

DEPARTMENT OF STATE,
Washington, September 12, 1940.

THE PRESIDENT,
The White House.

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty which, in view of the present constitutional status of Australia as an independent state, was signed between the United States of America and the Commonwealth of Australia on September 6, 1940.

This treaty amends in their application to Australia the provisions relating to the organization of commissions for the settlement of disputes contained in the Treaty for the Advancement of Peace between the United States of America and Great Britain signed at Washington on September 15, 1914. The duties of the Commission organized under the treaty with Australia to make investigations and reports to the Governments with reference to disputes arising between them will be the same insofar as concerns the relations between the United States and Australia as the duties of the Commission established under the treaty of 1914 with Great Britain.

The treaty of 1914 between the United States and Great Britain provides in article II for the establishment of an international commission of five members, one member to be chosen from each country by the Government of the country, one member to be chosen by each Government from some third country, and a fifth member to be chosen by agreement between the two Governments from a country of which no other member of the Commission is a citizen. In article III it provides that in the event the interests affected by the dispute to be investigated should be mainly interests of one of the self-governing dominions of the British Empire the dominion concerned might furnish a list of persons from which a member of the Commission might be appointed by His Majesty's Government to serve in place of the British national member.

The treaty with Australia now submitted supersedes in respect of Australia the above-mentioned provisions in articles II and III of the treaty of September 15, 1914, and provides for the establishment of an international commission for the consideration of disputes between the United States and Australia which shall consist of five members, one member to be chosen from the United States by the Government thereof, another member to be chosen from Australia by the Government thereof, one member to be chosen by each Government from some third country, and the fifth member to be chosen by agreement between the Government of the United States and the Government of Australia from a country of which no other member of the commission is a citizen. The provisions of the treaty of 1914 between the United States and Great Britain other than the above-mentioned provisions in articles II and III and excepting the formal provisions in article V concerning ratification, duration, and other like matters, which are provided for in article IV of the present treaty, are made an integral part of the treaty for observance and fulfillment between the United States and Australia.

Respectfully submitted.

CORDELL HULL.

(Enclosure: Treaty of September 6, 1940.)

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Commonwealth of Australia, being desirous, in view of the present constitutional position and international status of Australia, to amend in their application to the Commonwealth of Australia certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Commonwealth of Australia:

The Right Honorable Richard Gardiner Casey, D. S. O., M. C., His Majesty's Envoy Extraordinary and Minister Plenipotentiary for Australia at Washington;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of the Commonwealth of Australia by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Commonwealth of Australia, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Commonwealth of Australia by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Commonwealth of Australia, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

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ARTICLE II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of the Commonwealth of Australia.

ARTICLE III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

ARTICLE IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Commonwealth of Australia. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty in accordance with the provisions of the preceding paragraph, the said Treaty of September 15, 1914, shall in respect of the Commonwealth of Australia cease to have effect.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

CORDELL HULL [SEAL]
R. G. CASEY [SEAL]

