

Geneva, April 8th, 1930.

LEAGUE OF NATIONS

[*Translation.*]

AGREEMENT

BETWEEN THE

SWISS FEDERAL COUNCIL

AND THE

SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

CONCERNING THE

Establishment and Operation in the Neighbourhood of Geneva

OF A

WIRELESS STATION

In view of the resolution of the League of Nations Assembly dated September 24th, 1929, relating to the establishment of a wireless telegraph station destined to ensure independent communications for the League of Nations in times of emergency,

The Swiss Federal Council, hereinafter termed the "Swiss Government"

and

The Secretary-General of the League of Nations, hereinafter termed the "Secretary-General", acting in virtue of the powers granted him under the above-mentioned resolution,

Have agreed upon the following provisions :

Article 1.

1. In conformity with the provisions of the present Agreement and of the special Convention to be concluded between the Secretary-General and the Société Radio-Suisse, hereinafter termed «Radio-Suisse», a wireless station, destined chiefly to meet the needs of the League of Nations in normal times and to ensure independent communications to the League in times of emergency, shall be established in the neighbourhood of the seat of the League.

2. This station, known as "Radio-Nations" and established on land and in buildings belonging to the Radio-Suisse, shall, in particular, include, firstly, a central telegraph office and a long-wave post already in operation, constructed at the cost of the Radio-Suisse and the property of the latter; and, secondly, a short-wave post to be established as soon as possible at the cost of the League, whose property it shall be.

3. The Radio-Nations station shall be operated in normal times by the Radio-Suisse and in times of emergency shall pass under the exclusive management of the League.

Article 2.

1. The Swiss Government shall take the necessary steps to enable the Radio-Suisse to discharge any obligations devolving upon it in virtue of the above-mentioned special Convention.

2. If, during the existence of the present Agreement and of the Convention between the Secretary-General and the Radio-Suisse, the Swiss Government exercises any right of reversion with regard to the Radio-Suisse or repurchases by mutual agreement the buildings and installations of the Radio-Suisse, the latter's rights and obligations arising out of the Agreement and Convention shall pass to the new proprietor, who will be either the Swiss Administration or a new Swiss company under the control of the Swiss Government.

3. The Swiss Government guarantees the execution of the provisions of the above-mentioned Convention by the Radio-Suisse or by any other concessionnaire or administration.

Article 3.

The Swiss Government shall give the station and the installations connected therewith, at all times, the same protection and the same security as it gives to the premises of the League of Nations. The legal status of the station in times of emergency shall be the same as that of the buildings of the League of Nations.

Article 4.

As soon as the Secretary-General notifies the Swiss Government that a period of emergency has begun, the Radio-Nations station shall pass under the exclusive management of the League of Nations. The latter shall, at its own risk, take possession of the whole of the installations, including the long-wave transmitter and all other wireless installations with which the station may subsequently be supplied.

Article 5.

While the state of emergency lasts, the staff of the station shall be placed at the disposal of the Secretary-General and shall be regarded as League of Nations Secretariat staff. This provision shall apply even in the case of the mobilisation of the Swiss army. Nevertheless, the Swiss Government may, as an exceptional measure and after previous notice, withdraw a part of the staff from the station.

Article 6.

1. The Secretary-General shall, in times of emergency, take any measures relating to management which he may consider desirable; in particular, as regards the increase and replacement of the staff. Nevertheless, in order to facilitate the resumption of normal operations by the Radio-Suisse on the termination of the period of emergency, the replacement of permanent staff shall be effected only as an exceptional measure, *i.e.*, in cases where the Secretary-General deems it necessary in order to ensure the satisfactory working of the station or the independence of the communications of the League of Nations.

2. The Secretary-General shall equitably compensate any permanent official of the station whose contract is suspended and for whom other employment cannot be provided by the Radio-Suisse or the Swiss Administration.

Article 7.

1. In times of emergency the station shall be primarily intended for the despatch and receipt of official communications of the League of Nations (messages from or to the Secretariat of the League, the International Labour Office, the official representatives of the States Members of the League and delegations to the Council, the Assembly and Conferences of the League).

2. Nevertheless, the Secretary-General shall endeavour to ensure the transmission of all other communications in so far as this does not interfere with the official communications of the League. It is understood, however, that non-official communications shall be subject to all measures of control existing in Switzerland. Accordingly, such telegrams may be handed in only at a Swiss telegraph office, and, after receipt by Radio-Nations, shall be transmitted to the addressee only through the agency of a Swiss telegraph office. Non-official telephone calls shall be effected through the agency of a Swiss central telephone office.

Article 8.

1. During the period of emergency, the cost of the station, including charges for amortisation and the interest on the capital, shall be borne entirely by the League of Nations.

2. The League of Nations shall collect the total revenue from official communications despatched by Radio-Nations without the assistance of the Swiss Administration. In the case of non-official communications, which must be exchanged with the assistance of the Swiss Administration in accordance with the preceding article, and in the case of official communications exchanged with that assistance, the League of Nations shall receive through the Swiss Administration the total revenue from the share of the transit charges accruing to the station, the terminal charge being retained by the Swiss Administration.

3. Any net profit from the operation of the station shall be divided between the League of Nations and the Radio-Suisse proportionately to the revenue from official and non-official communications.

Article 9.

1. In conformity with the resolution adopted on September 24th, 1929, by the Assembly of the League of Nations, concerning the establishment of a wireless station, the Swiss Government shall, in times of emergency, be represented at the station by an observer, whose duties will be those defined by the Council of the League of Nations in its resolution of March 9th, 1929.

2. The Secretary-General shall give this observer every facility for carrying out his mission. The Secretary-General shall, in particular, supply him with full information as to the origin of messages transmitted by the station and the destination of messages received by the station. The same facilities shall, if necessary, be given to the observer's assistants.

3. The Secretary-General and the services controlled by him shall refrain from transmitting through the station any communication of a nature to affect the regime of the neutrality of Switzerland as defined in the Declaration of London of February 13th, 1920.

4. The Swiss Government, in conformity with the resolution of the Council of the League of Nations dated March 9th, 1929, reserves the right to ask for explanations from the Council regarding any activity of the station in times of emergency which appear to it to affect the essential interests of Switzerland.

Article 10.

Immediately on the termination of the period of emergency, the station shall be handed back to the Radio-Suisse, which shall resume operation thereof in accordance with the provisions of the Convention to be concluded with the Secretary-General.

Article 11.

It is understood that, as regards the official communications of the League of Nations, the Radio-Nations station shall not be deemed to be a party to the Telegraph Union as coming under the Swiss Confederation; nor, as regards the installations which are the property of the League of Nations, shall it be a party to the Radio-Telegraphic Union as coming under the Swiss Confederation.

Article 12.

1. Disputes which may arise concerning the interpretation or application either of the present Agreement or of the Convention to be concluded between the Secretary-General and the Radio-Suisse shall be deemed to be disputes between the parties to the present Agreement. Should it prove impossible within a reasonable time to settle them by amicable agreement, they shall be submitted, subject to the provisions of paragraph 2 of the present Article, to an arbitral tribunal; such tribunal, unless otherwise agreed between the parties, shall consist of three members appointed by the Chamber for Summary Procedure of the Permanent Court of International Justice. The arbitral procedure shall be governed by the provisions of the Convention for the Pacific Settlement of International Disputes of October 18th, 1907.

2. Should the dispute, in the opinion of one of the parties, relate to the interpretation or application of the Declaration of London of February 13th, 1920, it shall be examined by the Council of the League of Nations. Should such examination not result in the settlement of the dispute by amicable agreement, recourse shall be had to the arbitral procedure provided for above, unless it has been possible to submit the question at issue to the Permanent Court of International Justice.

3. The present Agreement and the Convention between the Secretary-General and the Radio-Suisse shall be interpreted in accordance with the general principles of law.

Article 13.

1. The present Agreement shall enter into force immediately upon its signature and shall cease to have effect on the expiry of a period of ten years as from the date on which the short-wave transmission post is officially opened for operation.

2. Unless it is denounced two years before the expiry of this period of ten years, the Agreement shall remain in force until denounced by either party subject to two years' previous notice being given. In such a case, however, the denunciation shall take effect only at the end of the current financial year.

3. On the expiry of the present Agreement, a settlement shall be effected in conformity with the provisions of the Convention to be concluded between the Secretary-General and the Radio-Suisse.

IN FAITH WHEREOF the undersigned have concluded the present Agreement.

DONE in duplicate at Geneva, on the 21st day of May, one thousand nine hundred and thirty.

(Signed) ERIC DRUMMOND.

(Signed) MOTTA.

