

CANADA

TREATY SERIES, 1944

No. 28

AGREEMENT

BETWEEN

CANADA, BELGIUM, GREECE, THE NETHER-
LANDS, NORWAY, POLAND, THE UNITED
KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

AND

THE UNITED STATES OF AMERICA

ON

PRINCIPLES HAVING REFERENCE TO
THE CONTINUANCE OF CO-ORDINATED
CONTROL OF MERCHANT SHIPPING

Signed at London, August 5, 1944

In force, August 5, 1944



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

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Le Haut-Commissaire du Canada au Secrétaire aux Affaires Étrangères

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NORTHERN IRELAND AND THE UNITED STATES OF AMERICA

ON

PRINCIPLES HAVING REFERENCE TO THE CONTINUANCE OF CO-ORDINATED CONTROL OF MERCHANT SHIPPING

Signed at London, August 2, 1944

1944

C. J. BURDELL



OTTAWA
EDMUND GUTHRIE, O.M.G., B.A., LL.B.
KING'S PRINTER AND CONTROLLER OF STATIONERY

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AGREEMENT BETWEEN CANADA, BELGIUM, GREECE, THE NETHERLANDS, NORWAY, POLAND, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA ON PRINCIPLES HAVING REFERENCE TO THE CONTINUANCE OF CO-ORDINATED CONTROL OF MERCHANT SHIPPING

Signed at London, August 5, 1944

The undersigned representatives, duly authorized by their respective Governments, have agreed as follows:—

1. The contracting Governments declare that they accept as a common responsibility the provision of shipping for all military and other tasks necessary for, and arising out of, the completion of the war in Europe and the Far East and for the supplying of all the liberated areas as well as of the United Nations generally and territories under their authority.

2. The contracting Governments undertake to continue to maintain such powers of control over all ships which are registered in their territories or are otherwise under their authority as will enable them effectively to direct each ship's employment in accordance with the foregoing declaration. Subject to the provisions of paragraphs 3 and 9, this control shall continue to be exercised by each contracting Government through the mechanism of requisitioning for use or title.

3. The contracting Governments agree not to release from control any ships under their authority or permit them to be employed in any non-essential services or for any non-essential cargo unless the total overall tonnage is in excess of the total overall requirements, and then only in accordance with a mutually acceptable formula which shall not discriminate against the commercial shipping interests of any nation and shall extend to all contracting Governments an equitable opportunity for their respective tonnages to engage in commercial trades.

4. Neutral Governments having ships under their control in excess of the tonnage required to carry on their essential import requirements shall be invited to subscribe to obligations in respect of all their ships which shall ensure that their employment is in conformity with the general purposes of the United Nations.

5. The contracting Governments undertake to exercise control over the facilities for shipping available in their territories, by suitable measures on the lines of the United States and British Ship Warrant Schemes, and to take such other measures as may be necessary to secure that ships under all flags are used in conformity with the purposes of the United Nations. Other Governments acceding hereto shall give a similar undertaking.

6. Without prejudice to questions of disposition or title, the employment of such ships as may at any time be permitted to operate under enemy flag or authority shall be determined to serve the requirements of the United Nations.

7. (a) In order that the allocation of all ships under United Nations control may continue to be effectively determined to meet the requirements of the United Nations, a central authority shall be established, to come

into operation upon the general suspension of hostilities with Germany. The central authority shall be organized in accordance with the plan agreed in the Annex.

(b) The central authority shall determine the employment of ships for the purpose of giving effect to the responsibilities assumed by each contracting Government in paragraph 1 to provide the tonnage required from time to time to meet current requirements for ships for the military and other purposes of the United Nations, and ships shall be allocated for those purposes by those Governments in accordance with the decisions of the central authority. So far as is consistent with the efficient overall use of shipping as determined by the central authority for those purposes, and with the provisions of paragraph 7 (c), each contracting Government may allocate ships under its own authority, wholly or partly to cover the essential import requirements of territories for which it has special shipping responsibilities.

(c) In general, ships under the flag of one of the contracting Governments shall be under the control of the Government of that flag, or the Government to which they have been chartered.

In order to meet the special case of military requirements those ships which have been taken up, under agreements made by the United States Government and/or United Kingdom Government with the other Governments having authority for those ships, for use as troopships, hospital ships, and for other purposes in the service of the armed forces, shall remain on charter as at present to the War Shipping Administration and/or the Ministry of War Transport as the case may be, under arrangements to be agreed between the Governments severally concerned. (Any further ships required for such purposes shall be dealt with in a like manner.)

The fact that these ships are assigned to military requirements shall not prejudice the right of the Governments concerned to discuss with the central authority the measures to be taken to provide shipping for their essential requirements within the scope of paragraph 1.

(d) The contracting Governments shall supply to one another, through the central authority, all information necessary to the effective working of the arrangements, e.g., regarding programmes, employment of tonnage, and projected programmes, subject to the requirement of military secrecy.

(e) The central authority shall also initiate the action to be taken to give effect to paragraph 5 and shall direct action under paragraph 6.

(f) The terms of remuneration to be paid by the users (Government or private) of ships shall be determined by the central authority on a fair and reasonable basis in such manner as to give effect to the following two basic principles:

- (i) Ships of all flags performing the same or similar services should charge the same freights.
- (ii) Ships must be employed as required without regard to financial considerations.

8. The principles herein agreed shall apply to all types of merchant ships, irrespective of size, including passenger ships, tankers and whale factories when not used for whaling (but paragraph 7 (b) will not be applicable to ships engaged in coastal trades and short trades between nearby countries, the arrangements for control of which shall be appropriate to meet the requirements prevailing in each particular area).

The principles shall also be applied to the extent necessary, through suitable machinery, to fishing vessels, whale catchers, and other similar craft in those areas where special measures in respect of such craft are agreed to be necessary. A special authority shall be set up capable of apportioning between naval and commercial services such craft as are available in those areas.

9. The foregoing principles shall take effect on the coming into operation of the central authority, and shall remain in effect for a period not extending beyond six months after the general suspension of hostilities in Europe or the Far East, whichever may be the later, unless it is unanimously agreed among the Governments represented on the duly authorized body of the central authority that any or all of the agreed principles may be terminated or modified earlier.

Done in London on the 5th day of August, 1944.

For the Government of Belgium:

A. BALTHAZAR.

For the Government of Canada:

VINCENT MASSEY.

A. L. MacCALLUM.

For the Government of the Netherlands:

J. M. de BOOY.

For the Government of Norway:

ARNE SUNDE.

For the Government of the Republic of Poland:

J. KWAPINSKI.

*For the Government of the United Kingdom
of Great Britain and Northern Ireland:*

LEATHERS.

*For the Government of the United States of
America:*

PHILIP D. REED.

HUNTINGTON T. MORSE.

WALTER A. RADIUS.

JOHN M. ALLISON.

ANNEX

ORGANISATION OF THE CENTRAL AUTHORITY

1. The Central authority shall consist of—

(a) A Council (United Maritime Council).

(b) An Executive Board (United Maritime Executive Board).

(a) *The United Maritime Council*

2. Each contracting Government shall be represented on the Council. Membership of the Council shall also be open to all other Governments, whether of the United Nations or of neutral countries, which desire to accede and are prepared to accept the obligations of contracting Governments.

3. The Council shall meet when deemed necessary and at least twice a year at such places as may be convenient. Meetings shall be arranged by the Executive Board. The Council shall elect its own Chairman and determine its own procedure. The meetings of the Council are intended to provide the opportunity for informing the contracting Governments as to the overall shipping situation and to make possible the interchange of views between the contracting Governments on general questions of policy arising out of the working of the Executive Board.

(b) *The United Maritime Executive Board*

4. The Executive Board shall be established with Branches in Washington and London under War Shipping Administration and Ministry of War Transport chairmanship respectively.

5. The Executive Board shall exercise through its Branches the executive functions of the central authority. Appropriate machinery under the two Branches shall be established for the purpose of enabling them to discharge the functions described in paragraph 7 of the Agreement on Principles. Machinery to carry out the arrangements under paragraph 8 of that Agreement as regards ships engaged in coasting and short sea trades, and as regards small craft shall be set up under the Executive Board.

6. The division of day-to-day responsibility between the two Branches of the Executive Board shall be established as convenient from time to time. So that the two Branches of the Executive Board may work in unison, meetings of the Executive Board as a whole shall be arranged at the instance of the two chairmen, as often as may be necessary, and at such place as may be convenient from time to time.

7. The membership of the Executive Board shall be restricted in numbers. By reason of their large experience in shipping normally engaged in international trade, and their large contribution of ships for the common purpose, the following Governments shall be represented on the Executive Board:—

Government of the United Kingdom of Great Britain and Northern Ireland;

Government of the United States of America;

Government of the Netherlands;

Government of Norway.

It shall be open to the members of the Executive Board to recommend to contracting Governments additions to the membership of the Executive Board as circumstances may require in order to promote the effective working of the central authority.



8. Each contracting Government not represented on the Executive Board shall be represented by an associate member who shall be consulted by, and entitled to attend meetings of, the Executive Board or its Branches on matters affecting ships under the authority of that Government, or on matters affecting the supply of ships for the territories under the authority of that Government.

9. The Executive Board and its Branches shall proceed by agreement among the members. There shall be no voting.

10. The decisions of the Executive Board affecting the ships under the authority of any contracting Government shall be reached with the consent of that Government, acting through its representative on the Executive Board or through its associate member, as the case may be.

11. The Executive Board shall be the duly authorized body for the purpose of paragraph 9 of the Agreement on Principles, but it is understood that no decision reached under that paragraph by the Governments represented on the Executive Board shall impose any new or greater obligation on any other contracting Government without its express consent.

12. A Planning Committee shall be set up to begin work in London as soon as possible after the signature of the Agreement on Principles for the purpose of working out on a basis satisfactory to the contracting Governments the details of the machinery required to enable the Executive Board to discharge its functions, including the functions under paragraph 7 (f). Any contracting Government may be represented on the Planning Committee.

13. The Executive Board shall have the full use of the machinery and procedure of the War Shipping Administration and Ministry of War Transport in order to avoid duplication.

14. The contracting Governments shall nominate their representatives on the Planning Committee to the Governments of the United States and the United Kingdom, as soon as practicable. They shall also so nominate their representatives as members or as associate members of the Executive Board as the case may be. The Governments of the United States and the United Kingdom shall be responsible, in consultation with the other contracting Governments concerned, for determining the date of coming into operation of the central authority in accordance with paragraph 7 (a) of the Agreement on Principles.

En vigueur le 5 août 1944

EDMOND CARTIER, C. M. G., B. A., F. R. S.
IMPRIMERIE DU ROI ET CONTINENTAL

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Each contracting Government not represented on the Executive Board shall be represented by an associate member who shall be consulted by and shall attend meetings of the Executive Board on its branches on matters affecting ships under the authority of that Government or on matters affecting ships for the territories under the authority of that Government.

The Executive Board and its Branches shall proceed by agreement among members. Their shall be no voting.

The decisions of the Executive Board affecting the ships under the authority of any contracting Government shall be reached with the consent of the Government acting through its representative on the Executive Board or its associate member, as the case may be, or as stated below, but to the extent that the Executive Board shall be the duly authorized body for the purposes of the Agreement on Principles, but it is understood that no paragraph 2 of the Agreement on Principles by the Government represented on the Executive Board shall impose any new or greater obligation on any other contracting Government without its express consent.

A Planning Committee shall be set up to begin work in London as soon as possible after the signature of the Agreement on Principles for the purposes of reaching out on a basis satisfactory to the contracting Governments the details of the machinery required to enable the Executive Board to discharge its functions under paragraph 1 (b). Any contracting Government may be represented on the Planning Committee.

The Executive Board shall have the full use of the machinery and services of the War Shipping Administration and Ministry of War Transport to avoid duplication.

The contracting Governments shall nominate their representatives on the Planning Committee; the Government of the United States and the United Kingdom shall nominate their representatives on the Executive Board as the members of the United States and the United Kingdom shall in consultation with the other contracting Governments coordinate the data of coming into operation of the central authority with paragraph 7 (a) of the Agreement on Principles.

The Executive Board shall be composed of representatives of the Government of the United Kingdom of Great Britain and Ireland, the Government of the United States of America, the Government of the Netherlands, and the Government of Norway.

The membership of the Executive Board shall be determined by agreement of their large respective contributions to the common effort and that their large contributions shall be represented on the Executive Board.

- Government of the United Kingdom of Great Britain and Ireland;
- Government of the United States of America;
- Government of the Netherlands;
- Government of Norway.

It shall be open to any other contracting Government to be invited to participate in the work of the Executive Board and its Branches on matters affecting ships for the territories under the authority of that Government.