

TELECOMMUNICATION (RADIOTELEGRAPH)

*Convention and final protocol signed at London July 5, 1912*¹

*Senate advice and consent to ratification, with an understanding, January 22, 1913*²

*Ratified by the President of the United States, with an understanding, February 5, 1913*²

*Ratification of the United States deposited at London February 21, 1913
Entered into force July 1, 1913*

Proclaimed by the President of the United States July 8, 1913

Replaced by conventions and protocols of November 25, 1927,³ December 9, 1932,⁴ October 2, 1947,⁵ December 22, 1952,⁶ December 21, 1959,⁷ November 12, 1965,⁸ as between contracting parties to the later conventions and protocols

38 Stat. 1672; Treaty Series 581

[TRANSLATION]

INTERNATIONAL RADIOTELEGRAPH CONVENTION

Concluded between Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies, France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Great Britain and the various British Colonies and Protectorates, the Union of South Africa, the Australian Federation, Canada, British India, New Zealand, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curaçao, Persia, Portu-

¹ For text of service regulations, see 38 Stat. 1718 or TS 581, p. 52.

² The U.S. understanding reads as follows: ". . . nothing in the Ninth Article of the Regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering in or clearing from her ports."

³ TS 767, *post*, vol. 2.

⁴ TS 867, *post*.

⁵ TIAS 1901, *post*.

⁶ 6 UST 1213; TIAS 3266.

⁷ 12 UST 1761; TIAS 4892.

⁸ 18 UST 575; TIAS 6267.

gal and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, the Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at London, have agreed on the following Convention, subject to ratification:

ARTICLE 1

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all radio stations (both coastal stations and stations on shipboard) which are established or worked by the Contracting Parties and open to public service between the coast and vessels at sea.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for radiotelegraphy open to public service between the coast and vessels at sea, or to establish or work radio stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2

By "coastal stations" is to be understood every radio station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every radio station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3

The coastal stations and the stations on shipboard shall be bound to exchange radiograms without distinction of the radio system adopted by such stations.

Every station on shipboard shall be bound to exchange radiograms with every other station on shipboard without distinction of the radio system adopted by such stations.

However, in order not to impede scientific progress, the provisions of the present Article shall not prevent the eventual employment of a radio system incapable of communicating with other systems, provided that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

ARTICLE 4

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of radiograms, as specified in the Regulations.⁹

ARTICLE 7

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special radio communication without publishing the details of such devices.

ARTICLE 8

The working of the radio stations shall be organized as far as possible in such manner as not to disturb the service of other radio stations.

ARTICLE 9

Radio stations are bound to give absolute priority to calls of distress from whatever source, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10

The charge for a radiogram shall comprise, according to the circumstances:

1. (a) The coastal rate, which shall fall to the coastal station;
(b) The shipboard rate, which shall fall to the shipboard station.
2. The charge for transmission over the telegraph lines, to be computed according to the ordinary rules.
3. The charges for transit through the intermediate coastal or shipboard stations and the charges for special services requested by the sender.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government of which the ship is dependent.

⁹ See footnote 1, p. 883.

ARTICLE 11

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries having power to modify the Convention and the Regulations, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

The following shall be considered as forming a single country for the application of the present Article:

German East Africa	The Australian Federation
German Southwest Africa	Canada
Kamerun	British India
Togo Land	New Zealand
German Protectorates in the Pacific	Eritrea
Alaska	Italian Somaliland
Hawaii and the other American possessions in Polynesia	Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung
The Philippine Islands	The Dutch Indies
Porto Rico and the American possessions in the Antilles	The Colony of Curaçao
The Panama Canal Zone	Portuguese West Africa
The Belgian Congo	Portuguese East Africa and the Portuguese possessions in Asia
The Spanish Colony of the Gulf of Guinea	Russian Central Asia (littoral of the Caspian Sea)
French East Africa	Bokhara
French Equatorial Africa	Khiva
Indo-China	Western Siberia (littoral of the Arctic Ocean)
Madagascar	Eastern Siberia (littoral of the Pacific Ocean)
Tunis	
The Union of South Africa	

ARTICLE 13

The International Bureau of the Telegraph Union shall be charged with collecting, coordinating and publishing information of every kind relating

to radiotelegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international radiotelegraphy.

The expense of such institution shall be borne by all the contracting countries.

ARTICLE 14

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive radiograms proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a radiogram is received the ordinary rates shall be applicable to it.

Any radiogram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any radiogram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15

The provisions of Articles 8 and 9 of this Convention are also applicable to radio installations other than those referred to in Article 1.

ARTICLE 16

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates, as a whole or each of them, separately, may form the subject of a separate adherence or a separate denunciation within the provisions of the present Article and of Article 22.

ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10-22, 1875,¹⁰ shall be applicable to international radiotelegraphy.

ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21

The High Contracting Parties shall preserve their entire liberty as regards radio installations other than provided for in Article 1, especially naval and military installations, and stations used for communications between fixed points. All such installations and stations shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations and stations are used for public maritime service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

¹⁰ For text of these articles, see *ante*, footnote 7, p. 560. For full text of convention of 1875, see 57 LNTS 212.

On the other hand, if coastal stations are used for general public service with ships at sea and also for communication between fixed points, such stations shall not be subject, in the execution of the last named service, to the provisions of the Convention except for the observance of Articles 8 and 9 of this Convention.

Nevertheless, fixed stations used for correspondence between land and land shall not refuse the exchange of radiograms with another fixed station on account of the system adopted by such station; the liberty of each country shall, however, be complete as regards the organization of the service for correspondence between fixed points and the nature of the correspondence to be effected by the stations reserved for such service.

ARTICLE 22

The present Convention shall go into effect on the 1st day of July, 1913, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23

The present Convention shall be ratified and the ratifications exchanged at London with the least possible delay.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the Parties which shall have ratified it.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each Party.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELTIZ

For the United States of America and the possessions of the United States of America:

JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN

GEORGE OWEN SQUIER
EDGAR RUSSEL
C. MCK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, JR.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY

For the Argentine Republic:

VIGENTE J. DOMINGUEZ

For Austria:

DR. FRITZ RITTER WAGNER VON
JAUREGG
DR. RUDOLF RITTER SPEIL V.
OSTHEIM

- For Hungary:
CHARLES FOLLERT
DR. DE HENNYEY
- For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLF DANINGER
A. CICOLI
ROMEO VIO
- For Belgium:
J. BANNEUX
DELDIME
- For the Belgian Congo:
ROBERT B. GOLDSCHMIDT
- For Brazil:
DR. FRANCISCO BHERING
- For Bulgaria:
IV. STOVANOVITCH
- For Chile:
C. E. RICKARD
- For Denmark:
N. MEYER
J. A. VÖHTZ
R. N. A. FABER
T. F. KRARUP
- For Egypt:
J. S. LIDDELL
- For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACINTO LABRADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON
- For France and Algeria:
A. FROUIN
- For French West Africa:
A. DUCHÊNE
- For French Equatorial Africa:
A. DUCHÊNE
- For Indo-China:
A. DUCHÊNE
- For Madagascar:
A. DUCHÊNE
- For Tunis:
ET. DE FELCOURT
- For Great Britain and the various British Colonies and Protectorates:
H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH
- For the Union of South Africa:
RICHARD SOLOMON
- For the Australian Federation:
CHARLES BRIGHT
- For Canada:
G. J. DESBARATS
- For British India:
H. A. KIRK
F. E. DEMPSTER
- For New Zealand:
C. WRAY PALLISER
- For Greece:
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- For Italy and the Italian Colonies:
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- For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:
TETSUJIRO SAKANO
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U. ASENSIO
- For Monaco:
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- For Norway:
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J. P. GUÉPIN
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F. VAN DER GOOT
- For Persia:
MIRZA ABDUL CHAFFAR KHAN
- For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA
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- For Russia and the Russian Possessions and Protectorates:
N. DE ETTER
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SERGUEIEVITCH
V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNEKEN

For the Republic of San Marino:
ARTURO SERENA

For Siam:
LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:
RYDIN
HAMILTON

For Turkey:
M. EMIN
M. FAHRY
OSMAN SADI

For Uruguay:
FED R. VIDIELLA

FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Radiotelegraph Conference of London, the undersigned plenipotentiaries have agreed as follows:

I

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not yet being determined, it is recognized that one vote shall be assigned to Bosnia-Herzegovina but that a decision will be necessary at a later date as to whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of Article 12 of the Convention, or whether this vote is accorded to it in conformity with the provisions of the third paragraph of that Article.

II

Note is taken of the following declaration:

The Delegation of the United States declares that its government is under the necessity of abstaining from all action with regard to rates, because the transmission of radiograms as well as of ordinary telegrams in the United States is carried on, wholly or in part, by commercial or private companies.

III

Note is likewise taken of the following declaration:

The Government of Canada reserves the right to fix separately, for each of its coastal stations, a total maritime rate for radiograms proceeding from North America and destined for any ship whatever, the coastal rate amounting to three-fifths and the shipboard rate to two-fifths of the total rate.

In witness whereof the respective plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

Done at London, July 5, 1912.

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[For text of service regulations, see 38 Stat. 1718 or TS 581, p. 52.]