

**Convention on the International Régime of Maritime Ports,  
and Protocol of Signature  
(Geneva, 9 December 1923)**

CONVENTION ON THE INTERNATIONAL RÉGIME OF MARITIME PORTS

Germany, Belgium, Brazil, the British Empire (with New Zealand and India), Bulgaria, Chile, Denmark, Spain, Estonia, Greece, Hungary, Italy, Japan, Lithuania, Norway, the Netherlands, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Sweden, Switzerland, Czechoslovakia and Uruguay,

DESIROUS of ensuring in the fullest measure possible the freedom of communications mentioned in Article 23(e) of the Covenant by guaranteeing in the maritime ports situated under their sovereignty or authority and for purposes of international trade equality of treatment between the ships of all the Contracting States, their cargoes and passengers;

CONSIDERING that the best method of achieving their present purpose is by means of a general convention to which the greatest possible number of States can later accede;

AND WHEREAS the Conference which met at Genoa on 10 April 1922 requested, in a resolution which was transmitted to the competent organisations of the League of Nations with the approval of the Council and the Assembly of the League, that the International Conventions relating to the Régime of Communications provided for in the Treaties of Peace should be concluded and put into operation as soon as possible, and whereas, Article 379 of the Treaty of Versailles and the corresponding Articles of the other Treaties provide for the preparation of a General Convention on the International Régime of Ports;

HAVING ACCEPTED the invitation of the League of Nations to take part in a Conference which met at Geneva on 15 November 1923;

DESIROUS of bringing into force the provisions of the Statute relating to the International Régime of Ports adopted thereat, and of concluding a General Convention for this purpose, the High Contracting Parties have appointed as their plenipotentiaries:

[Names of plenipotentiaries not reproduced here]

Who, after communicating their full powers, found in good and due form, have agreed as follows:

Article 1

The Contracting States declare that they accept the Statute on the International Régime of Maritime Ports, annexed hereto, adopted by the Second General Conference on Communications and Transit which met at Geneva on 15 November 1923.

This Statute shall be deemed to constitute an integral part of the present Convention. Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

Article 2

The present Convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on 28 June 1919, or

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out of the provisions of the other corresponding Treaties, in so far as they concern the Powers which have signed, or which benefit by, such Treaties.

Article 3

The present Convention of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until 31 October 1924 by any State represented at the Conference of Geneva, by any Member of the League of Nations and by any States to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 4

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every State signatory of or acceding to the Convention.

Article 5

On and after 1 November 1924, the present Convention may be acceded to by any State represented at the Conference referred to in Article 1, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to every State signatory of or acceding to the Convention.

Article 6

The present Convention will not come into force until it has been ratified in the name of five States. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

Article 7

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 9, which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

Article 8

Subject to the provisions of Article 2 above, the present Convention may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General, and shall operate only in respect of the notifying State.

Article 9

Any State signing or acceding to the present Convention may declare at the moment either of its signature, ratification or accession, that its acceptance of the present

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Convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories, under its sovereignty or authority, and may subsequently accede, in conformity with the provisions of Article 5, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 8 shall apply to any such denunciation.

Article 10

The revision of the present Convention may be demanded at any time by one-third of the Contracting States.

IN FAITH WHEREOF the abovenamed plenipotentiaries have signed the present Convention.

DONE at Geneva the ninth day of December, one thousand nine hundred and twenty-three, in a single copy which shall remain deposited in the archives of the Secretariat of the League of Nations.

[Signatures not reproduced here]

STATUTE

Article 1

All ports which are normally frequented by sea-going vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present Statute.

Article 2

Subject to the principle of reciprocity and to the reservation set out in the first paragraph of Article 8, every Contracting State undertakes to grant the vessels of every other Contracting State equality of treatment with its own vessels, or those of any other State whatsoever, in the maritime ports situated under its sovereignty or authority, as regards freedom of access to the port, the use of the port, and the full enjoyment of the benefits as regards navigation and commercial operations which it affords to vessels, their cargoes and passengers.

The equality of treatment thus established shall cover facilities of all kinds, such as allocation of berths, loading and unloading facilities, as well as dues and charges of all kinds levied in the name or for the account of the Government, public authorities, concessionaries or undertakings of any kind.

Article 3

The provisions of the preceding Article in no way restrict the liberty of the competent port authorities to take such measures as they may deem expedient for the proper conduct of the business of the port provided that these measures comply with the principle of equality of treatment as defined in the said Article.

Article 4

All dues and charges levied for the use of maritime ports shall be duly published before coming into force.

The same shall apply to the by-laws and regulations of the port.

In each maritime port, the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

Article 5

In assessing and applying Customs and other analogous duties, local octroi or consumption duties, or incidental charges, levied on the importation or exportation of

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goods through the maritime ports situated under the sovereignty or authority of the Contracting States, the flag of the vessel must not be taken account, and accordingly no distinction may be made to the detriment of the flag of any Contracting State whatsoever as between that flag and the flag of the State under whose sovereignty or authority the port is situated, or the flag of any other State whatsoever.

Article 6

In order that the principle of equal treatment in maritime ports laid down in Article 2 may not be rendered ineffective in practice by the adoption of other methods of discrimination against the vessels of a Contracting State using such ports, each Contracting State undertakes to apply the provisions of Articles 4, 20, 21 and 22 of the Statute annexed to the Convention on the International Régime of Railways, signed at Geneva on 9 December 1923, so far as they are applicable to traffic to or from a maritime port, whether or not such Contracting State is a party to the said Convention on the International Régime of Railways. The aforesaid Articles are to be interpreted in conformity with the provisions of the Protocol of Signature of the said Convention. (See Annex.)

Article 7

Unless there are special reasons justifying an exception, such as those based upon special geographical, economic, or technical conditions, the Customs duties levied in any maritime port situated under the sovereignty or authority of a Contracting State may not exceed the duties levied on the other Customs frontiers of the said State on goods of the same kind, source or destination.

If, for special reasons as set out above, a Contracting State grants special Customs facilities on other routes for the importation or exportation of goods, it shall not use these facilities as a means of discrimination unfairly against importation or exportation through the maritime ports situated under its sovereignty or authority.

Article 8

Each of the Contracting States reserves the power, after giving notice through diplomatic channels, of suspending the benefit of equality of treatment from any vessel of a State which does not effectively apply, in any maritime port situated under its sovereignty or authority, the provisions of this Statute to the vessels of the said Contracting State, their cargoes and passengers.

In the event of action being taken as provided in the preceding paragraph, the State which has taken action and the State against which action is taken, shall both alike have the right of applying to the Permanent Court of International Justice by an application addressed to the Registrar; and the Court shall settle the matter in accordance with the rules of summary procedure.

Every Contracting State shall, however, have the right at the time of signing or ratifying this Convention, of declaring that it renounces the right of taking action as provided in the first paragraph of this Article against any other State which may make a similar declaration.

Article 9

This Statute does not in any way apply to the maritime coasting trade.

Article 10

Each Contracting State reserves the right to make such arrangements for towage in its maritime ports as it thinks fit, provided that the provisions of Articles 2 and 4 are not thereby infringed.

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Article 11

Each Contracting State reserves the right to organise and administer pilotage services as it thinks fit. Where pilotage is compulsory, the dues and facilities offered shall be subject to the provisions of Articles 2 and 4, but each Contracting State may exempt from the obligation of compulsory pilotage such as its nationals as possess the necessary technical qualifications.

Article 12

Each Contracting State shall have the power, at the time of signing or ratifying this Convention, of declaring that it reserves the right of limiting the transport of emigrants, in accordance with the provisions of its own legislation to vessels which have been granted special authorisation as fulfilling the requirements of the said legislation. In exercising this right, however, the Contracting State shall be guided, as far as possible, by the principles of this Statute.

The vessels so authorised to transport emigrants shall enjoy all the benefits of this Statute in all maritime ports.

Article 13

This Statute applies to all vessels, whether publicly or privately owned or controlled. It does not, however, apply in any way to warships or vessels performing police or administrative functions, or, in general, exercising any kind of public authority, or any other vessels which for the time being are exclusively employed for the purposes of the naval, military or air forces of a State.

Article 14

This Statute does not in any way apply to fishing vessels or to their catches.

Article 15

Where in virtue of a treaty, convention or agreement, a Contracting State has granted special rights to another State within a defined area in any of its maritime ports for the purpose of facilitating the transit of goods or passengers to or from the territory of the said State, no other Contracting State can invoke the stipulations of this Statute in support of any claim for similar special rights.

Every Contracting State which enjoys the aforesaid special rights in a maritime port of another State, whether Contracting or not, shall conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Every Contracting State which grants the aforesaid special rights to a non-Contracting State is bound to impose, as one of the conditions of the grant, an obligation 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 cases, 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

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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 9 December 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 circumstance of the countries or areas concerned allow.

The same shall apply to concessions granted before 9 December 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

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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 the 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 tribunal, 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.

ANNEX

[see Article 6 of Statute]

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.

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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.

PROTOCOL OF SIGNATURE OF THE CONVENTION ON THE  
INTERNATIONAL RÉGIME OF MARITIME PORTS

At the moment of signing the Convention of today'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 "Pilotage 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

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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 today's date, of which it is to be considered as an integral part.

IN FAITH WHEREOF the abovenamed 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 Secretariat of the League of Nations; certified copies will be transmitted to all the States represented at the Conference.

[Signatures not reproduced here]