for them to visit in line with their duties.

ARTICLE VI

Compensation for injury to persons of Philippine nationality or for damage to property belonging to Philippine nationals resulting from the operation in the Republic of the Philippines of radio transmission facilities under the present Agreement

by the Government of the United States of America shall be paid by the Government of the United States of America subject to the applicable laws of the Republic of the Philippines. The amounts payable for such injury or damage shall be determined by agreement between the Government of the Republic of the Philippines and the Government of the United States of America.

ARTICLE VII

The Government of the Republic of the Philippines and the Government of the United States of America shall select each year by mutual agreement two graduates of a Philippine technical school to serve for a one year training period as technical assistants in the operation in the Republic of the the Philippines of radio transmission facilities owned and operated by the Government of the United States of America. Salaries of such trainees shall be paid by the Government of the United States of America.

ARTICLE VIII

Pending its ratification by the Senate of the Philippines in accordance with constitutional procedure, the present Agreement shall enter into force on the date of its signature as a *modus vivendi* between the Republic of the Philippines and the United States of America.

Subject to the provisions of the preceding paragraph and of the third paragraph of this Article, the present Agreement shall remain in force for a period of ten years and thereafter for additional five year periods, unless at least one year before the beginning of one of such five year periods one of the contracting Governments shall give notice to the other Government of an intention to terminate the Agreement, whereupon the Agreement shall cease to be in force at the expiration of the period during which such notice was given.

The Government of the United States of America shall have the right to terminate the present Agreement at any time on six months' notice in the event that circumstances make it impracticable for the Government of the United States of America or any official agency thereof to maintain and operate for purposes of the Government of the United States of America the radio facilities to which the present Agreement applies.

Upon the termination of the present Agreement all right, title and interest of the Government of the United States of America,

or of any official agency thereof referred to above, in radio transmitting equipment, power plants, and other related facilities in the Philippines to which the present Agreement applies shall become the property of the Government of the Republic of the Philippines without cost, provided that for a period of five years after such transmitting equipment, power plants, and other related facilities become the property of the Government of the Republic of the Philippines that Government will use these facilities solely for purposes of the Government of the Republic of the Philippines and that at no time during such five-year period will these facilities be rented, leased or sold; nor will these facilities be used for commercial broadcasting except to the extent that will yield income sufficient for proper maintenance and efficient operation thereof.

IN WITNESS WHEREOF, the Undersigned, being duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourth day of September, 1947.

For the Government of the Republic of the Philippines :

(Sgd.) ELPIDIO QUIRINO
Vice President of the Philippines
and concurrently Secretary of Foreign Affairs

For the Government of the United States of America :

(Sgd.) NATHANIEL P. DAVIS
Charge d'Affaires ad interim of the
United States of America at Manila

PROTOCOL TO AN AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING RADIO BROADCASTING FACILITIES SIGNED AT MANILA ON SEPTEMBER 4, 1947.

It is understood and agreed that the real property referred to in Article IV paragraph 1 on which radio transmission facilities have been erected or installed by the Government of the United States of America, comprises, as of the date of signature of this Agreement, the following:

1. A parcel of land with buildings thereon, situated in the Barrio of Mojon, Municipality of Malolos, Province of Bulacan, known as the Bulacan Trade School; more exactly described as follows:

A parcel of first class residential land, Lot No. 2701, located at Barrio Mojon, Municipality of Malolos, Province of Bulacan Philippines, bounded on the Northwest by property of F. C. Santos and H. Tantoco; on the Northeast by property of F. C. Santos; on the East by the road to Malolos-Quingua, E. Cruz, etc.; on the South by property of P. del Rosario; and on the Southwest by property of the Manila Railroad Company. It contains an area of 221,393 square meters, more or less of which the United States is using approximately 28,500 square meters. On this parcel of land, the United States has constructed or rehabilitated, or will construct or rehabilitate, a transmitter building with a floor space of approximately 5,824 square feet, formerly known as the Bulacan Trade School Building, a one-story concrete building with concrete floors and sides, and a galvanized iron roof; one reinforced concrete building, housing its power plant, with a floor area of approximately 3,000 square feet; one prefabricated garage and workshop, approximately 4,000 square feet; one prefabricated warehouse, approximately 4,000 square feet; one toilet and shower building, concrete construction, approximately 360 square feet. Lessor: Provincial Government of Bulacan.

It is agreed between the two Governments that in exchange for the right to occupy and use the above described property in the municipality of Malolos for the purposes of the Agreement to which this Protocol refers the Government of the United States of America will, as soon as possible after the coming into force thereof, erect two quonset huts on a site to be selected by the Government of the Republic of the Philippines and transfer title thereto to the Malolos School Board for its exclusive use. These building will measure forty by one hundred feet, more or less, and will be completed for occupancy, including concrete floors. It is agreed by the two Governments that the provision of the aforementioned buildings and of the radio transmission and studio equipment transferred to the Government of the Republic of the Philippines in connection with station KZFM shall be in lieu of rent for the property known as the Bulacan Trade School for so long as the Agreement to which this Protocol refers remains in force beyond the date of termination of the present lease; it being understood that said lease shall be terminated, in accordance with its terms, on thirty days notice, to be given by the Government of the United States of America when the two buildings to be erected, as described in this paragraph, are declared ready for occupancy.

2. Eight parcels of land situated in the Municipality of Malolos, Province of Bulacan, on which the United States of America has erected antenna towers; more exactly described as follows:

Lot No. 3154 of the Cadastral Survey of Malolos, Bulacan, situated in Barrio Bulihan, Malolos, Bulacan, bounded on the Northeast by Lot No. 2695, on the Southeast by Lot No. 3153, on the Southwest by Lot No. 2695, and on the Northwest by Lots 3155 and 2695. Area is 9,164 square meters, more or less, of which the United States is using 800 square meters, more or less. Lessor: Eliseo C. Cruz.

Lot No. 3153 of Malolos Cadastre, situated in Barrio Bulihan, Malolos, Bulacan, bounded on the North by the property of Alejandro de Leon, on the East by the property of Estero Malangan, on the South by the property of Estefania del Rosario, and on the West by the Calumpit Road. Area is 8,921 square meters of which the United States is using 1,600 square meters more or less. Lessor: Encarnacion Gatmaitan.

Lot No. 3152 of Malolos Cadastre, situated in Bulihan, Malolos, Bulacan, bounded on the North by the property of Victoriano Gatmaitan, on the East by the property of Antonio Bautista, on the South by the property of Antonio Bautista, and on the West by the property of Estero Malangan. Area is 9,621 square meters, of which the United States is using 3,600 square meters. Lessor: Felicidad Jacinto de Dinglasan.

Lot No. 2696, situated in Barrio Mojon, Malolos, Bulacan, bounded on all sides by Lot No. 2695. Area is 14,665 square meters. Lessor: Urbano Enriquez.

Lot No. 2699 of Malolos Cadastre, situated in Barrio Mojon, Malolos, Bulacan, bounded on the North, East and South by Lot No. 2695, property of Antonio Bautista, and on the West by Lot No. 2697, property of Luis Santos. Area is 12,287 square meters. Lessor: Ladislao Caparas.

Lot No. 2698 of Malolos Cadastre, situated in Barrio Catmon, Malolos, Bulacan, bounded on the North by Lots 2695 and 2697, on the East by Lot No. 2695, on the South by Lot No. 2695, all properties of Antonio Bautista, on the West by National Highway No. 3. Area is 6,436 square meters. Lessor: Ananias Crisostomo.

Lot No. 2697 of Malolos Cadastre situated in Barrio Guinhawa, Malolos, Bulacan, bounded on the North by property of Antonio Bautista, on the East by properties of Antonio Bautista and Alejandro Tiongson, on the South by property of Ceferino Aldaba (now Ananias Crisostomo), and on the West by property of Antonio Bautista. Area is 77,211 square meters. Lessor: Luis Santos.

Lot No. 2695 of Malolos Cadastre, situated in Barrio Mojon, Guinhawa, Pinagbacalan, Bulihan, Sumapa, Malolos, Bulacan, bounded on the Northeast by properties of Silvino Torralba and others, on the East by properties of Alejandro Tiongson and others, on the Southeast by properties of Provincial Government and others, on the Northwest by the property of Bartolome Fuentes and others. Area is 1,270,289 square meters, more or less, of which the United States is using 638,620 square meters, more or less. Lessor: Antonio Bautista (deceased).

3. Space for studios and offices in the building at the corner of Soler and Calero Streets in the City of Manila, known as the Roces Building.

IN WITNESS WHEREOF, the Undersigned, being duly authorized thereto, have signed this Protocol in duplicate at Manila this fourth day of September, 1947.

For the Government of the Republic of the Philippines:

(Sgd.) ELPIDIO QUIRINO

*Vice President of the Philippines
and concurrently Secretary of Foreign Affairs*

For the Government of the United States of America:

(Sgd.) NATHANIEL P. DAVIS

*Charge d'Affaires ad interim of the
United States of America at Manila*

[The above Agreement is still pending ratification by the contracting governments. However, it is in effect as a *modus vivendi*.]

**POSTAL CONVENTION
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE REPUBLIC OF THE PHILIPPINES**

For the purpose of making postal arrangements between the United States of America and the Republic of the Philippines, the undersigned Robert E. Hannegan, Postmaster General of the United States of America and R. Nepomuceno, Secretary of Public Works and Communications of the Republic of the Philippines, by virtue of authority vested in them by law, have agreed upon the following articles:

ARTICLE 1

(a) The provisions of this Convention will apply to letters, single and reply-paid post cards, prints of all kinds including printed matter for the blind and second-class matter, commercial papers, samples without value, and small packets, ordinary and registered, and to parcel-post packages, ordinary only. These articles will be subject to such regulations in the country of destination as that country may deem necessary to protect its customs revenue.

(b) The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not on that account assume any responsibility towards the customs or police authorities or the sender.

If parcels wrongly admitted to the mails are neither returned to origin nor delivered to the addressee, the Administration of origin must be informed in a precise manner of the treatment accorded the parcel.

(c) The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted.

Except in the case of returned or redirected parcels, prepayment of the postage and such of the fees mentioned in the preceding paragraph as are applicable, is compulsory.

(d) The weight limit for parcel-post packages shall be 44 pounds for parcels addressed for delivery in the United States and the whole of its possessions; the cities of Manila, Baguio, Iloilo, Cebu, Zamboanga and Davao, and the municipality of Tacloban in the province of Leyte, Philippines, and 11 pounds for parcels addressed for delivery in other points of the Philippines. Parcel post packages containing legal, educational, medical and scientific books up to 22 pounds (10 kilograms) in weight for provincial capitals and other cities in the Philippines may also be accepted for mailing in the United States. The dimensions shall be: Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

The weight limits and dimensions for the other articles mentioned above under (a) as well as the postage rates and registration fees for such articles will be the same as are generally applicable from the United States of America to the countries of the Americo-Spanish Postal Union. In no case may the rates, fees, weight limits and dimensions or other provisions be less favorable, for the public, than those provided for by the Universal Postal Convention then in force.

(e) Except as required by the regulations of the country of destination for the collection of its customs duties, all admissible matter mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatever, and shall be forwarded by the most speedy means to its destination and be promptly delivered to the respective persons to whom it is addressed, being subject in its transmission to the laws and regulations of such country respectively.

ARTICLE 2

(a) Each Administration shall retain to its own use the whole of the postage and registration, or special delivery fees it collects on postal articles exchanged with the other, including deficient postage, but it is agreed that on packages sent at parcel post rates, the country of origin shall allow to the country of destination on the total excess number of parcel post pack-

ages dispatched over the number of such packages received, 30 cents for each parcel not over 11 pounds in weight and 60 cents for each parcel over 11 pounds in weight, settlement to be made quarterly in a general postal account between the two countries on the basis of the parcel bills.

The charges specified above may be reduced or increased on three months previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

(b) The charges to be paid for the transit of parcel post and air mail of one country by the services of the other country shall be fixed by the country whose services are utilized.

(c) The charges to be paid for the transit to a third country of articles in the regular mails of one country by the services of the other country shall be the transit charges, based on transit statistics, provided by the Universal Postal Convention then in force.

(d) In case of the total loss of a registered article originating in either country and addressed to the other, the maximum indemnity shall be the amount provided by the Universal Postal Union Convention in force from time to time.

(e) The special delivery fee to be levied and collected upon first class mail matter originating in either country and addressed to the other shall be twenty cents.

(f) Articles of every kind not prepaid or insufficiently prepaid, originating in either country and addressed to the other, shall be dealt with in accordance with the regulations prescribed by the Universal Postal Union Convention in force for unprepaid and insufficiently prepaid articles.

ARTICLE 3

In case a parcel post package is redirected from one address to another in the country of destination, it shall be subject to an additional charge for postage. The country of destination may, at its option, levy and collect from the addressee of a parcel post package for interior service and delivery, a charge, the amount of which is to be fixed according to its own regulations, but which shall in no case exceed five cents for each parcel regardless of weight. A customs clearance charge may also be collected on each parcel post package which may in no case exceed ten cents for each parcel.

ARTICLE 4

(a) Exchanges of mails under this Convention shall be affected through the post offices of both countries designated as exchange post offices under such regulations relative to the details of the exchanges as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues.

(b) Each country shall provide for and bear the expense of the conveyance of its mails to the other.

ARTICLE 5

(a) Any packet of mailable correspondence, with the exception of parcels prepaid at parcel post rates, may be registered upon payment of the rate of postage and the registration fee applicable thereto in the country of origin.

(b) An acknowledgment of the delivery of a registered article shall be returned to the sender when requested; but either country may require of the sender prepayment of a fee therefor not exceeding ten cents.

ARTICLE 6

Ordinary and registered exchanges shall be effected in properly closed sacks, under such regulations relative to the details of the exchanges as may be mutually determined to be essential.

If a registered article advised shall not be found in the mails by the receiving office, its absence shall be immediately reported by the receiving to the sending office.

ARTICLE 7

(a) All parcel post packages must be fully prepaid before dispatch. Parcels which are not delivered for any cause, shall be reciprocally returned without charge, through the appropriate exchange offices of the two countries, after the expiration of the period for their detention prescribed by the laws or regulations of the country of destination. Such parcels shall be liable on return to senders to a charge equal to the amount required to fully prepay the postage thereon when originally mailed. Insufficiently prepaid articles in the regular mails shall be liable on return to senders to the charge for deficient postage that would have been collected from the addressees if said articles had been delivered.

ARTICLE 8

(a) Parcel-post packages shall be dispatched in separate sacks from other articles.

(b) Parcel bills shall be prepared in duplicate for such parcels dispatched.

The duplicate is sent in the regular mails, while the original is inserted in one of the sacks. The sack containing the parcels bill is to be designated by the letter "F" on the label.

(c) The parcels included in each dispatch are to be entered on the bills to show the total number of parcels according to the following divisions of weight:

(1) not over 11 pounds

(2) over 11 pounds

(d) Parcels sent "à découvert" must be entered separately on the bills.

Returned or redirected parcels must be entered individually on the bills and be followed by the word "Returned" or "Redirected".

(e) The total number of sacks comprising each dispatch must also be shown on the bills.

(f) Each dispatching exchange office numbers the bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

(g) The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Convention, shall be settled by mutual consent through correspondence between the two Administrations.

ARTICLE 9

(a) On receipt of a dispatch of parcel post packages, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If any error or irregularity which could give rise to liability for compensation is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

(b) The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

(c) If necessary, the dispatching exchange office may also be advised by telegrams, at the expense of the office sending such telegram.

(d) In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

(e) The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispach such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at . . .", and the signature of the agents who have effected such repacking.

ARTICLE 10

All matters connected with the exchange of mails between the two countries, which are not herein provided for, shall be governed by the provisions of the Universal Postal Convention and Regulations then in force, so far as the provisions of such Universal Postal Convention and Regulations shall be obligatory upon both of the contracting parties, except as hereafter modified or changed.

ARTICLE 11

The Postmaster General of the United States of America and the Secretary of Public Works and Communications of the Republic of the Philippines shall have authority to jointly

make such further regulations of order and detail and to provide for such changes and modifications as may be found necessary to carry out the present Convention from time to time.

ARTICLE 12

This Convention shall be ratified by the contracting countries in accordance with their respective laws, and its ratifications shall be exchanged as early as possible. It shall take effect on a date to be mutually decided on and shall continue in force until terminated by mutual agreement, or annulled at the instance of the Post Office Department of either country, upon six months previous notice given to the other.

Done in duplicate and signed at Manila, Philippines, the 17th day of September, 1947, and at Washington the 30th day of September, 1947.

(Sgd.) R. NEPOMUCENO

*Secretary of Public Works and Communications
of the Republic of the Philippines*

(Sgd.) ROBERT E. HANNEGAN

Postmaster General of the United States of America

Having examined and considered the provisions of the foregoing Postal Convention which has been negotiated and concluded on behalf of the Republic of the Philippines pursuant to section 1931 of Act No. 2711, otherwise known as the Revised Administrative Code, the same is hereby approved and ratified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 31st day of December, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

(Sgd.) ELPIDIO QUIRINO

President of the Philippines

By the President:

(Sgd.) FELINO NERI

Acting Undersecretary of Foreign Affairs

**AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES AND THE GO-
VERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND
FOR AIR SERVICES BETWEEN AND
BEYOND THEIR RESPECTIVE
TERRITORIES**

The Government of the Republic of the Philippines and the Government of the United Kingdom of Great Britain and Northern Ireland,

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the Seventh day of December, 1944, and

Desiring to conclude an Agreement for the purpose of establishing air services between and beyond Philippine and United Kingdom territories,

Have agreed as follows:

ARTICLE 1

For the purpose of the present Agreement, unless the context otherwise requires:

- (a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;
- (b) the term "aeronautical authorities" means, in the case of the Philippines, the Civil Aeronautics Board, and any person or body authorized to perform the functions presently exercised by the Civil Aeronautics Board or similar functions; and, in the case of the United Kingdom, the Minister of Civil Aviation, and any person or body authorized to perform any functions presently exercised by the said Minister or similar functions;
- (c) the term "designated airline" means an airline which the aeronautical authorities of either Contracting Party

shall have notified in writing to the aeronautical authorities of the other Contracting Party as the airline designated by it in accordance with Article 3 of the present Agreement for the routes specified in such notification;

- (d) the term "change of gauge" means the operation of one of the agreed services by a designated airline in such a way that the section of the route nearer the terminal in the territory of the Contracting Party designating the airline is flown by aircraft different in capacity from those used on the more distant section;
- (e) the terms "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings respectively assigned to them in Articles 2 and 96 of the Convention.

ARTICLE 2

Both Contracting Parties being parties to the Convention, Articles 11, 13, 15, 22, 24, 31, 32 and 33 of the Convention, being now in force, shall remain in force in their present form between the Contracting Parties for the duration of the present Agreement, unless both Contracting Parties ratify any amendment to these Articles which shall have come into force in accordance with Article 94 of the Convention, in which case the Article as amended shall remain in force for the duration of the present Agreement.

ARTICLE 3

(1) Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines for the purpose of operating by virtue of the present Agreement services on the routes specified in the Schedule to the present Agreement (hereinafter respectively referred to as the agreed services and the specified routes).

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraph (3) of this Article and of Article 4 of the present Agreement, without delay grant to the airline or airlines designated the appropriate operating permission.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations which they normally

apply in conformity with the provisions of the Convention to the operations of commercial airlines.

(4) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services.

ARTICLE 4

(1) Each Contracting Party shall have the right, after consultation with the other Contracting Party, to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the rights specified in Article 5 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where substantial ownership and effective control of that airline are not vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

(2) Each Contracting Party shall have the right, after consultation with the other Contracting Party, to suspend the exercise by an airline of the rights specified in Article 5 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those rights or otherwise to operate in accordance with the conditions prescribed in the present Agreement.

ARTICLE 5

(1) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating the agreed services, the rights (a) to fly their aircraft across the territory of the other Contracting Party, (b) to make stops therein for non-traffic purposes and (c) to make stops therein for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

(2) Paragraph (1) of this Article shall not be deemed to confer on the airlines of one Contracting Party the right to take up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

(3) Each Contracting Party undertakes not to enter into any arrangements which specifically grant any privilege of the

nature referred to in Paragraph (2) of this Article, on an exclusive basis, to any other State or an airline of any other State and not to obtain any such exclusive privilege from any other State.

ARTICLE 6

(1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes, and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail between the territory of the Contracting Party designating the airline and the country of ultimate destination of the traffic. Provision for the carriage of passengers, cargo and mail both taken up and put down at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to—

- (i) traffic requirements between the countries in which the terminals of the route are situated;
- (ii) the requirements of through airline operation; and
- (iii) traffic requirements of the area through which the airline passes after taking account of other air transport services established by airlines of the states comprising the area.

ARTICLE 7

A designated airline of one Contracting Party may only make a change of gauge at a point in the territory of the other Contracting Party on the following conditions:

- (i) that it is justified by reason of economy of operation;
- (ii) that the aircraft used on the section more distant from the terminal in the territory of the former Contracting Party are smaller in capacity than those used on the nearer section;

- (iii) that the aircraft of smaller capacity shall operate only in connection with the aircraft of larger capacity and shall be scheduled so to do; the former shall arrive at the point of change for the purpose of carrying traffic transferred from, or to be transferred into, the aircraft of larger capacity; and their capacity shall be determined with primary reference to this purpose;
- (iv) that there is an adequate volume of through traffic; and
- (v) that the provisions of Article 6 of the present Agreement shall govern all arrangements made with regard to change of gauge.

ARTICLE 8

The aeronautical authorities of each Contracting Party shall supply to the aeronautical authorities of the other Contracting Party at their request

- (a) such traffic statistics as may be appropriate for the purpose of reviewing the frequency and capacity of the agreed services; and
- (b) such periodic statements as may be reasonably required, relating to the traffic carried by its designated air lines on services to, from or through the territories of that other Contracting Party, including information concerning the origin and destination of such traffic.

ARTICLE 9

(1) The tariffs to be charged on any of the agreed services shall be fixed at reasonable levels, due regard being paid to all relevant factors, including economical operation, reasonable profit, difference of characteristics of service (including standards of speed and accommodation) and the tariffs charged by other airlines on any part of the route. These tariffs shall be determined in accordance with the following provisions of this Article.

(2) The tariffs shall, if possible, be agreed in respect of each route between the designated airlines concerned, in consultation with other airlines operating on the same route or any section thereof. Such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the Contracting Parties.

(3) In the event of disagreement between the designated airlines concerning the tariffs, the Contracting Parties shall endeavor to determine them by agreement between themselves.

(4) If the Contracting Parties should fail to agree, the matter shall be referred to arbitration or settled as provided in Article 10 of the present Agreement.

ARTICLE 10

(1) If any dispute arises between the Contracting Parties relating to the interpretation of application of the present Agreement the Contracting Parties shall in the first place endeavour to settle it by negotiation between themselves.

(2) If the Contracting Parties fail to reach a settlement by negotiation,

- (a) they may agree to refer the dispute for decision to an arbitral tribunal appointed by agreement between them or to some other person or body; or
- (b) if they do not so agree or if, having agreed to refer the dispute to an arbitral tribunal, they cannot reach agreement as to its composition, either Contracting Party may submit the dispute for decision to any tribunal competent to decide it which may hereinafter be established within the International Civil Aviation Organization, or if there is no such tribunal, to the Council of the said Organization, or failing that, to the International Court of Justice.

(3) The Contracting Parties undertake to comply with any decision given under paragraph (2) of this Article.

(4) If and so long as either Contracting Party or a designated airline of either Contracting Party fails to comply with a decision given under paragraph (2) of this Article, the other Contracting Party may limit, withhold or revoke any rights which it has granted by virtue of the present Agreement to the Contracting Party in default or to the designated airline or airlines of that Contracting Party or to the designated airline in default.

ARTICLE 11

If a general Multilateral Convention on traffic rights for scheduled international air services comes into force in respect of both Contracting Parties, the present Agreement shall be amended so as to conform with the provisions of such Convention.

ARTICLE 12

(1) A designated airline of either Contracting Party may on any or all flights omit calling at any point or points on any specified route.

(2) If either of the Contracting Parties considers it desirable in any other way to modify the terms of the present Agreement, it may request consultation between the aeronautical authorities of the two Contracting Parties and such consultation shall begin within 60 days from the date of the request. When the aforesaid authorities agree to modifications to the present Agreement, such modifications shall come into effect when they have been confirmed by an Exchange of Notes through the diplomatic channel and shall forthwith be communicated to the Council of the International Civil Aviation Organization.

ARTICLE 13

The present Agreement shall terminate one year after the date of receipt by one Contracting Party from the other Contracting Party of notice to terminate, unless the notice is withdrawn by agreement before the expiry of this period. Such notice shall be simultaneously communicated to the Council of the International Civil Aviation Organization. In the absence of acknowledgement of receipt, notice shall be deemed to have been received fourteen days after receipt of the notice by the Council of the International Civil Aviation Organization.

ARTICLE 14

The present Agreement shall enter in force on the date of signature.

In witness whereof the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Agreement and affixed thereto their seals;

Done in duplicate at Manila this seventh day of January in the year of Our Lord one thousand nine hundred and forty-eight and of the independence of the Republic of the Philippines, the second.

For the Government of the Republic of the Philippines:

(Sgd.) ELPIDIO QUIRINO

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(Sgd.) L. H. FOULDS

SCHEDULE I

ROUTES TO BE SERVED BY THE DESIGNATED AIR LINES OF THE REPUBLIC OF THE PHILIPPINES

(In both directions)

- ROUTE 1. Manila—Hong Kong.
 ROUTE 2. Manila—Hong Kong—Shaighai and points in Japan.
 ROUTE 3. Manila—Hong Kong—French Indo-China—Siam.
 ROUTE 4. Manila—French Indo-China—Siam—Burma—India
 Pakistan—Middle East—Africa—Europe—London
 and/or points beyond.
 ROUTE 5. Manila—French Indo-China—Singapore—Netherlands
 East Indies.
 ROUTE 6. Manila—North Borneo—Borneo—Celebes—Timor—
 Australia.

—◆—

 SCHEDULE II

ROUTES TO BE SERVED BY THE DESIGNATED AIR LINES OF THE UNITED KINGDOM

(In both directions)

- ROUTE 1. Hong Kong—Manila.
 ROUTE 2. Hong Kong—Manila—British North Borneo—Sara-
 wak—Singapore.
 ROUTE 3. Singapore—Sarawak—British North Borneo—Manila.
 ROUTE 4. Hong Kong—Manila—Points in the Netherlands East
 Indies—Australia.

**AGREEMENT BETWEEN
THE REPUBLIC OF THE PHILIPPINES AND THE UNITED
STATES OF AMERICA REGARDING THE PAYMENT OF PUBLIC
AND PRIVATE CLAIMS**

WHEREAS, the Government of the United States of America has enacted Public Law 370, 79th Congress, approved April 30, 1946, known as the Philippine Rehabilitation Act of 1946, as amended, hereinafter called the "Act", which Act created the Philippine War Damage Commission, and

WHEREAS, Title I of said Act provides for the payment of private claims for war damage in the Philippines under the terms and conditions of said Title I, and

WHEREAS, Section 304 of said Act provides that

"The Philippine War Damage Commission, within the limits of the appropriations allocated to it for carrying out the provisions of this section, is authorized to compensate the Commonwealth of the Philippines (or the Republic of the Philippines), the provincial governments, chartered cities, municipalities, and corporations wholly owned by the Commonwealth of the Philippines (or the Republic of the Philippines), in the Philippines, for physical loss of or damage to public property in the Philippines occurring after December 7, 1941 (Philippine time), and before October 1, 1945, as a result of the perils listed in Section 102(a) hereof, in any case in which compensation for such losses or the rebuilding, repair, or replacement of the lost or damaged property is not provided for by the transfer of surplus property under section 201 hereof, or provided for under the provisions of this title other than this section or otherwise provided for by the United States Government or any department or agency thereof. To the fullest extent practicable, the Commission shall require that any lost or damaged property for which it decides to award compensation under this section shall be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this section. The Commission in its discretion may request the Federal Works Agency or the Corps of Engineers of the United States Army to undertake, after consultation with the Philippine Government, the rebuilding, repair, or replacement of property for which the Commission awards compensation under this section, and, from the funds available for

carrying out the provisions of this section, may transfer to such Agency or Corps of Engineers the funds necessary to pay for the work requested. The Federal Works Agency and the Corps of Engineers are authorized to rebuild, repair, or replace property in accordance with any such request of the Commission and to expend the funds so transferred to them for such purpose. The Commission shall have full power to select, and fix the priority of, cases in which compensation will be awarded or property rebuilt, repaired, or replaced under this section, and to determine the amount of such compensation and the extent which such property will be rebuilt, repaired, or replaced, taking into account the relative importance of various projects to the reconstruction and rehabilitation of the economy of the Philippines and such other factors as the Commission deems relevant”;

and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits and facilities which are authorized by Title I and Section 304 of said Act;

NOW, THEREFORE, the Government of the Republic of the Philippines and the Government of the United States of America have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

ARTICLE I

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Philippine War Damage Commission, hereinafter called the “Commission”, which may delegate to any duly authorized representative or representatives all or any part of its authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE II

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Secretary of Public Works and Communications, hereinafter called the “Secretary”, who may delegate to any duly authorized representative or representatives all or any part of his authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE III

In carrying out Section 304 of the Act, the Commission shall select, and fix the priority of, public claim for which compensation will be awarded or property rebuilt, repaired, or replaced from the list of approved public claims submitted by the Secretary. In all cases where the Commission authorizes funds for rebuilding, repairing, or replacing public property the funds shall be paid into the Treasury of the Republic of the Philippines to be kept separate and apart from all other public funds and used solely for each approved public claim. The rebuilding, repairing, or replacing of all public property for which funds have been made available by the Commission shall be the responsibility of the Secretary.

ARTICLE IV

Before undertaking the rebuilding, repairing, or replacing of any public building, the Secretary shall submit all plans and specifications thereof to the Commission for its approval. The Commission shall have the right to require reports or other data necessary for its purposes, including the right to inspect the work and all books or records maintained in connection therewith. Where the work is performed by contract, the Commission shall have the right to disapprove any unsatisfactory bid or contractor. In accordance with existing policies of the Republic of the Philippines, contractors who are citizens of the United States of America shall have equal rights with contractors who are citizens of the Republic of the Philippines on all rehabilitation projects financed by the Commission and no authorized funds shall be used to pay convict or other forced labor.

ARTICLE V

Before undertaking any work for which funds have been authorized by the Commission, the Secretary shall assure himself that all the conditions of Section 304 of the Act have been met and that funds authorized by the Commission are sufficient to complete the work for which funds are authorized, or a useful unit thereof. After a project is initiated, if such funds are found to be in excess of the requirements, such excess shall be returned to the Commission, and if the funds are found to be insufficient the Government of the Republic of the Philip-

piners shall complete the work, or a useful unit thereof, from its own funds. The Commission shall not be obligated to advance funds except as the work progresses and the Commission is satisfied that all the terms of this Agreement are being met.

ARTICLE VI

The Government of the Republic of the Philippines shall provide all lands, easements, and right-of-way necessary for the execution of the public projects under the program set forth in Section 304 of the Act. No funds shall be used for the purchase of materials, equipment, or supplies which have been made available or shall be made available from surplus property provided for by Title II of the Act.

ARTICLE VII

The United States of America or the Commission shall have the right to undertake legal action in the Philippines to recover funds which the Commission is obligated to recover under the provisions set forth in Sections 107 and 108 of the Act, or other claims where the Commission is entitled to recover funds from private individuals or legal entities in the Philippines and no court costs or other charges shall be made in connection with such action.

ARTICLE VIII

The Government of the Republic of the Philippines shall cooperate with the Commission in providing necessary office space and facilities, and adequate housing accommodations for its United States citizen personnel and their families at reasonable rates.

ARTICLE IX

The Government of the Republic of the Philippines shall save harmless all officers and employees of the Commission from damage suits or other civil actions arising out of the performance of their duties under this Agreement.

ARTICLE X

Officers, employees, and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present

Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees or agents of the Commission over all briges, ferries, roads, and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE XI

Pending the conclusion of negotiations now being considered by the Republic of the Philippines and the United States of America, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines owned by the Commission and used for the purposes of the present Agreement; or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty, or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of Commission personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds made by the Government of the United States of America.

ARTICLE XIII

This Agreement shall become effective on the date of its signature and continue in effect until June 30, 1950, for the purposes enumerated in Section 304 of the Act and until April 30, 1951, for the purposes of Title I of the Act. This Agreement may be extended, revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes. Either party may terminate this Agreement by giving to the other party ninety days' notice in writing through diplomatic channels.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement in duplicate at Manila, this 27th day of August, 1948.

For the Government of the Republic of the Philippines:

(Sgd.) RICARDO NEPOMUCENO
*Secretary of Public Works
and Communications*

For the Government of the United States of America:

(Sgd.) THOMAS M. LOCKETT
*Charge d'Affairs ad interim of the
United States of America at Manila*

ELPIDIO QUIRINO
President of the Philippines

MANILA, December 22, 1948

EXCELLENCY :

I have the honor to acknowledge the receipt of your note of December 22, 1948, reading as follows :

"MANILA, 22 de diciembre de 1948.

"EXCELENCIA :

"El último párrafo del Artículo III del Tratado de Amistad, felizmente concluido entre nuestros dos países el día de 27 de septiembre de 1947, debidamente Ratificado el día 25 de julio del corriente año, prevé un canje de Notas entre nuestros Gobiernos en las cuales se han de concertar las modalidades referentes a sustitución de los Miembros, facultades, intervención y funcionamiento de la Comisión Permanente de Conciliación y del Tribunal Arbitral a que hacen referencia los Artículos II y III del mencionado Tratado.

"Autorizado por mi Gobierno tengo el honor de comunicar a Vuestra Excelencia que el Gobierno Español, a título de estricta reciprocidad, propone al Gobierno de Vuestra Excelencia, a los efectos antes indicados, el concierto que a continuación se detalla :

"El Gobierno Español presta su entera conformidad a la aceptación y observancia de las reglas siguientes aplicables en cuantos casos pudiere haber lugar a la actuación de la Comisión Permanente de Conciliación o del Tribunal Arbitral en consonancia con lo estipulado en el Artículo II del Tratado de Amistad Hispano-filipino, en vigor. Dichas reglas complementan los Artículos II y III del mencionado Tratado.

"Texto en español

"COMISIÓN PERMANENTE DE
CONCILIACIÓN

"Texto en inglés

"PERMANENT CONCILIATION
COMMISSION

"Renovación :

"Si a la expiración del mandato de uno de los Comisarios, designado de conformidad con lo establecido en el Artículo III del Tratado, no se ha provisto a su sustitución, su habilitación se considerará renovada por otro período de tres años. Sin

"Renewal :

"If at the expiration of the mandate of one of the Commissioners appointed by mutual agreement according to Article III of the Treaty no substitute has been provided, his position would be considered renewed for another period of three

embargo, España y Filipinas se reservan el derecho de convenir la transferencia de las funciones de Presidente a otro Miembro de la Comisión designado de mutuo acuerdo.

“El Comisario cuyo mandato expire durante el curso de un procedimiento pendiente continuará tomando parte en el examen de la controversia hasta que el asunto quede terminado aún cuando su sustituto haya sido ya designado.

“Suplencias:

“En el caso de que uno de los Miembros de la Comisión designado de común acuerdo entre las Partes estuviese temporalmente imposibilitado de intervenir en los trabajos de la Comisión por causa de enfermedad u otra cualquiera, las Partes se pondrán de acuerdo para la designación de un suplente que actuará temporalmente durante el período de ausencia del Comisario impedido. Si, dentro de los tres meses contados a partir del momento en que el puesto hubiese vacado, no se llegase a un acuerdo para designar el suplente, el asunto se decidirá de conformidad con las normas contenidas en los párrafos siguientes:

(a) cada Parte, en todo asunto sometido a la Comisión, se reserva el derecho a nombrar inmediatamente un suplente que reemplazará temporalmente al Miembro permanente designado por

years. Nevertheless, the Philippines and Spain reserve for themselves the right to agree to the transfer of the functions of the President to another member of the Permanent Conciliation Commission designated by common agreement.

“The Commissioner whose mandate expires during the course of a pending proceeding shall continue to take part in the examination of the dispute until the matter has been terminated even if his substitute has already been designated.

“Alternates:

“In case one of the members of the Commission appointed by common agreement by both parties should temporarily be prevented from taking part in the work of the Commission due to illness or any other cause, the Parties shall agree about the designation of an alternate who shall act temporarily as long as the absence of the Commissioner lasts. If the agreement to designate the alternate is not made within three months beginning from the temporary vacancy of the post, the matter shall be decided in conformity with the following paragraphs:

(a) each Party, in every case submitted to the Commission, reserves for itself the right to appoint immediately an alternate who shall replace temporarily the permanent member designated

ella si éste, por enfermedad u otra razón cualquiera se viera imposibilitado de tomar parte en los trabajos de la Comisión,

by it, who, because of illness or some other reason, may not be able to take part in the work of the Commission,

(b) si la designación de los Miembros que deben ser nombrados de común acuerdo no se hubiese hecho dentro del tiempo fijado por el Artículo III del Tratado, o, tratándose de suplentes, dentro de los tres meses empezados a contar desde el momento de la incapacidad del Titular del puesto, la facultad para la designación se otorgará a una tercera Potencia designada de común acuerdo entre las Partes, y, si este acuerdo mutuo no se lograra, cada firmante del Tratado designará una Potencia distinta y la elección resultará del concierto de las Potencias así designadas,

(b) if the designation of the members who must be appointed by common agreement has not been made within the time fixed by Article III of the Treaty, or in the case of alternates, within three months, beginning from the time of the illness of the incumbent of the position, the power to appoint shall be given to a third country designated by the mutual accord of the parties, and if there is no mutual assent on this matter, each signatory of the Treaty shall designate a different country, and the choice shall be made by the countries thus designated,

(c) si durante un período de dos meses no se llegase a un acuerdo entre las dos Potencias prelegadas, cada una de éstas presentará tantos candidatos como Miembros haya que designar y, de entre ellos se elegirán por sorteo los Miembros necesarios.

(c) if, during a period of two months, there should be no agreement between the two countries chosen, each one of them shall present as many candidates as there are members to be designated from whom shall be chosen the necessary members by lot.

“Substitución:

“En el caso de fallecimiento, o retirada, de alguno de los Comisarios se proveerá a su sustitución por el resto del tiempo

“Substitution:

“In case of death or retirement of any of the Commissioners there shall be provision for his substitution for

de duración del mandato, o al menos, por los tres meses siguientes, y, en todo caso, por el tiempo durante el cual la controversia se halle sometida a la Comisión.

“Durante un período de quince días, empezados a contar desde la fecha en que el litigio haya sido sometido a la Comisión de Conciliación, cada una de las Partes podrá reemplazar, para el examen de esa diferencia, al Miembro permanente designado por ella por una persona especialmente competente en la materia. La Parte que use de este derecho lo notificará inmediatamente a la Otra Parte y ésta tendrá a su vez la facultad de usar del mismo derecho dentro de un plazo de quince días contados a partir del momento de la recepción de la notificación.

“Actuación y facultades:

“La Comisión Permanente de Conciliación intervendrá por demanda de mutuo acuerdo dirigida al Presidente por las dos Partes.

“La demanda, luego de exponer sumariamente el objeto de la controversia, solicitará de la Comisión la adopción y propuesta de las medidas que juzgue adecuadas para llegar a una conciliación.

“Dentro de los treinta días siguientes al de la recepción de la demanda, el Presidente de la Comisión convocará a los Miembros de la misma.

“La Comisión tendrá como misión: dilucidar las cuestiones en litigio; aportar todas las informaciones que c o n s i d e r e

the duration of the mandate, or at least, during the three following months, and in all events, whenever a question is submitted to the Commission.

“During a period of fifteen days beginning from the date in which a question has been submitted to the Commission of Conciliation, each of the parties may, in order to examine this question, replace the permanent Member designated by it, by a person who is especially competent in the matter. The party using this right shall notify immediately the other about the matter and the latter shall have, in its turn, the right to do the same within a period of fifteen days starting from the receipt of the notice.

“Actuation and powers:

“The Permanent Conciliation Commission shall intervene upon a demand directed to the President by the two parties acting in common accord.

“The demand, after explaining concisely the object of the dispute shall ask the Commission to adopt and propose such measures as it may deem necessary to bring about a conciliation.

“Within thirty days after receipt of the demand, the President shall convoke the members of the Commission.

“The Commission of Conciliation shall have as its mission: the clarification of questions in dispute; the gathering

útiles, ya sea mediante investigaciones o en otra forma; esforzarse en conciliar a las dos Partes y terminado el examen del asunto proponerlas los términos de arreglo que estime apropiado fijándolas el plazo dentro del cual hayan de pronunciarse. Expirado este plazo, la Comisión redactará un informe de sus actuaciones en el cual hará constar, según sea el caso, bien que las Partes han llegado a un acuerdo en cuyo caso se especificarán las condiciones de éste, o bien que las Partes no han podido llegar a una conciliación.

“Los trabajos de la Comisión, a menos de existir acuerdo en contrario de las Partes, deberán quedar terminados dentro de los seis meses siguientes al día en que la Comisión inició su intervención en la controversia.

“Si las Partes no llegasen a cualquiera conciliación, la Comisión, siempre que a ello no se oponga uno de los dos Comisarios nombrado unilateralmente por la otra Parte podrá proceder a la publicación del Acta en que conste la opinión emitida por cada uno de sus Miembros, aún antes de que el Tribunal Arbitral qué, eventualmente, hubiese sido requerido para intervenir, haya dictado alguna resolución definitiva.

“Excepto en el caso de existir alguna estipulación especial en contrario, la Comisión Permanente de Conciliación establecerá para cada litigio su propio procedimiento.

of all informations that it considers useful, by means of investigations or otherwise; to strive to conciliate the two parties, and after the examination of the dispute it shall propose to the parties the terms of an arrangement which it believes suitable to the dispute and shall give the parties a period during which they should adopt it. After the expiration of this period, the Commission shall make a record of its proceedings which shall declare as the case may be, that the parties have come to an agreement and the conditions of the same, or that the parties have not been able to come to a conciliation.

“The work of the Commission must, unless the parties agree otherwise, be terminated within six months from the day the Commission started to intervene in the dispute.

“If the parties have not arrived at any conciliation, the Commission can, unless one of the two Commissioners appointed unilaterally by either of the two parties should oppose, order, even before the Arbitration Court which may eventually be requested to intervene has made any definite resolutions, the publication of information where the opinion of each of the members of the Commission is given.

“Except where there is a special stipulation to the contrary, the Permanent Conciliation Commission shall establish for each dispute its own procedure.

“La Comisión Permanente de Conciliación celebrará sus reuniones en el lugar designado por su Presidente, a menos de acuerdo en contrario entre las Partes.

“Los trabajos de la Comisión únicamente se harán públicos en virtud de una decisión tomada por la Comisión con aprobación de ambas Partes.

Las Partes podrán estar representadas ante la Comisión de Conciliación, además de por el Comisario nombrado libremente por ellas, por Agentes cuya misión será la de servir como intermediarios entre su comitente y la Comisión y podrán solicitar la audiencia ante la Comisión de toda persona cuyo testimonio les parezca útil. La Comisión, por su parte, tendrá el derecho de pedir informaciones orales a los Agentes, asesores y peritos de ambas Partes así como a cualesquiera otra persona cuya comparecencia pueda estimar conveniente, con el consentimiento del Gobierno de la Parte requerida.

“Resolución:

“Salvo disposición unánime en contrario de sus Miembros, las resoluciones de la Comisión Permanente de Conciliación se adoptarán por mayoría de votos.

“Ambas Partes facilitarán los trabajos de la Comisión de Conciliación y la proveerán, con toda la amplitud posible, de todos los documentos e informaciones que aquella pueda necesitar otorgándola todas las faci-

“Except as agreed otherwise by the parties, the Permanent Conciliation Commission shall meet in the place designated by its President.

“The work of the Commission shall be made public only by virtue of a decision taken by the Commission with concurrence of both parties.

“The parties may be represented before the Conciliation Commission, besides the Commissioners appointed unilaterally by the parties, by agents who shall have for their mission, to serve as the intermediary between their principal and the Commission, and to request the appearance before the Commission of any person whose testimony may appear to them as useful. The Commission shall have on its part the right to ask for oral statements from the agents, counselors, and experts of both parties, as well as from any other person whose appearance it may deem useful, with the consent of the Government of the requested party.

“Resolución:

“Unless provided otherwise by a unanimous vote of its members, the decisions of the Permanent Conciliation Commission shall be made by a majority vote.

“Both parties shall facilitate the work of the Conciliation Commission and shall provide it as freely as possible, with all the documents and informations that it may need, and giving it every facility at their

lidades de que dispongan a fin de capacitar a la Comisión para llevar a cabo sus trabajos en el territorio de cualquiera de las Partes.

"Si la Comisión no hubiese logrado conciliar a las Partes bastará la solicitud de una de ellas para promover la intervención del Tribunal Arbitral.

"TRIBUNAL ARBITRAL

"Actuación y facultades:

"El Tribunal Arbitral actuará en los casos y según los métodos previstos en los Artículos II y III del Tratado. Observará además, en cuanto sean aplicables las reglas que en esta Nota se dejan mencionadas anteriormente relativas a renovación, suplencias y sustituciones de los Miembros de la Comisión Permanente de Conciliación y al nombramiento de Agentes especiales intermedarios.

"Cuando haya lugar a arbitraje entre ellas, las Partes, dentro del plazo de tres meses a contar del día en que una de ellas dirija a la Otra la demanda de arbitraje, concluirán un 'Compromiso' en el cual se determinarán claramente: el objeto del litigio, las facultades especiales que puedan ser atribuidas al Tribunal Arbitral, el derecho en su caso a poder solicitar la revisión del laudo y plazo dentro del cual la demanda de revisión haya de hacerse, el lugar donde hubieren de celebrarse las reuniones del Tribunal y el idioma o idiomas a emplear, la suma que, por mutuo acuerdo, se

disposal to enable the Commission to perform its work in the territory of either one of the Parties.

"If the Commission will not succeed in effecting conciliation between the parties, the request of one party shall be sufficient for the intervention of the Arbitration Court.

"ARBITRATION COURT

"Actuation and Powers:

"The Arbitration Court shall act to settle disputes between the parties in those cases and according to the procedure provided in Articles II and III of the Treaty. In so far as applicable, the provisions of this Note relative to "Renewal of Mandate", "Alternates", "Substitutions" and the appointment of agents as special intermediaries, in the rules pertaining to the Permanent Conciliation Commission shall also apply to the Arbitration Court.

"When there is recourse to arbitration, the parties shall, within a period of three months counted from the date one of them addresses to the other the demand to go to the Arbitration Court, conclude a 'Compromise' which shall clearly define: the object of the dispute, the special powers to be conferred to the Arbitration Court, the right to request the revision of the award, the period in which the request for revision should be made, the place where the sessions will be held, the language or languages to be used, the amounts that by mutual agreement shall be deposited in advance by each of the parties to

convenga haya de depositarse anticipadamente por cada una de las Partes para subvenir a los gastos que se especifiquen y cualesquiera otras condiciones respecto de las cuales las Partes hayan llegado a acordarse mutuamente. El 'Compromiso' se concertará mediante canje de Notas entre los dos Gobiernos.

"El Tribunal Arbitral estará facultado:

- (a) para declarar su competencia en lo que respecta a la interpretación del 'Compromiso' así como de cualesquier Tratados, Convenios o Acuerdos que puedan ser invocados;
- (b) para determinar las reglas de procedimiento referentes a la sustanciación del caso y a la ordenación y tiempo dentro de los cuales cada Parte litigante deba presentar sus pruebas y terminar sus alegaciones;
- (c) para comodar cuantas formalidades sean precisas respecto de aportación de pruebas;
- (d) para actuar por mediación de la Parte en cuyo territorio se celebren las sesiones del Tribunal; y
- (e) para cuanto especialmente le haya sido atribuido en el 'Compromiso' mencionado anteriormente.

"Las Partes, además del derecho al nombramiento de

defray the expenses of the litigation and such other conditions that the parties may mutually agree on. The 'Compromise' shall be agreed upon by exchange of Notes between the two governments.

"The Arbitration Court shall have the power:

- (a) to declare its competence relative to the interpretation of the 'Compromise', as well as any other treaties, conventions, or agreements, the provisions of which may be invoked;
- (b) to issue rules of procedure for the conduct of the case and to decide the order and time in which each party must present its evidence and conclude its arguments;
- (c) to prescribe such requirements as it may deem necessary for the admission of evidence;
- (d) to act through the party in whose territory the sessions are celebrated; and
- (e) to exercise such other special powers that might be conferred upon it in the 'Compromise' mentioned in the preceding paragraph.

"Besides the right to appoint special agents, each of the par-

Agentes especiales, estarán facultadas para designar peritos, asesores y abogados para la defensa de sus derechos e intereses.

"Procedimiento:

"Como regla general el procedimiento comprenderá dos distintas fases: alegatos y debates orales. Los escritos de defensa, los de contestación, los documentos unidos a los mismos y las copias certificadas de éstos dirigidos por los respectivos Agentes a los Miembros del Tribunal y a los Agentes de la Parte contraria en la forma y dentro del plazo previsto en el 'Compromiso', constituirán la primera fase antedicha.

"Las Partes vendrán obligadas a suministrar al Tribunal con toda la amplitud posible las informaciones requeridas para decisión del litigio. Los debates que oralmente tengan lugar ante el Tribunal para el desarrollo de los argumentos de las Partes constituirán la segunda fase del procedimiento arbitral.

"Para cuantas notificaciones y cualesquiera otras diligencias que el Tribunal juzgase preciso llevar a cabo en el territorio de una tercera Potencia para aportación de pruebas al litigio podrá dirigirse directamente al Gobierno de dicha tercera Potencia por Comisión Rogatoria.

ties are empowered to designate experts, counsels and advocates for the defense of its rights and interests.

"Procedure:

"As a general rule, arbitration procedure comprises two distinct Phases: pleadings and oral discussions. The pleadings consist in the communication by the respective agents to the members of the Court and the opposite party of claims, counterclaims, and; if necessary, of replies; the parties shall annex thereto all documents called for in the case. This communication shall be made directly to the court and to the opposite party in the manner and within the time fixed by the 'Compromise'. A certified copy of every document produced by one party must be communicated to the other party.

"The parties undertake to supply the Court, as fully as they consider possible, with all the information required for deciding the case. The discussions consist in the oral development before the Court of the arguments of the parties.

"For all notices which the court has to serve in the territory of a third party, the Court shall make a request directly to the Government of the third party. The same rule applies in case steps are taken to procure evidence on the spot.

"Laudo:

"El laudo por escrito, dictado por el Tribunal Arbitral, expresará los fundamentos en que está basado, contendrá los nombres, apellidos y firmas de los Árbitros y será testimoniado por el Secretario.

"El Árbitro o Árbitros que no estuvieren de acuerdo con la opinión de la mayoría formularán un escrito haciendo constar las razones que motiven su disenso.

"Todas las decisiones del Tribunal Arbitral se tomarán por mayoría de, por lo menos, tres votos, a no ser que, por acuerdo unánime de todos los Miembros, se adopte otro método de decidir.

"El fallo, debidamente pronunciado y notificado a los Agentes de las Partes dirime la controversia definitivamente y sin apelación.

"Si surgiera cualquier discusión entre las Partes, con referencia a la interpretación y ejecución del laudo, la disputa, a menos de existir acuerdo en contrario, será sometida a decisión del Tribunal que pronunció el laudo.

"Si la discusión concierne a la interpretación de un Convenio en el que otras Potencias distintas a las en disputa sean parte, dichas Potencias deberán ser informadas en tiempo debido. Cada una de esas Potencias podrá ser autorizada a intervenir en el caso, pero, con la condición de que la interpretación contenida en el laudo que se dicte, las obligará igualmente.

"Award:

"The award which must be in writing, shall give the reasons on which it is based. It shall contain the names and signatures of the arbitrators and attested by the secretary.

"Arbitrators who do not concur in the opinion of the majority shall give in writing their reasons for their dissent.

All decisions by the Arbitration Court shall be given by a majority of at least three members unless, by a unanimous agreement of all the members, a different manner of deciding is adopted.

"The award duly pronounced and notified to the agents of the parties settles the dispute definitely and without appeal.

"Any dispute arising between the parties as to the interpretation and execution of the award, shall, in the absence of an agreement to the contrary, be submitted to the Court which pronounced it.

"When the dispute concerns the interpretation of a convention to which powers other than those in dispute are parties, the said powers shall be informed in due time. Each of these powers may be allowed to intervene in the case, on the condition that the interpretation contained in the award shall equally bind them.

"Cuando el laudo dictado concierne al cumplimiento específico de una obligación internacional que no pueda cumplirse, en todo o en parte, por el país obligado a ello, por obstaculizarlo su Constitución u otras causas el Tribunal Arbitral puede requerir, en su lugar, el pago de una justa indemnización o cualquier otra reparación adecuada.

"Revisión:

"La revisión del laudo únicamente podrá ser solicitada del Tribunal que lo pronunció sobre la base del descubrimiento de algún nuevo hecho que habiendo podido ejercer una influencia decisiva sobre la sentencia era desconocido para la Parte demandante y para el Tribunal al dictarse por éste el laudo.

"El procedimiento para sustanciar la revisión se determinará por el Tribunal haciendo constar, al declarar admisible la demanda de revisión el reconocimiento de la existencia del nuevo hecho y la influencia decisiva que este hecho hubiera podido ejercer en el laudo de haber sido conocido con anterioridad al momento en que se dictó. El 'Compromiso' fijará el plazo dentro del cual puede presentarse la demanda de revisión.

"Reglas comunes aplicables a la Comisión y al Tribunal:

"Los miembros de la Comisión Permanente de Conciliación y los del Tribunal Arbitral designados de mutuo acuerdo con arreglo a lo previsto en el Artículo III del Tratado, no

"When an award for the specific performance of an international obligation cannot be complied with, wholly or partially, by the obligated country, because of constitutional obstacles or other grounds, the Arbitration Court may require, in lieu thereof, the payment of a just compensation or any other adequate reparations.

"Revision:

"The revision of the award can only be made before the Court which pronounced it on the ground of the discovery of some new facts which if admitted might exercise a decisive influence upon the award and which was unknown to the Court and to the party which demanded the revision at the time the discussion was closed.

"Proceedings for revision can only be instituted by a decision of the Court expressly recording the existence of the new fact, recognizing in it the character in the preceding paragraph, and declaring the demand admissible on this ground. The 'Compromise' shall fix the period within which the demand for revision must be made.

"Rules applicable in common to the Commission and to the Court:

"The members of the Permanent Conciliation Commission and of the Arbitration Court designated by mutual agreement according to the provisions of Article III of the

pueden actuar como agentes, consejeros o abogados de cualquiera de las Partes en litigio.

“Durante la sustanciación de los procedimientos de conciliación o de arbitraje, las Partes en litigio, o sus representantes, se abstendrán de llevar a cabo cualquier acto que pudiera obstaculizar o demorar la aceptación de la propuesta de la Comisión Permanente de Conciliación o la ejecución del laudo del Tribunal Arbitral. Con este fin la Comisión Permanente de Conciliación, o el Tribunal Arbitral, según sea el caso, puede adoptar todas las medidas que estime necesarias al efecto.

“Cada una de las Partes en litigio subvendrá a sus propios gastos y, por iguales partes, a los de la Comisión Permanente de Conciliación y del Tribunal Arbitral. La cuantía de la indemnización y otras asignaciones a los Miembros de la Comisión Permanente de Conciliación y del Tribunal Arbitral, durante el desempeño de sus deberes, se fijará de común acuerdo entre ambos países, con arreglo a lo prescrito en el Artículo III del Tratado.

“Si el concierto propuesto, de conformidad con las normas precedentes, merece asimismo el asentimiento del Gobierno de Vuestra Excelencia, le ruego se sirva comunicarme la aceptación por el Gobierno Filipino de la propuesta del Gobierno Español en las condiciones expresadas, en cuyo caso queda entendido que las normas precedentes concertadas de mutuo acuerdo entran en vigor desde este mismo día.”

“Aprovecho esta oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.”

I am pleased to inform Your Excellency that the regulations proposed by you in the above-quoted note, regarding the substi-

Treaty may not act as agents, counsels or advocates of either of the disputing parties.

“Pending the proceedings of conciliation or of arbitration the parties in dispute or their representatives shall abstain from the performance of any act which might hinder or delay the acceptance of the proposal of the Permanent Conciliation Commission or the execution of the award of the Arbitration Court. To this effect the Permanent Conciliation Commission or the Arbitration Court, may, as the case maybe, adopt such measures as it may deem necessary in the premises.

“Each of the parties in dispute shall defray its own expenses and those of the Permanent Conciliation Commission and of the Arbitration Court, in equal shares. The amount of compensation and other allowances of the members of the Permanent Conciliation Commission and of the Arbitration Court while engaged in the performance of their duties shall be determined by mutual agreement between both countries according to the provisions of Article III of the Treaty.

tution of the members and the powers, operation and procedures of the Conciliation Commission and of the Arbitration Court referred to in Articles II and III of the Treaty of Friendship between the Philippines and Spain, are acceptable to my Government, and I hereby confirm that the said regulations shall take effect between our respective Governments as from the date of this note.

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

(Sgd.) ELPIDIO QUIRINO
President of the Philippines

His Excellency

TEODOMIRO DE AGUILAR Y SALAS
Envoy Extraordinary and Minister Plenipotentiary
of Spain, Manila

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