

## PROTECTION OF SUBMARINE CABLES

*Convention and additional article signed at Paris March 14, 1884*<sup>1</sup>

*Senate advice and consent to ratification June 12, 1884*

*Ratified by the President of the United States January 26, 1885*

*Ratifications exchanged at Paris April 16, 1885*

*Proclaimed by the President of the United States May 22, 1885*

*Entered into force May 1, 1888*

24 Stat. 989; Treaty Series 380

[TRANSLATION]

### CONVENTION

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries, to wit:

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<sup>1</sup> For definition of the sense of terms of arts. 2 and 4, see declaration of Dec. 1, 1886 (TS 380-2), *post*, p. 112; for provisions for putting convention into execution pursuant to art. 16, see final protocol of July 7, 1887 (TS 380-3), *post*, p. 114.

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.;

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hoyos, Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa-Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron de Almeda, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manual Silvela de le Vielleuse, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc., etc.; and Mr. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard

Bikerton Pemell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of Her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;

His Majesty the King of the Hellenes, Prince Maurocordato, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Italy, His Excellency General Count Menabrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc.;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Chargé d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc.;

His Majesty the Emperor of all the Russias, His Excellency the Aid-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Salvador, Mr. Torres Caicedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, etc., etc., etc.;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, etc., etc., etc.;

Who after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

#### ARTICLE 1

The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies or possessions of one or more of the High Contracting Parties.

## ART. 2

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

## ART. 3

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

## ART. 4

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article 2 of this Convention.

## ART. 5

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

## ART. 6

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

## ART. 7

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

## ART. 8

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

## ART. 9

Prosecutions on account of the infractions contemplated in articles 2, 5 and 6 of this convention, shall be instituted by the State or in its name.

## ART. 10

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused par-

ties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

ART. 11

Proceedings and trial in cases of infractions of the provisions of this Convention shall always take place as summarily as the laws and regulations in force will permit.

ART. 12

The High Contracting Parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles 2, 5 and 6.

ART. 13

The High Contracting Parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

ART. 14

States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory Governments.

ART. 15

It is understood that the stipulations of this Convention shall in no wise affect the liberty of action of belligerents.

ART. 16

This Convention shall take effect on such day as shall be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none of the High Contracting Parties shall have given notice, twelve months previously to the expiration of the said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

## ART. 17

This Convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

In testimony whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

[For the United States:]		[For Guatemala:]	
L. P. MORTON	[SEAL]	CRISANTO MEDINA	[SEAL]
HENRY VIGNAUD	[SEAL]		
[For Germany:]		[For Greece:]	
HOHENLOHE	[SEAL]	MAUROCORDATO	[SEAL]
[For the Argentine Confederation:]		[For Italy:]	
M. BALCARCE	[SEAL]	MENABREA	[SEAL]
[For Austria-Hungary:]		[For Turkey:]	
LADISLAS COUNT HOYOS	[SEAL]	ESSAD	[SEAL]
[For Belgium:]		[For the Netherlands:]	
BEYENS	[SEAL]	BN ZUYLEN DE NYEVELT	[SEAL]
LEOPOLD ORBAN	[SEAL]		
[For Brazil:]		[For Persia:]	
BN D'ITAUBÁ	[SEAL]	NAZARE-AGA	[SEAL]
[For Costa Rica:]		[For Portugal:]	
LÉON SOMZÉE	[SEAL]	F. D'AZEVEDO	[SEAL]
[For Denmark:]		[For Romania:]	
MOLTKE-HVITFELDT	[SEAL]	ODOBESCO	[SEAL]
[For the Dominican Republic:]		[For Russia:]	
EMANUEL DE ALMEDA	[SEAL]	PRINCE ORLOFF	[SEAL]
[For Spain:]		[For El Salvador:]	
MANUEL SILVELA	[SEAL]	J. M. TORRES-CAICEDO	[SEAL]
[For Colombia:]		[For Serbia:]	
JOSÉ G. TRIANA	[SEAL]	I. MARINOVITCH	[SEAL]
[For France:]		[For Sweden and Norway:]	
JULES FERRY	[SEAL]	G. SIBBERN	[SEAL]
AD. COCHERY	[SEAL]		
[For the United Kingdom:]		[For Uruguay:]	
LYONS	[SEAL]	JUAN J. DIAZ	[SEAL]

## ADDITIONAL ARTICLE

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article 1, to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada;	Queensland;
Newfoundland;	Tasmania;
The Cape;	South Australia;
Natal;	West Australia;
New South Wales;	New Zealand.
Victoria;	

Nevertheless, the stipulations of the said Convention shall be applicable to one of the above-named colonies or possessions, if, in their name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.<sup>2</sup>

Each of the above-named Colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this fourteenth day of March, 1884.

L. P. MORTON  
HENRY VIGNAUD

HOHENLOHE

M. BALCARCE

LADISLAS COUNT HOYOS

BEYENS

LEOPOLD ORBAN

BN D'ITAJUBÁ

LÉON SOMZÉE

MOLTKE-HVITFELDT

EMANUEL DE ALMEDA

MANUEL SILVELA

JOSÉ G. TRIANA

JULES FERRY

AD. COCHERY

LYONS

CRISANTO MEDINA

MAUROCORDATO

MENABREA

ESSAD

BN DE ZUYLEN DE NYEVELT

NAZARE-AGA

F. D'AZEVEDO

ODOBESCO

PRINCE ORLOFF

J. M. TORRES-CAICEDO

I. MARINOVITCH

G. SIBBERN

JUAN J. DIAZ

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<sup>2</sup> The Government of the United Kingdom notified the French Government on May 30, 1885, of the extension of the convention to South Australia; on Oct. 17, 1885, of the extension to Victoria; on July 28, 1886, of the extension to Queensland; and on Sept. 23, 1888, of the extension to all the other territories listed in the additional article.