N° 4803.

ÉTATS-UNIS D'AMérique
ET AUSTRALIE

Traité modifiant, en ce qui concerne leur application à l'Australie, certaines dispositions du Traité pour le règlement pacifique des litiges conclu, le 15 septembre 1914, entre les États-Unis d'Amérique et la Grande-Bretagne. Signé à Washington, le 6 septembre 1940.

Texte officiel anglais communiqué par l'envoyé extraordinaire et ministre plénipotentiaire des États-Unis d'Amérique à Berne. L'enregistrement a eu lieu le 8 décembre 1941.

UNITED STATES OF AMERICA
AND AUSTRALIA


English official text communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration took place December 8th, 1941.
No. 4803. — TREATY ¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA AMENDING IN THEIR APPLICATION TO AUSTRALIA CERTAIN PROVISIONS OF THE TREATY FOR THE ADVANCEMENT OF PEACE, CONCLUDED ON SEPTEMBER 15TH, 1914, BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN. SIGNED AT WASHINGTON, SEPTEMBER 6TH, 1940.

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Commonwealth of Australia, being desirous, in view of the present constitutional position and international status of Australia, to amend in their application to the Commonwealth of Australia certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15th, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Commonwealth of Australia:

The Right Honorable Richard Gardiner Casey, D.S.O., M.C., His Majesty's

¹ The exchange of ratifications took place at Washington, August 13th, 1941.
Envoy Extraordinary and Minister Plenipotentiary for Australia at Washington;

dinaire et ministre plénipotentiaire de Sa Majesté, pour l’Australie, à Washington;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Lesquels, après s’être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Article I.

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15th, 1914, is hereby superseded in respect of the Commonwealth of Australia by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Commonwealth of Australia, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Commonwealth of Australia by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Commonwealth of Australia, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression “third country” means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article premier.

L’article II du Traité pour le règlement pacifique des litiges, conclu entre le Président des États-Unis d’Amérique et Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne, d’Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes, et signé à Washington le 15 septembre 1914, est remplacé, pour le Commonwealth d’Australie, par le texte suivant:

En ce qui concerne les différends qui pourraient s’élever dans les relations entre les États-Unis d’Amérique et le Commonwealth d’Australie, la Commission internationale sera composée de cinq membres, désignés comme suit: un membre sera choisi, aux États-Unis d’Amérique, par le Gouvernement des États-Unis ; un membre sera choisi, dans le Commonwealth d’Australie, par le Gouvernement du Commonwealth ; un membre sera choisi dans un pays tiers par chacun des deux gouvernements ; le cinquième membre sera choisi par voie d’accord entre le Gouvernement des États-Unis d’Amérique et le Gouvernement du Commonwealth d’Australie, étant entendu que ce membre sera ressortissant d’un pays tiers auquel n’appartiendra aucun autre membre de la Commission. L’expression « pays tiers » signifie un pays ne se trouvant ni sous la souveraineté ou l’autorité des États-Unis d’Amérique, ni sous la souveraineté, la suzeraineté, la protection ou le mandat de Sa Majesté le Roi de Grande-Bretagne, d’Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes. Les dépenses de la Commission seront supportées, en parties égales, par les deux gouvernements.

La Commission internationale sera nommée dans les six mois qui suivront l’échange des ratifications du présent traité ; les sièges devenus vacants seront pourvus selon les modalités appliquées pour les premières nominations.
Article II.

The second paragraph of Article III of the said Treaty of September 15th, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of the Commonwealth of Australia.

Article III.

Except as provided in Articles I, II and IV of the present Treaty, the stipulations of the said Treaty of September 15th, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

Article IV.

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Commonwealth of Australia. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty in accordance with the provisions of the preceding paragraph, the said Treaty of September 15th, 1914, shall in respect of the Commonwealth of Australia cease to have effect.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

Cordell Hull (Seal).

R. G. Casey (Seal).

Certified to be a true and complete textual copy of the original treaty in the sole language in which it was signed.

For the Secretary of State of the United States of America:

Edward Yardley,

Director of Personnel.