

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE AUX DROITS
DES RESSORTISSANTS
DES ÉTATS-UNIS D'AMÉRIQUE
AU MAROC
(FRANCE / ÉTATS-UNIS D'AMÉRIQUE)
ORDONNANCE DU 22 NOVEMBRE 1950

1950

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING RIGHTS OF
NATIONALS OF THE UNITED STATES
OF AMERICA IN MOROCCO
(FRANCE / UNITED STATES OF AMERICA)
ORDER OF NOVEMBER 22nd, 1950

La présente ordonnance doit être citée comme suit :

« *Affaire relative aux droits des ressortissants
des États-Unis d'Amérique au Maroc, Ordonnance du
22 novembre 1950 : C. I. J. Recueil 1950, p. 391.* »

This Order should be cited as follows :

“*Case concerning rights of nationals of the United States
of America in Morocco, Order of November 22nd, 1950 :
I.C.J. Reports 1950, p. 391.*”

N° de vente : **51**
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INTERNATIONAL COURT OF JUSTICE

YEAR 1950

1950
November 22nd
General List:
No. 11

Order made on November 22nd, 1950

CASE CONCERNING RIGHTS OF
NATIONALS OF THE UNITED STATES
OF AMERICA IN MOROCCO

(FRANCE / UNITED STATES OF AMERICA)

The International Court of Justice,
having regard to Article 48 of the Statute of the Court,
having regard to Article 37 of the Rules of Court,

Makes the following Order :

Whereas by letter of October 28th, 1950, filed the same day in the Registry of the Court, the Chargé d'Affaires of France at The Hague filed in the Registry of the Court an Application dated October 27th, 1950, whereby the Court is asked to judge and declare :

“That the privileges of the nationals of the United States of America in Morocco are only those which result from the text of Articles 20 and 21 of the Treaty of September 16th, 1836, and that, since the most-favoured-nation clause contained in Article 24 of the said treaty can no longer be invoked by the United States in the present state of the international obligations of the Shereefian Empire, there is nothing to justify the granting to the nationals of the United States of preferential treatment which would be contrary to the provisions of the treaties ;

That the Government of the United States of America is not entitled to claim that the application of all laws and regulations to its nationals in Morocco requires its express consent ;

That the nationals of the United States of America in Morocco are subject to the laws and regulations in force in the Shereefian Empire, and in particular the regulation of December 30th, 1948, on imports not involving an allocation of currency, without the prior consent of the United States Government ;

That the *dahir* of December 30th, 1948, concerning the regulation of imports not involving an allocation of currency, is in conformity with the economic system which is applicable to Morocco, according to the conventions which bind France and the United States'' ;

Whereas the Application, which bears the signature of M. André Gros, Legal Adviser to the Ministry of Foreign Affairs, Agent of the Government of the French Republic, refers to the declarations made by the Government of the French Republic and by the Government of the United States of America under Article 36, paragraph 2, and Article 40, paragraph 1, of the Statute of the Court, and Article 32 of the Rules of Court ;

Thus specifying the provisions on which the Applicant founds the jurisdiction of the Court ;

Whereas the Application also states the nature of the claim and gives a succinct statement of the facts and grounds on which the claim is based ;

Whereas, therefore, the Application fulfils the formal conditions laid down by the Rules of Court ;

Whereas, on October 28th, 1950, the Government of the United States of America was duly informed by telegram of the filing of the Application, of which a certified true copy was despatched to it on October 31st, 1950 ;

Whereas in a letter of November 16th, 1950, signed by its Ambassador at The Hague, the Government of the United States of America has notified the Court of the appointment as its Agent of Mr. Adrian S. Fisher, Legal Adviser of the Department of State :

The Court, after ascertaining the views of the Parties with regard to questions of procedure, fixes as follows the time-limits for the presentation by the Parties of the written proceedings :

for the Memorial of the Government of the French Republic :
March 1st, 1951 ;

for the Counter-Memorial of the Government of the United States of America : July 1st, 1951 ;

for the Reply of the Government of the French Republic :
September 1st, 1951 ;

for the Rejoinder of the Government of the United States of
America : November 1st, 1951.

Done in French and English, the French text being authoritative,
at the Peace Palace, The Hague, this twenty-second day of Novem-
ber, one thousand nine hundred and fifty, in three copies, one of
which will be placed in the archives of the Court and the others
transmitted to the Governments of the French Republic and of the
United States of America, respectively.

(Signed) J. G. GUERRERO,
Acting President.

(Signed) E. HAMBRO,
Registrar.