

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.