

No. 8644

**DENMARK, FEDERAL REPUBLIC OF GERMANY,
ITALY, NETHERLANDS, NORWAY, etc.**

International Agreement regarding the maintenance of certain lights in the Red Sea. Done at London, on 20 February 1962

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 15 June 1967.

**DANEMARK, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE,
ITALIE, PAYS-BAS, NORVÈGE, etc.**

Convention internationale concernant l'entretien de certains phares de la mer Rouge. Faite à Londres, le 20 février 1962

Textes officiels anglais et français.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 15 juin 1967.

No. 8644. INTERNATIONAL AGREEMENT¹ REGARDING
THE MAINTENANCE OF CERTAIN LIGHTS IN THE
RED SEA. DONE AT LONDON, ON 20 FEBRUARY 1962

The contracting Governments;

Considering that certain lights on the Islands of Abu Ail and Jabal at Tair in the Red Sea were constructed at the expense of the Ottoman Government and subsequently maintained on the behalf and at the expense of the said Government; and

Considering that in the course of the 1914-18 war the above-mentioned Islands were occupied by the forces of His Britannic Majesty; and

Considering that by Article 16 of the Treaty of Peace with Turkey signed at Lausanne on 24th July, 1923,² Turkey renounced all her rights and titles over the above-mentioned Islands, the future of these Islands being a matter for settlement by the Parties concerned; and that no agreement on the subject of the future of the above-mentioned Islands has been come to among the Parties concerned; and

Considering that in 1930 a Convention³ was signed on behalf of certain interested Governments, making provision for the maintenance of the lights on the above-mentioned Islands; and that the Convention of 1930 did not come into force but the lights continued to be maintained by the Government of the United Kingdom with contributions towards the cost thereof from the Governments of Germany, Italy and the Netherlands; and

Considering that the outbreak of the 1939-45 war put an end to the arrangement just recited and that the Government of the United Kingdom has main-

¹ Came into force, in accordance with article 11, on 28 October 1966, the date of the notification by the Government of the United Kingdom of Great Britain and Northern Ireland provided for in that article, in respect of the following States on behalf of which the Agreement was signed without reservation as to acceptance(*) or the instruments of acceptance were deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, on the dates indicated:

United Kingdom of Great Britain and Northern Ireland	20 February 1962*		Federal Republic of Germany (with a declaration that it will apply to Land Berlin)	14 September 1965
Sweden	2 August 1962*		Pakistan	27 October 1965
Denmark	3 August 1962*		Norway	25 October 1966
United Arab Republic	3 October 1963		Italy	26 October 1966
Netherlands	15 January 1964		Union of Soviet Socialist Republics	16 December 1966
United States of America	6 April 1964			

² League of Nations, *Treaty Series*, Vol. XXVIII, p. 11.

³ United Kingdom, *Miscellaneous No. 1* (1931), Cmd. 3755.

tained the two lights and since 1945 has received contributions towards the cost thereof from the Government of the Netherlands; and

Desiring to conclude an agreement which will provide for the maintenance of the lights on the Islands of Abu Ail and Jabal at Tair in the interests of shipping and for the sharing of the cost of their maintenance in an equitable manner;

Have agreed as follows :

Article 1

In the present Agreement :

- (i) the word " tonnage " means net tonnage as ascertained in accordance with the tonnage measurement rules of the Suez Canal Authority;
- (ii) the expression " vessels of " a Government means vessels registered in the metropolitan territory of that Government;
- (iii) the expression " contributing Government " means a contracting Government which for the financial year in question has not relieved itself of liability to contribute by giving notice in accordance with the provisions of Article 5;
- (iv) the expression " financial year " means the twelve months ending 31st March; and
- (v) the expression " the lights " means the lights on the Islands of Abu Ail and Jabal at Tair.

Article 2

Subject to the provisions of Article 6, the Government of the United Kingdom of Great Britain and Northern Ireland shall be the Managing Government and as such shall continue to manage and maintain the lights. The Managing Government may appoint an agent to act on its behalf at a fee agreed between the Managing Government and such agent.

Article 3

(1) The contributing Governments shall defray the expense of managing and maintaining the said lights by contributions based on the total tonnage of the vessels of each contributing Government as ascertained in accordance with paragraphs (5) and (6) of the present Article.

(2) The Managing Government shall forward to the other contracting Governments, as soon as possible after 31st March in each year, particulars of the expenditure which it has incurred in managing and maintaining the lights during the previous financial year, a statement of the contribution due from each contributing Government and an estimate of the next year's expenditure.

Should this estimate exceed £30,000, the Managing Government, at the request of any contributing Government, shall call a meeting of the contributing Governments to discuss the estimate.

(3) Should it become desirable to expend on renewals, replacements, or repairs, other than normal maintenance, more than £5,000 in any one financial year, the Managing Government shall consult the other contributing Governments, by a meeting of contributing Governments should any one so request, or in writing if not so requested, before incurring such expenditure in excess of £5,000 except in case it is necessary to provide for any sudden emergency; in that event the contributing Governments shall be informed as soon as possible.

(4) Each other contributing Government shall pay to the Managing Government the amount of its contribution as soon as practicable after the receipt from the Managing Government of the statement referred to in paragraph (2) of the present Article and in any event within twelve months after the statement is received.

(5) The Managing Government shall assess the contributions on the total tonnage of the vessels of each contributing Government passing through the Suez Canal as compared with the total tonnage of all vessels of all the contributing Governments passing through the Suez Canal: the tonnage in each case being the tonnage (as ascertained from publications issued by the Suez Canal Authority) passing through the Suez Canal during the calendar year ending 31st December immediately preceding the said 31st March.

(6) Where however a contributing Government has made representations before 31st March in any year to the Managing Government that the total tonnage of its vessels passing through the Suez Canal in the previous calendar year was substantially greater than the tonnage benefiting from the lights, and produces figures to that effect, the Managing Government shall assess the contribution of that Government in respect of that calendar year on the total tonnage of its vessels benefiting from the lights (this total tonnage to be determined by agreement between the Managing Government and the contributing Government concerned) as compared with the total tonnage of all vessels of all the contributing Governments passing through the Canal, and shall re-assess the contributions of all the other contributing Governments in respect of that calendar year proportionately.

(7) Subject to any declaration made under Article 9 (4), each contributing Government shall pay its first contribution under the present Agreement in respect of the expenditure incurred in whichever of the following financial years is the later, (a) the financial year in which the present Agreement comes into force in accordance with the provisions of Article 11, or (b) the financial year in which it becomes a party to the present Agreement in accordance with the provisions of Article 9.

Article 4

(1) If for any reason the contribution of a contributing Government in respect of any financial year has not been paid within the twelve months time limit referred to in Article 3 (4) the defaulting Government remains responsible for the contribution outstanding and the Managing Government shall use every endeavour to obtain the monies due.

(2) If such efforts prove abortive after a lapse of 2 years the other contributing Governments shall defray the amounts in default in the proportions laid down in Article 3 (1) and the rights under Article 3 (2) and (3) and under Article 7 shall be suspended with respect to the defaulting Government until outstanding payments are made and payment of contributions resumed.

Article 5

(1) Each contracting Government has the right to discontinue its contribution for any financial year upon giving written notice to the Managing Government before 1st October in the previous financial year; it shall continue to be responsible for its current contribution up to the 31st March following the date of giving such notice. Any Government giving such notice shall state the reasons therefor, and for the financial year in respect of which its contribution is thus discontinued the rights of that Government under Article 3 (2) and (3) and Article 7 of the present Agreement shall be suspended. It shall, however, remain a party to the present Agreement.

(2) The Managing Government shall inform all contracting Governments of any notice received in accordance with the provisions of the present Article.

Article 6

(1) The Government of the United Kingdom has the right to discontinue its obligation to be Managing Government by giving to the other contracting Governments written notice to this effect. Its obligation shall cease at the end of the financial year following the financial year in which notice was given.

(2) In such event, the contracting Governments shall consult among themselves with a view to appointing another Government as Managing Government or making other arrangements for the management of the lights. If no such arrangements are made before the obligation of the Government of the United Kingdom ceases in accordance with paragraph (1) of the present Article, the present Agreement shall cease to be in force.

Article 7

If any contracting Government desires that any amendment should be made in the provisions of the present Agreement, it shall communicate its proposals, together with the reasons therefor, to the Managing Government. The Managing Government shall inform all the other contracting Governments of any proposal for amendment received by it with a request that they shall, as soon as possible, inform it whether they accept the proposal. A contracting Government shall be deemed to have accepted a proposal for amendment only after a notification of acceptance has been filed with the Managing Government. If a proposal for amendment is accepted by all the contributing Governments, the Managing Government shall draw up a certificate of the amendment which has been so agreed and communicate it to all the other contracting Governments, and the amendment shall be deemed to have come into force on the date of the certificate unless a different effective date has been provided in the accepted proposal.

Article 8

Nothing in the present Agreement shall be regarded as constituting a settlement of the future of the Islands or territories referred to in Article 16 of the Treaty of Lausanne or as prejudicing the conclusion of any such settlement in the future.

Article 9

(1) Subject to the provisions of paragraph (2) of the present Article, the Government of any State invited to attend the Diplomatic Conference regarding the maintenance of certain lights in the Red Sea held in London from 11th to 13th October, 1961, namely Denmark, Federal Republic of Germany, Finland, France, Greece, Italy, Liberia, Netherlands, Norway, Pakistan, Panama, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and the United States of America, may become a party to the present Agreement by :

- (i) signature without reservation as to acceptance; or
- (ii) signature subject to acceptance, followed by acceptance; or
- (iii) acceptance.

(2) The present Agreement shall be open for signature from the 20th of February to the 19th of August, 1962 and thereafter it shall remain open for acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Government of the United Kingdom.

(4) Any Government which deposits its instrument of acceptance after the present Agreement has come into force may declare that its acceptance shall not take effect until 1st April following the date of its signature or acceptance.

(5) The Government of the United Kingdom shall inform all signatory Governments and all Governments that have accepted the present Agreement of each signature or acceptance received and the date of its receipt and of any declaration made in accordance with paragraph (4) of the present Article.

Article 10

If in any calendar year the total tonnage of the vessels of any Government other than a contracting Government passing through the Suez Canal exceeds 1 per cent. of the total tonnage of all vessels passing through the Suez Canal, the Managing Government, after obtaining the assent of all contracting Governments, shall invite that Government to become a party to the present Agreement.

Article 11

The Government of the United Kingdom shall notify all signatory Governments and all Governments which have accepted the present Agreement when the total tonnage of the vessels passing through the Suez Canal of those Governments which have taken the action required by Article 9 to become parties to the Agreement has, in the preceding calendar year, exceeded 50 per cent. of the total tonnage of all vessels which have passed through the Suez Canal in that year, and the Agreement shall enter into force on the date of such notification.

Article 12

(1) Any contracting Government may denounce the present Agreement by giving written notice to the Managing Government. A notice of intention to discontinue contributing for an indefinite period shall be deemed to be a notice of denunciation. Denunciation shall take effect at the end of the financial year following that in which notice is given and a contributing Government shall remain liable for a contribution incurred before its denunciation takes effect.

(2) The Managing Government shall inform all contracting Governments of any such notice received by it.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed the present Agreement.

DONE in London this 20th day of February, 1962, in the English and French languages of which the English text shall be authoritative, in a single copy which shall be deposited in the archives of the Government of the United Kingdom which shall transmit certified copies thereof to each Government which has signed or accepted the present Agreement.

Denmark :
Danemark :

B. RICHNAGEL

3rd August 1962

Federal Republic of Germany* :
République Fédérale d'Allemagne* :

Subject to acceptance

R. THIERFELDER

16 August 1962

*On signing the Agreement the Government of the Federal Republic of Germany made the following declaration :

*En signant la Convention le Gouvernement de la République fédérale d'Allemagne a fait la déclaration ci-après :

[GERMAN TEXT — TEXTE ALLEMAND]

Die Unterzeichnung des Übereinkommens durch die Regierung der Bundesrepublik Deutschland soll nicht den Grundsatz beeinträchtigen, nach dem die Unterhaltung von Leuchtfeuern auf Inseln dem Staat obliegt, zu dessen Hoheitsgebiet die betreffende Insel gehört. Zahlungen der Regierung der Bundesrepublik Deutschland zur Unterhaltung der Leuchtfeuer auf den in dem Übereinkommen genannten Inseln im Roten Meer werden somit in der Erwartung geleistet, dass die zukünftige territoriale Zugehörigkeit dieser Inseln so bald wie möglich nach Artikel 16 des Lausanner Friedensvertrages vom 24 Juli 1923 geregelt wird. Ferner wird die Regierung der Bundesrepublik Deutschland in den Fällen des Artikels 3 Absatz 2 und 3 nicht in der Lage sein, Ausgaben zuzustimmen, die zur Folge haben, dass die Regierung der Bundesrepublik Deutschland in einem Jahr einen 30.000-DM übersteigenden Beitrag leisten musste

[*Translation by the Government of the United Kingdom — Traduction du Gouvernement du Royaume-Uni*] The signature of the Agreement by the Government of the Federal Republic of Germany should not be construed as prejudicing the principle that the maintenance of lights on islands is incumbent on the State to whose territory the respective island belongs. Any payments by the Government of the Federal Republic of Germany towards maintenance of the lights on the islands in the Red Sea referred to in the Agreement will therefore be made in the expectation that the future territorial status of these islands will be determined as soon as possible in accordance with Article 16 of the Lausanne Peace Treaty of July 24th, 1923.¹ Furthermore, the Government of the Federal Republic of Germany will not be in a position to agree to any expenditure under paragraphs 2 and 3 of Article 3 of the Agreement which would require the Federal Government to make a contribution in excess of DM30,000 in any one year

[*Traduction — Translation*] La signature de la présente Convention par le Gouvernement de la République fédérale d'Allemagne ne doit pas être interprétée comme portant atteinte au principe selon lequel l'entretien de phares sur des îles incombe à l'État au territoire duquel appartient l'île considérée. Tout paiement fait par le Gouvernement de la République fédérale d'Allemagne pour l'entretien de phares sur les îles de la mer Rouge mentionnées dans la présente Convention sera donc fait dans l'espoir que le futur statut territorial de ces îles sera déterminé dès que possible conformément aux dispositions de l'article 16 du Traité de Paix signé à Lausanne le 24 juillet 1923¹. En outre, en ce qui concerne les paragraphes 2 et 3 de l'article 3 le Gouvernement de la République fédérale d'Allemagne ne pourra accepter toute dépense qui porterait à plus de 30 000 D.M. la contribution annuelle du Gouvernement fédéral.

¹ League of Nations, *Treaty Series*, Vol. XXVIII, p. 11.

¹ Société des Nations, *Recueil des Traités*, Vol. XXVIII, p. 11.

Greece :
Grèce :

Italy :
Italie :

Subject to acceptance¹

P. QUARONI

14 August 1962

Liberia :
Libéria :

Netherlands :
Pays-Bas :

A. BENTINCK

Subject to acceptance¹

16 August 1962

Norway :
Norvège :

E. ULSTEIN

Subject to acceptance¹

17 August 1962

Pakistan :
Pakistan :

¹ Sous réserve d'acceptation.

Panama :
Panama :

Sweden :
Suède :

Gunnar HÄGGLÖF
2nd of August 1962

Union of Soviet Socialist Republics :
Union des Républiques Socialistes Soviétiques :

United Arab Republic :
République Arabe Unie :

United Kingdom of Great Britain and Northern Ireland :
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

J. B. GODBER
Feb. 20th 1962

United States of America :
États-Unis d'Amérique :

Subject to acceptance¹

Stephen C. BROWN
March 2, 1962

Captain Harry L. MORGAN, U.S.C.G.
March 2, 1962

¹ Sous réserve d'acceptation.