

No. 2781

**UNITED STATES OF AMERICA
and
CANADA**

**Agreement for the promotion of safety on the Great Lakes
by means of radio. Signed at Ottawa, on 21 February
1952**

Official text: English.

Registered by the United States of America on 3 March 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

**Accord visant à assurer la sécurité sur les Grands Lacs
par la radio. Signé à Ottawa, le 21 février 1952**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 3 mars 1955.

NO. 2781. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PROMOTION OF SAFETY ON THE GREAT LAKES BY MEANS OF RADIO. SIGNED AT OTTAWA, ON 21 FEBRUARY 1952

The Government of the United States of America and the Government of Canada, being desirous of promoting safety of life and property on the Great Lakes of North America by means of radio, and believing that this purpose will be served by making provision in common agreement for radiotelephone communication for safety purposes, including radiotelephone communication as an aid to and instrument of navigation, and considering that this objective may best be achieved and maintained by the conclusion of an Agreement between the two Governments, have designated for that purpose as their respective Plenipotentiaries :

The Government of the United States of America :

Stanley Woodward, Ambassador Extraordinary and Minister Plenipotentiary of the United States of America at Ottawa;

E. M. Webster, Commissioner, Federal Communications Commission.

The Government of Canada :

Lionel Chevrier, Minister of Transport,

Who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed as follows :

Article 1

GENERAL PROVISIONS

1. The Contracting Governments undertake, by their respective constitutional procedures, to give effect to the provisions of this Agreement, for the purpose of promoting safety of life and property on the Great Lakes, and to take all steps which may be necessary to give this Agreement full and complete effect.

2. This Agreement shall apply to vessels of all countries, as provided in article 3 of this Agreement.

¹ Came into force on 13 November 1954, two years after the date on which the instruments of ratification were exchanged at Washington, in accordance with article 17.

3. The Regulations annexed to this Agreement are an integral part thereof, and every reference to this Agreement implies at the same time a reference to the Regulations unless the language or context of the reference clearly excludes the Regulations. The Regulations may be amended, as may be necessary to carry out the provisions of this Agreement, by agreement between the two Governments.

4. Each Contracting Government agrees that any vessel which is not subject to this Agreement, and which is permitted by such Government to use any frequency designated by this Agreement, shall be required, while on the Great Lakes, to use such frequency in the same manner as a vessel subject to this Agreement.

5. No provision of this Agreement shall prevent the use by a vessel or survival craft in distress of any means at its disposal to attract attention, make known its position, and obtain help.

Article 2

DEFINITIONS

For the purpose of this Agreement, unless expressly provided otherwise :

1. "Approved" or "Approval" means, in relation to compliance with the the terms of this Agreement by vessels of Canada and of the United States, approval by Canada and the United States, respectively, and in relation to vessels of other countries, approval by either Canada or the United States.
2. "Vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not is it actually afloat.
3. "Passenger carrying vessel" means any vessel transporting persons for hire.
4. "Port" means any place to which vessels may resort for shelter or to load or unload passengers or goods or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.
5. "Great Lakes" means all of the Great Lakes, their connecting and tributary waters, and the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but shall not include tributary rivers which are not also connecting rivers, and shall not include the Niagara River (including the Black Rock Canal).

6. "Mile" means a statute mile of 5,280 feet or 1,609 meters.
7. "Safety Convention" means the International Convention for the Safety of Life at Sea (1929)¹ and the Regulations annexed thereto, and the International Convention for the Safety of Life at Sea (1948)² and the Regulations annexed thereto as from the date the latter Convention and its annexed Regulations are brought into force in supersession of the former, and any other safety of life at sea convention and the regulations annexed thereto which may be brought into force between the Contracting Governments in supersession of the 1948 Convention and its annexed Regulations.
8. "Safety Radiotelephony Certificate", "Safety Radiotelegraphy Certificate", and "Safety Certificate" as referred to in paragraph 3 of article 3 of this Agreement, mean certificates bearing those titles provided for by the Safety Convention.
9. "International Radio Regulations" means the Radio Regulations in force (General Radio Regulations, Cairo, 1938,³ and Radio Regulations, Atlantic City, 1947⁴ annexed to the International Telecommunication Convention in force (Madrid, 1932,⁵ and Atlantic City, 1947)⁴ or any regulations which have been, or which from time to time in the future may be, substituted for such regulations.
10. "Regulations" means the regulations in force referred to in paragraph 3 of article 1 of this Agreement.
11. "Radiotelephone installation" means a radio station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose of quickly establishing and effectively carrying on radiotelephone communication in time of emergency or distress.
12. "Distress frequency" means the distress frequency designated for radiotelephony in the maritime mobile service by the International Radio Regula-

¹ League of Nations, *Treaty Series*, Vol. CXXXVI, p. 81; Vol. CXLII, p. 393; Vol. CXLVII, p. 354; Vol. CLVI, p. 257; Vol. CLX, p. 417; Vol. CLXIV, p. 394; Vol. CLXXII, p. 423; Vol. CLXXVII, p. 420; Vol. CLXXXV, p. 406; Vol. CC, p. 513, and United Nations, *Treaty Series*, Vol. 34, p. 427; Vol. 92, p. 434; Vol. 136, p. 411; Vol. 182, p. 296; Vol. 185, p. 410; Vol. 190, p. 395, and Vol. 196, p. 370.

² United Nations, *Treaty Series*, Vol. 164, p. 113; Vol. 167, p. 338; Vol. 172, p. 409; Vol. 173, 416; Vol. 175, p. 374; Vol. 183, p. 372; Vol. 187, p. 464; Vol. 191, p. 406; Vol. 193, p. 361; Vol. 198, p. 404; Vol. 200, p. 333, and Vol. 202, p. 339.

³ United States of America: *Treaty Series* 948; 54 Stat. 1417.

⁴ United Nations, *Treaty Series*, Vol. 193, p. 188 and Vols. 194 and 195.

⁵ League of Nations, *Treaty Series*, Vol. CLI; Vol. CLVI, p. 323; Vol. CLX, p. 441; Vol. CLXIV, p. 431; Vol. CLXXXI, p. 423; Vol. CLXXXV, p. 412; Vol. CLXXXIX, p. 486; Vol. CXCIII, p. 273, and Vol. CXCVII, p. 348.

tions or any frequency applicable to all stations of the maritime mobile service on the Great Lakes substituted therefor in the Regulations.

13. "Alarm signal" means the automatic alarm signal, if any, prescribed by the International Radio Regulations for radiotelephony, or any such signal substituted therefor in the Regulations.
14. "Auto Alarm" means a warning device which is capable of being actuated automatically by the alarm signal, and which complies with the Regulations.

Article 3

1. Except as provided in paragraph 2 of this article, a vessel to which this Agreement applies generally, as stated in paragraph 2 of article 1 of this Agreement, and which falls in any of the following specific categories, shall be subject to the requirements of this Agreement while being navigated on the Great Lakes outside of a port, or while being navigated on the St. Mary's River, the St. Clair River, Lake St. Clair, the Detroit River, the Welland Ship Canal, the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, and other restricted waters of the Great Lakes as may be specified in the Regulations

- (a) Every vessel of 500 gross tons or over.
- (b) Every passenger carrying vessel over 65 feet in length (measured from end to end over the deck exclusive of sheer).
- (c) Every vessel under 500 gross tons engaged in towing another vessel of 500 gross tons or over or engaged in towing any other floating object having a dimension in any direction of 150 feet or more, unless the vessel so towed complies with the requirements of this Agreement.

2. A vessel which would otherwise be subject to the requirements of this Agreement as provided in paragraph 1 of this article, shall nevertheless not be subject thereto if such vessel falls in any of the following specific categories :

- (a) Ships of war and troop ships.
- (b) Vessels in tow.
- (c) Vessels not self-propelled by mechanical means.
- (d) Vessels owned and operated by any Government and not engaged in trade.
- (e) Any vessel engaged in towing another vessel in or out of a single port when such towage is not in excess of 30 miles outside such port.
- (f) Any vessel towing another vessel engaged in the movement of material between a port and a dumping ground authorized by either Contracting