

tion on the State which is to enjoy the aforesaid rights to conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Article 16.

Measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional case, and for as short a period as possible, involve a deviation from the provisions of Articles 2 to 7 inclusive, it being understood that the principles of the present Statute must be observed to the utmost possible extent.

Article 17.

No Contracting State shall be bound by this Statute to permit the transit of passengers whose admission to its territories is forbidden, or of goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, no Contracting State shall be

bound by this Statute to permit the transport of passengers whose admission to its territories is forbidden, or of goods of which the import or export is prohibited, by its national laws.

Each Contracting State shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, as well as general police measures, including the control of emigrants entering or leaving its territory, it being understood that such measures must not result in any discrimination contrary to the principles of the present Statute.

Nothing in this Statute shall affect the measures which one of the Contracting States is or may feel called upon to take in pursuance of general international conventions to which it is a party, or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations, relating to the traffic in women and children, the transit, export or import of particular kinds of articles such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic

property, or relating to false marks, false indications of origin or other methods of unfair competition.

Article 18.

This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit.

Article 19.

The Contracting States undertake to introduce into those conventions in force on December 9th, 1923, which contravene the provisions of this Statute, so soon as circumstances permit and in any case on the expiry of such conventions, the modifications required to bring them into harmony with such provisions, so far as the geographical, economic or technical circumstances of the countries or areas concerned allow.

The same shall apply to concessions granted before December 9th, 1923 for the total or partial exploitation of maritime ports.

Article 20.

This Statute does not entail in any way the withdrawal of facilities which are greater than those provided for in the Statute and which have been granted in respect of the use of maritime ports under conditions consistent with its principles. This Statute also entails no prohibition of such grant of greater facilities in the future.

Article 21.

Without prejudice to the provisions of the second paragraph of Article 8, disputes which may arise between Contracting States as to the interpretation or the application of the present Statute shall be settled in the following manner:

Should it prove impossible to settle such dispute either directly between the Parties or by any other method of amicable settlement, the Parties to the dispute may, before resorting to any procedure of arbitration or to a judicial settlement, submit the dispute for an advisory opinion to the body established by the League of Nations as the advisory and technical organisation of Members of the League for matters of communications and transit. In urgent cases a preliminary opinion may be given recommending temporary measures, including

measures to restore the facilities for international traffic which existed before the act or occurrence which gave rise to the dispute.

Should it prove impossible to settle the dispute by any of the methods of procedure enumerated in the preceding paragraph, the Contracting States shall submit their dispute to arbitration, unless they have decided or shall decide, under an agreement between them, to bring it before the Permanent Court of International Justice.

Article 22.

If the case is submitted to the Permanent Court of International Justice, it shall be heard and determined under the conditions laid down in Article 27 of the Statute of the Court.

If arbitration is resorted to, and unless the Parties decide otherwise, each Party shall appoint an arbitrator, and a third member of the arbitral tribunal shall be elected by the arbitrators, or, in case the latter are unable to agree, shall be selected by the Council of the League of Nations from the list of assessors for Communications and Transit cases mentioned in Article 27

of the Statute of the Permanent Court of International Justice; in such latter case, the third arbitrator shall be selected in accordance with the provisions of the penultimate paragraph of Article 4 and the first paragraph of Article 5 of the Covenant of the League.

The arbitral tribunal shall judge the case on the basis of the terms of reference mutually agreed upon between the Parties. If the Parties have failed to reach an agreement, the arbitral tribunal, acting unanimously, shall itself draw up terms of reference after considering the claims formulated by the Parties; if unanimity cannot be obtained, the Council of the League of Nations shall decide the terms of reference under the conditions laid down in the preceding paragraph. If the procedure is not determined by the terms of reference, it shall be settled by the arbitral tribunal.

During the course of the arbitration the Parties, in the absence of any contrary provision in the terms of reference, are bound to submit to the Permanent Court of International Justice any question of international law or question as to the legal meaning of this Statute the solution of which the arbitral, at the request of one of the Parties, pronounces to be a necessary preliminary to

the settlement of the dispute.

Article 23.

It is understood that this Statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part of or placed under the protection of the same sovereign State, whether

or not these territories are individually Contracting States.

Article 24.

Nothing in the preceding Articles is to be construed as affecting in any way the rights or duties of a Contracting State as Member of the League of Nations.

附 屬 書

鐵道ノ國際制度ニ關スル規程ノ條項ノ本文及署名議定書中ニ記載セラルル右條項ニ關スル規定ノ本文左ノ如シ

第 四 條

運輸ニ關スル諸種ノ需要ニ應スルニ足ルヘキ鐵道經營上ノ伸縮力ヲ許容スルノ必要ヲ認メ締約國ハ經營ノ完全ナル自由カ國際運輸ヲ阻礙スルコトナクシテ行使セラルルコトヲ確保スルト共ニ該自由ヲ毀損スルコトナク維持セムトスルノ意思ヲ有ス

締約國ハ國際運輸ニ對シ相當ナル便益ヲ與ヘ且他ノ

（附屬書）
鐵道ノ國際制度ニ關スル規程（すい）

經營の自由と他への無差別待遇

ANNEXE.

Textes des articles du Statut sur le régime international des voies ferrées, et des dispositions y relatives du Protocole de signature.

Article 4.

Les Etats contractants, reconnaissant la nécessité de laisser à l'exploitation des chemins de fer l'élasticité indispensable pour lui permettre de répondre aux besoins complexes du trafic, entendent maintenir intacte la liberté de cette exploitation, tout en veillant à ce que cette liberté s'exerce sans abus à l'égard du trafic international.

Ils s'engagent à donner au trafic international des

締約國、其ノ國民又ハ其ノ船舶ニ對スル一切ノ不正ナル差別ヲ設ケサルコトヲ約ス

本條ノ規定ノ利益ハ單一契約ニ依リ規律セラルル運輸ノミニ局限セラルルモノニ非シテ本規程第二十一條及第二十二條ニ掲クル條件ニ從ヒ該二條ニ規定セル運輸ニモ亦及フヘキモノトス

第二十條

締約國ハ商業及商業上ノ競争ノ諸種ノ要求ニ能フ限リ密接ニ適合シ得ルニ足ルヘキ伸縮力ヲ運賃表ニ與フルノ一般的必要ヲ認メ自國法規ノ承認スル原則ニ從ヒ其ノ運賃表ヲ作成スルノ完全ナル自由ヲ保持ス但シ右自由ハ國際運輸ヲ阻礙スルコトナクシテ行使セラルヘキモノトス

締約國ハ運賃額及運賃表ノ適用條件ニ關シ相當ナル運賃表ヲ國際運輸ニ適用スルコトヲ約シ且他ノ締約國、其ノ國民又ハ其ノ船舶ニ對シ一切ノ不公正ナル差別ヲ設ケサルコトヲ約ス

右諸規定ハ前諸項ニ規定セラルル原則ニ準據スル鐵

facilités raisonnables et s'interdisent toute discrimination qui aurait un caractère de malveillance à l'égard des autres Etats contractants, de leurs nationaux ou de leurs navires.

Le bénéfice des dispositions du présent article n'est pas limité aux transports régis par un contrat unique; il s'étend également aux transports visés aux articles 21 et 22 du présent Statut, sous les conditions spécifiées auxdits articles.

Article 20.

Les Etats contractants, reconnaissant la nécessité de laisser aux tarifs en général la souplesse indispensable pour leur permettre de s'adapter, aussi exactement que possible, aux besoins complexes du commerce et de la concurrence commerciale, entendent maintenir intacte la liberté de leur tarification, suivant les principes admis par leur propre législation tout en veillant à ce que cette liberté s'exerce sans abus à l'égard du trafic international.

Ils s'engagent à appliquer au trafic international des tarifs raisonnables, tant par leur taux que par leurs conditions d'application et s'interdisent toute discrimination qui aurait un caractère de malveillance à l'égard des autres Etats contractants, de leurs nationaux ou de leurs navires.

Ces dispositions ne font pas obstacle à l'établissement

運賃表作
成の自由
と他への
無差別待
遇

道及海路ノ連絡運賃表ノ設定ヲ妨ケサルヘシ

第二十一條

第二十條ノ規定ノ利益ハ單一契約ニ基ク運送ノミニ之ヲ局限スヘカラス右利益ハ鐵道、海路又ハ其ノ他ノ運送方法ニ依ル連續的送程ヨリ成ル運送ニシテ二以上ノ締約國ノ領域ニ互リ且各別ノ契約ニ依リ規律セラルルモノニ對シ左記條件ヲ履行スル限り均シク之ヲ及ホスヘシ

連續的契約中ノ各契約ニハ積送品ノ始發地及最終到達地ヲ明示スヘシ運送ノ全期間中貨物ハ運送者ノ監理ノ下ニ在ルコトヲ要シ又各運送者ニ依リ直接ニ且運送行爲及税關、入市、警察又ハ其ノ他ノ行政上ノ手續ヲ完了スルニ必要ナルモノ以外ノ遲滯ナク其ノ引繼運送者ニ送付セラルルコトヲ要ス

第二十二條

第二十條ノ規定ハ一時港ニ留置カルル貨物ニ關シ之ヲ輸入シタル又ハ之ヲ輸出スヘキ船舶ノ國籍ノ如何

一時港に
留め置か
れる貨物

海港ノ國際制度ニ關スル條約 規程 附屬書

entre les chemins de fer et la navigation, de tarifs communs respectant les principes posés par les précédents alinéas.

Article 21.

Le bénéfice des dispositions de l'article 20 n'est pas limité aux transports régis par un contrat unique. Il s'étend également à des transports qui comportent une série de parcours, par chemin de fer, par mer ou par toute autre voie, empruntant les territoires de plusieurs Etats contractants et régis par des contrats distincts, sous réserve que les conditions ci-après soient remplies.

Chacun des contrats successifs doit mentionner la provenance initiale et la destination finale du transport; la marchandise doit pendant toute la durée du trajet total, rester sous la surveillance des transporteurs et être transmise par chacun d'eux au suivant sans intermédiaire et sans autre délai que celui nécessaire à l'accomplissement des opérations de transmission des formalités administratives de douane, d'octroi, de police ou autres.

Article 22.

Les dispositions de l'article 20 sont également applicables aussi bien en trafic national qu'en trafic international par

ニ拘ラス鐵道ニ依ル該貨物ノ國內運輸及國際運輸ニ對シ均シク適用セラルヘシ

署名議定書 船旗ノ考量ノミニ基ク船舶ノ差別待遇ハ鐵道ノ國際制度ニ關スル規程ノ第四條及第二十條ノ意味ニ於ケル不公正ナル差別ト認メラルヘキモノトス

chemin de fer aux marchandises séjournant dans un port sans qu'il soit pris en considération le pavillon sous lequel elles ont été importées ou seront exportées.

Protocole de signature : Il est entendu que toute différence de traitement entre pavillons, fondée exclusivement sur la considération du pavillon, doit être considérée comme discrimination de caractère malveillant au sens des articles 4 et 20 du Statut sur le régime international des voies ferrées.

ANNEX.

Text of the articles of the Statute on the International Régime of Railways and of the provisions relating thereto contained in the Protocol of Signature.

Article 4.

Recognising the necessity of granting sufficient elasticity in the operation of railways to allow the complex needs of traffic to be met, it is the intention of the Contracting States to maintain unimpaired full freedom of operation while ensuring that such freedom is exercised without detriment to international traffic.

They undertake to give reasonable facilities to international traffic and to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

The benefit of the provisions of the present article is not confined to traffic governed by a single contract; it extends also to the traffic dealt with in Articles 21 and 22 of the present Statute subject to the conditions specified in the said Articles.

Article 20.

The Contracting States, recognising the necessity in general of leaving tariffs sufficient flexibility to permit

of their being adapted as closely as possible to the complex needs of trade and commercial competition, retain full freedom to frame their tariffs in accordance with the principles accepted by their own legislation, provided that this freedom is exercised without detriment to international traffic.

They undertake to apply to international traffic tariffs which are reasonable both as regards their amounts and the conditions of their application, and undertake to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

These provisions shall not prevent the establishment of combined rail and sea tariffs which comply with the principles laid down in the previous paragraphs.

Article 21.

The benefit of the provisions of Article 20 shall not be confined to transport based on single contracts. It shall extend equally to transport made up of successive stages by rail, by sea or by any other mode of transport traversing the territory of more than one Contracting

State and regulated by separate contracts, subject to the fulfilment of the following conditions;

Each of the successive contracts must specify the initial source and final destination of the consignment; during the whole duration of carriage the goods must remain under the supervision of the carriers and must be forwarded by each carrier to his successor direct and without delay other than that necessary for the completion of the transport operations and the customs, octroi, police or other administrative formalities.

Article 22.

The provisions of Article 20 shall be equally applicable to internal, as well as to international traffic by rail as regards goods which remain temporarily at the port without regard to the flag under which they have been imported or will be exported.

Protocol of Signature. It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the International Régime of Railways.

(定訳)

海港ノ國際制度ニ關スル 條約ノ署名議定書

大正一二年二月九日ジュネーブで署名

海港ノ國際制度ニ關スル本日附ノ條約ニ署名スルニ當リ正當ナル委任ヲ受ケタル下名ハ左ノ如ク協定セリ

- 一 本規程ノ條項ハ避難港トシテ特ニ構築セラレタルモノニ適用セラルヘキモノトス
- 二 千九百十三年ノ「水先案内法」第二十四條ノ規定ニ關スル英國政府ノ留保ハ受諾セラレタルモノトス
- 三 船舶仲立業者ニ關シ佛蘭西國ノ法令ニ規定セララル義務ハ海港ノ國際制度ニ關スル規程ノ原則及精神ニ反スルモノト認ムヘカラサルモノトス

PROTOCOLE DE SIGNATURE DE LA CONVENTION SUR LE RÉGIME INTERNATIONAL DES PORTS MARITIMES.

Signé à Genève, le 9 décembre 1923

Au moment de procéder à la signature de la Convention sur le régime international des ports maritimes, conclue à la date de ce jour, les soussignés, dûment autorisés, sont convenus de ce qui suit :

- 1°—Il est entendu que les dispositions du présent Statut s'appliqueront aux ports de refuge spécialement construits dans ce but ;
- 2°—Il est entendu que la réserve faite par la délégation britannique des stipulations de la Section 24 du "Pilotage Act" de 1913 est acceptée.
- 3°—Il est entendu que les obligations prévues par la législation française en ce qui concerne les courtiers maritimes, ne sont pas considérées comme contraires au principe et à l'esprit du Statut sur le régime international des ports

maritimes.

4°—Il est entendu que la condition de réciprocité prévue dans l'article 2 du Statut sur le régime international des ports maritimes n'aura pas pour effet de priver des avantages dudit Statut les Etats contractants dépourvus de ports maritimes et qui ne jouiraient pas dans une zone d'un port maritime d'un autre Etat, des droits prévus à l'article 15 du Statut ci-dessus visé.

5°—Dans le cas où un Etat ou territoire auquel la convention ne s'applique pas aurait même pavillon ou même nationalité qu'un Etat contractant, cet Etat ou ce territoire ne pourra se prévaloir d'aucun droit assuré par le Statut sur le régime international des ports maritimes au pavillon ou aux nationaux des Etats contractants.

Le présent Protocole aura le même force, valeur et durée que le Statut adopté à la date de ce jour et dont il doit être considéré comme faisant partie intégrante.

En foi de quoi, les Plénipotentiaires susnommés ont signé le présent Protocole.

Fait à Genève, la neuf décembre mil neuf cent vingt-trois, en simple expédition qui sera déposée dans les Archives du Secrétariat de la Société des Nations; copie conforme en sera remise à tous les Etats représentés à la

四 海港ノ國際制度ニ關スル規程ノ第二條ニ規定セラルル相互條件ハ右規程ノ利益ノ享有ニ付締約國ニシテ全然海港ヲ有セス且他國ノ海港ノ地帶ニ於テ右規程第十五條ニ掲クル權利ヲ享有セサルモノヲ除外セサルヘキモノトス

五 締約國ノ船旗又ハ國籍カ本條約ノ適用ヲ受ケサル國又ハ領域ノ船旗又ハ國籍ト同一ナル場合ニ於テ本規程ニ依リ締約國ノ船旗又ハ國民ニ對シ確保セラレタル利益ヲ該國又ハ該領域ノ爲ニ要求スルコトヲ得ス

本議定書ハ本日附ノ規程ト同一ノ效力及有効期間ヲ有スヘク且其ノ一部ト認メラルヘシ

右證據トシテ前記各委員ハ本議定書ニ署名ス

千九百二十三年十二月九日「ジュネーヴ」ニ於テ本書一通ヲ作成シ之ヲ國際聯盟事務局ノ記錄ニ寄託保存ス認證謄本ハ會議ニ代表者ヲ出セル一切ノ國ニ送付セラ

(此ノ處ニ條約ノ末尾ニ掲ケタルモノト同一ノ署名入ル)

Conférence.

[*Suivent les mêmes signatures que celles figurant à la fin de la Convention.*]

PROTOCOL OF SIGNATURE OF THE CONVENTION ON THE INTER- NATIONAL RÉGIME OF MARITIME PORTS.

Signed at Geneva, December 9, 1923

At the moment of signing the Convention of to-day's date relating to the International Régime of Maritime Ports, the undersigned, duly authorised, have agreed as follows:

1). It is understood that the provisions of the present Statute shall apply to ports of refuge specially constructed for that purpose.

2). It is understood that the British Government's reservation as to the provisions of Section 24 of the "Pilots Act" of 1913 is accepted.

3). It is understood that the obligations laid down in French Law in regard to ship-brokers shall not be regarded as contrary to the principle and spirit of the Statute on the International Régime of Maritime Ports.

4). It is understood that the condition of reciprocity laid down in Article 2 of the Statute on the International Régime of Maritime Ports shall not exclude from the benefit of the said Statute Contracting States which have no maritime ports and do not enjoy in any zone of a maritime port of another State the rights mentioned in Article 15 of the said Statute.

5). In the event of the flag or nationality of a Contracting State being identical with the flag or nationality of a State or territory which is outside the Convention, no claim can be advanced on behalf of the latter State or territory to the benefits assured by this Statute to the flags or nationals of Contracting States.

The present Protocol will have the same force, effect and duration as the Statute of to-day's date, of which it

is to be considered as an integral part.

In faith whereof the above-mentioned plenipotentiaries have signed the present Protocol.

DONE at Geneva, the ninth day of December, One thousand nine hundred and twenty-three in a single copy which will remain deposited in the archives of the Sec-

retariat of the League of Nations; certified copies will be transmitted to all the States represented at the Conference.

[Here follow the same signatures as those appearing at the end of the Convention.]

締約国一覽表 (昭三〇、三、三二調)

国名	批准書 寄託の日	加入の日
オーストラリア		一九三五、六、三
オーストリア		一九三七、一、三〇
ベルギー	一九二七、五、一六	
セイロン		一九三五、九、三
チェッコスロヴァキア	一九三一、七、一〇	
デンマーク	一九二六、四、二七	
フランス		一九二四、二、一
ドイツ	一九二八、五、一	

ギリシャ	一九二七、一、二四		
ハンガリー	一九二九、三、二		
インド	一九三五、四、一		
インドネシア		一九二八、二、三	
イタリヤ		一九二九、五、一	
イタリヤ	一九三三、一〇、一六		
日本	一九二六、九、三〇		
メキシコ		一九三四、三、五	
オランダ	一九二八、二、三		
ニュー・ジブラント	一九三五、四、一		
ノールウェー	一九二八、六、二		

海港ノ國際制度ニ關スル條約 締約国一覽表

パ ナ マ		一九三五、七、三一	
ス ウェー デン	一九三七、八、一五		
ス イ ス	一九三六、一〇、二三		

タ イ	一九三五、一、九		
連 合 王 国	一九三四、八、元		
ユー ゴ ス ラ ヴィ ア	一九三二、一一、三〇		