

Agreement supplementary to The Nyon Agreement. Geneva, 17 September 1937.

Whereas under the arrangement signed at Nyon on 14 September 1937, whereby collective measures were agreed upon relating to piratical acts by submarines in the Mediterranean, the participating Powers reserved the possibility of taking further collective measures; and

Whereas it is now considered expedient that such measures should be taken against similar acts by surface vessels and aircraft;

In view thereof, the undersigned, being authorized to this effect by their respective Governments, have met in conference at Geneva on the seventeenth day of September and have agreed upon the following provisions which shall enter immediately into force:

I. The present Agreement is supplementary to the Nyon Arrangement and shall be regarded as an integral part thereof.

II. The present Agreement applies to any attack by a surface vessel or an aircraft upon any merchant vessel in the Mediterranean not belonging to either of the conflicting Spanish parties, when such attack is accompanied by a violation of the humanitarian principles embodied in the rules of international law with regard to warfare at sea, which are referred to in Part IV of the Treaty of London of 22 April 1930, and confirmed in the Protocol signed in London on 6 November 1936.

III. Any surface war vessel, engaged in the protection of merchant shipping in conformity with the Nyon Arrangement, which witnesses an attack of the kind referred to in the preceding paragraph shall:

(a) If the attack is committed by an aircraft, open fire on the aircraft;

(b) If the attack is committed by a surface vessel, intervene to resist it within the limits of its powers, summoning assistance if such is available and necessary. In territorial waters each of the participating Powers concerned will give instructions as to the action to be taken by its own war vessels in the spirit of the present Agreement.

Done at Geneva, this seventeenth day of September 1937, in the English and French languages, both texts being equally authentic, in a single copy which will be deposited in the archives of the Secretariat of the League of Nations.