

763



TREATY SERIES No. 25 (1925).

CONVENTION

RELATIVE TO THE

TRANSMISSION IN TRANSIT
OF ELECTRIC POWER

AND

PROTOCOL OF SIGNATURE.

Geneva, December 9, 1923.

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty.*

LONDON :

PRINTED & PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.

1925

Price 3d. Net.

Cind. 2420.

764

Convention relative to the Transmission in Transit of Electric Power, and Protocol of Signature.

Geneva, December 9, 1923:

[Ratifications deposited on behalf of Great Britain, Northern Ireland
and New Zealand (including Western Samoa), April 1, 1925.]

THE British Empire (with New Zealand), Austria, Belgium, Bulgaria, Chile, Denmark, the Free City of Danzig, Spain, France, Greece, Hungary, Italy, Lithuania, Poland, Kingdom of the Serbs, Croats and Slovenes, Czechoslovakia and Uruguay,

Desirous of facilitating international co-operation by way of the conclusion between States interested therein of agreements concerning the transmission in transit of electric power;

Having accepted the invitation of the League of Nations to take part in a conference which met at Geneva on the 15th November, 1923;

Wishing to conclude a general convention for this purpose,

The high contracting parties have appointed as their plenipotentiaries:

The President of the Austrian Republic:

M. Emerich Pflügl, Resident Minister, representative of the Federal Government accredited to the League of Nations, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Belgians:

M. Xavier Neujean, Minister of Railways, Mercantile Marine, Posts, Telegraphs and Telephones of Belgium, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Sir Hubert Llewellyn Smith, G.C.B., Chief Economic Adviser of the British Government, delegate at the Second General Conference on Communications and Transit;

For the Dominion of New Zealand:

The Honourable Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;

His Majesty the King of the Bulgarians:

M. D. Mikoff, Chargé d'Affaires at Berne;

The President of the Republic of Chile :

M. Francisco Bivas Vicuña, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, to the President of the Czechoslovak Republic, to the President of the Austrian Federal Republic and to His Serene Highness the Governor of Hungary, delegate at the Second General Conference on Communications and Transit ;

His Majesty the King of Denmark :

M. P. A. Holck-Colding, Director of Section at the Ministry of Public Works, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit ;

The President of the Polish Republic (for the Free City of Danzig) :

Professor Bohdan Winiarski, vice-chairman of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit ;

His Majesty the King of Spain :

M. Guillermo Brockmann y Abarzuza, Inspector-General of Roads, Canals and Ports, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit ;

The President of the French Republic :

M. Maurice Sibille, Member of Parliament, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit ;

His Majesty the King of the Hellenes :

M. A. Politis, technical representative of the Hellenic Government in Paris, delegate at the Second General Conference on Communications and Transit, and

M. Demetre G. Phocas, captain in the Hellenic navy, delegate at the Second General Conference on Communications and Transit ;

His Serene Highness the Governor of Hungary :

M. Emile de Walter, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, delegate at the Second General Conference on Communications and Transit ;

His Majesty the King of Italy :

M. Paolo Bignami, former Under-Secretary of State, former Member of the Chamber of Deputies, delegate at the Second General Conference on Communications and Transit ;

The President of the Republic of Lithuania :

M. C. Dobkevicius, Counsellor at the Lithuanian Legation in Paris, delegate at the Second General Conference on Communications and Transit ;

The President of the Polish Republic :

Professor Bohdan Winiarski, vice-chairman of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit ;

His Majesty the King of the Serbs, Croats and Slovenes :

M. B. Voukovitch, Director of the State Railways, delegate at the Second General Conference on Communications and Transit ;

The President of the Czechoslovak Republic :

M. J. Dvoráček, Minister Plenipotentiary and Head of the Economic Department of the Ministry for Foreign Affairs ;

The President of the Republic of Uruguay :

M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, chairman of the Advisory and Technical Committee for Communications and Transit ;

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

ARTICLE 1.

Each contracting State undertakes, on the request of any other contracting State, to negotiate, with a view to the conclusion of agreements for ensuring the transmission in transit of electric power across its territory.

Nevertheless, the contracting States reserve the right to hold themselves free from the obligations of paragraph 1 of the present article if they can represent that the transmission in transit of electric power across their territory would be seriously detrimental to their national economy or security.

ARTICLE 2.

Electric power shall be considered as transmitted in transit across the territory of a contracting State when it crosses the said territory by means of conductors erected for this purpose alone without being wholly or in part produced, utilised or transformed within such territory.

ARTICLE 3.

The technical methods which may be adopted for the purpose of article 1, paragraph 1, shall be based exclusively upon considerations which might legitimately be taken into account in the case of similar internal transmissions, it being understood, however, that in exceptional cases political frontiers may be taken

into account, provided that the methods referred to are not materially affected thereby.

E

ARTICLE 4.

The agreements contemplated in article 1 may provide, amongst *other things*, for—

- (a.) The general conditions for the construction and upkeep of the lines.
- (b.) *Equitable contributions for the State across whose territory the transmission in transit takes place towards expenses, risks, damage or charges of every kind, and costs of administration and control, incurred as a result of the construction and working of the lines, as well as for the repayment of the cost of upkeep, if necessary.*
- (c.) The methods for exercising technical control and securing public safety.
- (d.) The means to be used for making any necessary telephonic or telegraphic communications in connection with the working of the transmission in transit of electric power.
- (e.) The procedure for settling disputes in regard to the interpretation and application of the agreements.

ARTICLE 5.

The construction of lines, the transmission in transit and the necessary installations shall be subject, in the State across the territory of which the transmission takes place, to the legal and administrative provisions applicable to the construction of lines, the transmission of electric power and similar installations in that State, in accordance with its legislation.

ARTICLE 6.

The transmission in transit of electric power shall not be subject to special dues or charges solely on the ground that such transmission is effected in transit.

ARTICLE 7.

The contracting States shall, in their territory and within the limits of their national laws, endeavour to facilitate the application of the agreements contemplated in article 1.

ARTICLE 8.

The provisions of the present convention shall not oblige any State to employ powers of expropriation or to enforce the grant of way leaves.

ARTICLE 9.

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

ARTICLE 10.

This convention does not entail in any way the withdrawal of facilities which are greater than those provided for in it and which have been granted to the transmission of electric power under conditions consistent with its principles. This convention also entails no prohibition of such grant of greater facilities in the future.

ARTICLE 11.

The present convention does not in any way affect the rights and obligations of the contracting States arising out of former conventions or treaties on the subject-matter of the present convention, or out of the provisions on the same subject-matter in general treaties, including the Treaties of Versailles, Trianon and other treaties which ended the war of 1914-18.

ARTICLE 12.

If a dispute arises between contracting States as to the application or interpretation of the present convention, and if such dispute cannot be settled either directly between the parties or by some other amicable method of procedure, the parties to the dispute may submit it for an advisory opinion to the body established by the League of Nations as the advisory and technical organisation of the members of the League in matters of communications and transit, unless they have decided or shall decide by mutual agreement to have recourse to some other advisory, arbitral or judicial procedure.

The provisions of the preceding paragraph shall not be applicable to any State which represents that the transmission in transit would be seriously detrimental to its national economy or security.

ARTICLE 13.

It is understood that this convention 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 no these territories are individually contracting States.

ARTICLE 14.

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.

ARTICLE 15.

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 the 31st 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 16.

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 17.

On and after the 1st November, 1924, the present convention may be acceded to by any State represented at the Conference of Geneva, 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 18.

The present convention will not come into force until it has been ratified in the name of three 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 third 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 19.

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of article 21, 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 20.

Subject to the provisions of article 11 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 21.

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 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 17, 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 20 shall apply to any such denunciation.

ARTICLE 22.

A request for the revision of the present convention may be made at any time by one-third of the contracting States.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva, the 9th day of December, 1923, in a single copy which shall remain deposited in the archives of the secretariat of the League of Nations.

✓ Austria :	EMERICH PFLÜGL.
✓ Belgium :	XAVIER NEUJEAN.
✓ British Empire :	H. LLEWELLYN SMITH.
✓ New Zealand :	J. ALLEN.
✓ Bulgaria :	D. MIKOFF.
✓ Chile :	FRANCISCO RIVAS VICUÑA.
✓ Denmark :	A. HOLCK-COLDING.
✓ Free City of Danzig :	BOHDAN WINIARSKI.
✓ Spain :	GMO. BROCKMANN.
✓ France :	MAURICE SIBILLE.

Subject to the reservation contained in article 21 of the present convention to the effect that its provisions do not apply to the various protectorates, colonies, possessions or overseas territories under the sovereignty or authority of the French Republic.
(Translation.)

✓ Greece :	A. POLITIS. D. G. PHOCAS.
✓ Hungary :	WALTER.
✓ Italy :	PAOLO BIGNAMI.
✓ Lithuania :	DOBKEVICIUS.
✓ Poland :	BOHDAN WINIARSKI.
✓ Kingdom of the Serbs, Croats and Slovenes :	B. VOUKOVITCH.
✓ Czechoslovakia :	J. DVORÁČEK.
✓ Uruguay :	B. FERNANDEZ Y MEDINA

Protocol of Signature of the Convention relating to the Transmission in Transit of Electric Power.

At the moment of signing the convention of to-day's date, relating to transmission in transit of electric power, the undersigned, duly authorised, have agreed as follows :—

The convention in no way obliges any contracting State to give persons owning or working cables for transmission in transit of electric power more favourable treatment in its territory than is enjoyed by persons owning or working cables for transmission of electric power in the interior of the country.

The convention shall not apply to lines solely intended for the transmission of signals or of the human voice.

The present protocol will have the same force, effect and duration as the convention of to-day's date, of which it is to be considered as an integral part.

In faith whereof the above-named plenipotentiaries have signed the present protocol.

Done at Geneva, the 9th day of December, 1923, 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.

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