



Treaty Series No. 36 (1933)

Convention

between His Majesty in respect of the United Kingdom
and the President of Finland
regarding the

Suppression of Illicit Importation of Alcoholic Liquors into Finland

(WITH DECLARATION)

London, October 13, 1933

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
Astrakhan House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2
York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff
15, Donegall Square West, Belfast
or through any Bookseller

1933

Price 1d. Net

Cmd. 4436

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM AND THE PRESIDENT OF FINLAND
REGARDING THE SUPPRESSION OF ILLICIT IMPORTATION
OF ALCOHOLIC LIQUORS INTO FINLAND
(WITH DECLARATION).

London, October 13, 1933.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Republic of Finland;

Having regard to the friendly relations existing between the two countries and taking into account the agreement concluded on the 29th September, 1933,⁽¹⁾ between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Finland, for the purpose of facilitating still further trade and commerce between the two countries;

Being desirous of co-operating in the suppression of the illicit importation of alcoholic liquors into Finland;

Have decided to conclude a Convention for that purpose and have accordingly appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India;

For Great Britain and Northern Ireland:

Sir Victor Wellesley, K.C.M.G., C.B., Deputy Under-Secretary of State for Foreign Affairs;

The President of the Republic of Finland:

M. Georg Achates Gripenberg, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland, in London;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1.

(1) The High Contracting Parties declare that it is their firm intention to uphold the principle—

(a) That three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters; and

(b) That, in the absence of an agreement between them to this effect, neither of them can exercise jurisdiction over the vessels of the other outside the limits of his territorial waters, except in the course of a hot and continuous pursuit of a vessel duly and lawfully commenced within territorial waters and continued into the open sea.

⁽¹⁾ Cmd. 4425.

(2) The provisions of sub-paragraph (b) of paragraph (1) of this Article shall in no way be deemed to prejudice the question of the exercise of belligerent or neutral rights in time of war.

ARTICLE 2.

(1) His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty), agrees that he will raise no objection if the Finnish authorities, outside the territorial waters of Finland, but within the limits specified below—

- (a) Board any of his vessels, as hereinafter defined, in order that enquiries may be addressed to those on board and examination made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic liquors into Finnish territory in violation of the laws there in force;
- (b) Search the vessel, if the enquiries and examination have shown a reasonable ground for suspicion that such import is being attempted or has taken place; or
- (c) Seize the vessel and escort it into a port of Finland for adjudication in accordance with the laws of Finland relating to the import of alcoholic liquors, if the enquiries, examination and search afford a reasonable cause for belief that the vessel has been employed to commit or in an attempt to commit an offence against the said laws, provided none of the measures referred to in this paragraph shall be taken against any vessel, unless a decision to that effect has in conformity with the Finnish law of the 9th May, 1932, regarding the prevention of liquor smuggling from the open sea, been previously taken by the Finnish Council of Ministers in respect of any such vessel and unless the name of that vessel has been notified to His Majesty's Diplomatic Representative at Helsingfors as being that of a suspected vessel.

(2) The vessels to which the provisions of the preceding paragraph apply are private vessels (a) whose net register tonnage does not exceed 500 tons, (b) not owned, chartered or employed by the Government, or any department of the Government, of any part of His Majesty's dominions or of any territory under his protection or any territory in respect of which His Majesty exercises a mandate, and (c) registered in the United Kingdom of Great Britain and Northern Ireland, in Newfoundland or in any of His Majesty's Colonies or in any territory under His Majesty's protection or in any mandated territory in respect of which the mandate is exercised by his Government in the United Kingdom, or registered under British

law in a foreign country where His Majesty exercises extraterritorial rights.

(3) The limits referred to in paragraph (1) of this Article are such distance in the Gulf of Bothnia or the Gulf of Finland from the coast of Finland (including the Aaland and all other Finnish islands) as can be traversed in one hour (a) by the vessel in question, or (b) where the alcoholic liquors have been or are intended to be conveyed to Finnish territory by some other vessel, by such other vessel.

ARTICLE 3.

(1) No action shall be taken under the present Convention against any vessel or any person nor shall any such vessel or any person be liable to any penalty or forfeiture under the laws of Finland in respect of alcoholic liquors carried in vessels which are (a) listed as ship's stores or belong to persons travelling or employed on such vessels and do not exceed the quantities reasonably required for the voyage, and are duly declared in conformity with the customs laws of Finland, or (b) are cargo destined for a port situated outside Finland and are kept under seal continuously while the vessel is within Finnish territorial waters or ports, or (c) are cargo destined for importation into Finland in accordance with the laws and regulations in force.

(2) The penalties in respect of the illicit importation of alcoholic liquors imposed in Finland on vessels or on persons connected with such vessels shall be inflicted in such manner as only to affect the actual persons guilty. No vessels shall—directly or indirectly—be made security for the payment of any fines or expenses on account of alcoholic liquors unlawfully imported by one or more of the crew or other persons on board which are of an insignificant quantity, in all the circumstances of the case, provided that the owner or master of the vessels are themselves not guilty of illicit importations and cannot be regarded as having been negligent in exercising the necessary supervision in this matter, having regard to the quantity of cargo on board and other circumstances.

ARTICLE 4.

(1) The Government of the Republic of Finland will pay full compensation for any loss or damage caused by an interference by the Finnish authorities, purporting to act in connexion with the suppression of illicit imports of alcoholic liquors into Finland, with any vessel registered in any of the territories referred to in Article 2 (2) (c) above, which is not justified by or is contrary to the preceding provisions of this Convention or is an unreasonable exercise of the powers granted by this Convention, including all cases where it is established that the vessel in fact had not imported and had not engaged in an attempt to import liquor illegally into Finland,

(2) Any claim under the preceding paragraph shall, if His Majesty so requests, be referred for decision to a single arbitrator to be selected by agreement between the High Contracting Parties, or in default of agreement to be nominated by the President of the Permanent Court of International Justice.

(3) It shall not be necessary that the individuals concerned shall have had recourse to any remedies open to them in the courts of Finland before His Majesty presents any claim under the preceding paragraph.

ARTICLE 5.

The present Convention shall come into force on the day of signature. It may be denounced by either High Contracting Party at any time by notification to the other given through the diplomatic channel. The denunciation shall take effect six months after the date of the receipt of the notification.

In witness whereof the undersigned plenipotentiaries have signed the present Convention and affixed thereto their seals.

Done at London this 13th day of October, 1933, in duplicate in the English language.

(L.S.) VICTOR WELLESLEY.

(L.S.) G. A. GRIPENBERG.

[FOR DECLARATION, SEE NEXT PAGE.]

DECLARATION.

At the time of signing the present Convention the undersigned plenipotentiary declares on behalf of the Finnish Government that nothing in the present Convention affects the rights of the Finnish Government under treaties, engagements or understandings with other Powers.

Done at London the 13th day of October, 1933.

G. A. GRIPENBERG.
