

SERIES E.—No. 3

THIRD ANNUAL REPORT
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1926—June 15th, 1927)

PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

INTRODUCTION.

The Third Annual Report of the Court covers the period from June 15th, 1926, to June 15th, 1927. On the whole, the plan is the same as that of the First and Second Annual Reports, subject to certain modifications or additions intended either to take new circumstances into account or to make the volume easier to consult. It should particularly be observed that Chapter III gives (p. 89) the Resolution of the Council of the League of Nations, dated May 17th, 1922, as a source of the Court's jurisdiction; it also deals (p. 90) with the powers of the Court to indicate measures of protection and recalls the cases in which the Court has had to take a decision upon its own jurisdiction. Later on (p. 98) it deals with the contribution to the costs of the Court by a State, a Party to proceedings, not being a Member of the League of Nations. Finally, in the third section, entitled "Other Activities", it gives (p. 109) a summary of some of the most characteristic appeals made by private persons to the Court since June 15th, 1925, which was the date of issue of the First Annual Report.

The introduction to Chapters IV and V gives a list of judgments and opinions rendered by the Court in the course of its first ten sessions, reproduces the headnotes of these cases and points out the acts and documents which relate thereto. Chapter IV is called "Judgments and Orders" so that it may comprise the decisions taken by the Court (or its President) before rendering judgment. The Orders of the President of the Court in the case between Belgium and China have been summarized therein. As an Annex to Chapters IV and V an analytical index is published of the judgments and opinions of the Court, its object being to enable anyone engaged in research work relating to these judgments and opinions to more easily find amongst the very great variety of subjects dealt with by the Court, those in which they are particularly interested.

As regards Chapters VI, it is now headed "Digest of decisions taken by the Court in application of the Statute and Rules". It is set out in the following way: under each article of the Statute the provisions of the relevant Rules have been indicated as well as the Court's practice in applying the stipulations of its Statute or of its Rules. The Digest takes into account all the decisions taken by the Court from its inauguration.

The Bibliographical List in Chapter IX is supplementary to the one in the Second Annual Report. Firstly, it is brought up to date on June 15th, 1927; secondly, it fills in some omissions in the

previous list ; some information has been inserted which emanates from casual correspondents to whom the Bibliographical List of the Second Report had been sent in the form of a separate pamphlet. This is a fitting place to thank them for their kind collaboration. The two indexes to the Bibliography refer to the Bibliographical List of the Second Report as well as to the new list in this volume.

Chapter X constitutes the first Addendum to the third edition of the *Collection of Texts governing the jurisdiction of the Court*, which was issued on December 15th, 1926. The introduction to this chapter defines the method adopted in this regard.

* * *

The introduction to the Second Annual Report stated that, at the request of the Registrar of the Court, the Secretary-General of the League of Nations had informed the governments of Members of the League that their collaboration was required for the Report of the Court to attain its purpose, which was to draw up a complete statement of the essential facts relating to the Court's organization and the various forms of its activity. As in the case of the Second Annual Report, the present Report duly takes into account the information which the governments have, following upon this communication, been good enough to transmit to the Registry.

Furthermore, the introduction to Chapter X states that the Registrar of the Court similarly approached all the governments entitled to appear before the Court asking them to communicate regularly to the Registrar the terms of new agreements concluded by them which might contain provisions relating to the Court's jurisdiction.

* * *

It is to be understood that the contents of the volumes belonging to the Series E. of the Court's Publications, which are prepared and issued by the Registry, in no way engage the Court. It should, in particular, be noted that the summaries of judgments and opinions reproduced in Chapters IV and V, being prepared only in order to afford a general view of the work of the Court, cannot be quoted against the text of such judgments or opinions, or as an interpretation of that text.

The Hague, June 15th, 1927.

Å. HAMMARSKJÖLD,
Registrar.

CHAPTER I.

THE COURT AND REGISTRY.

I.

THE COURT.

(1) COMPOSITION OF THE COURT.

(See First Annual Report, p. 11.)

(2) PRECEDENCE, THE PRESIDENCY AND VICE-PRESIDENCY.

(See First Annual Report, pp. 12 and 13.)

Judges :

MM. HUBER, *President* ¹,
 LODER, *Former President* ¹,
 WEISS, *Vice-President*,
 Lord FINLAY,
 MM. NYHOLM,
 MOORE,
 DE BUSTAMANTE.
 ALTAMIRA,
 ODA,
 ANZILOTTI,
 PESSÔA

List of
Judges*Deputy-Judges :*

MM. YOVANOVITCH,
 BEICHMANN,
 NEGULESCO,
 WANG CHUNG-HUI.

Till the end of 1927.

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES :

(For biographies of MM. Huber, Loder, Weiss, Lord Finlay, MM. Nyholm, Moore, de Bustamante, Altamira, Oda, Anzilotti, Pessôa, Yovanovitch, Beichmann, Negulesco and Wang Chung-Hui, see First Annual Report, pp. 14-26.)

(4) NATIONAL JUDGES.

(Cf. First Annual Report, p. 27.)

The following persons have been nominated in accordance with Articles 4 and 5 of the Statute, either in 1921 or 1923.

(For details regarding these persons and the circumstances in which they were nominated, see First Annual Report, pp. 27-52. Fresh information officially supplied in regard to them as a result of the circular letters mentioned in the introduction to the Second Annual Report, pp. 9-10, is given in the form of notes. The names printed in **fat-faced letters** are those of candidates elected to the Court; names printed *in italics* are those of candidates whose death has been reported to the Court.)

ADOR, Gustave	Switzerland
AIYAR, Sir P. S. Sivaswami	India
ALFARO, Ricardo J.	Panama
Altamira , Rafael	Spain
ALVAREZ, Alexandre (Dr.)	Chile
AMEER ALI, The Right Hon. Saiyid	India
ANDRÉ, Paul	France
ANGLIN, The Right Hon. Franck A.	Canada
Anzilotti , Dionisio	Italy
ARENDE, Ernest	Luxemburg
<i>Barbosa</i> , Ruy	Brazil
DE LA BARRA, F. L.	Mexico
BATLLE Y ORDOÑEZ, José	Uruguay
Beichmann , Frederik Waldemar N.	Norway
BEVILAQUA, Clovis	Brazil
BONAMY, Auguste	Haiti
BORDEN, The Right Hon. Sir Robert	Canada
BOREL, Eugène	Switzerland

BORNO, Louis	Haiti
BOSSA, Dr. Simon	Colombia
<i>Bourgeois</i> , Léon	France
BRUM, Baltasar	Uruguay
BUERO, Juan A.	Uruguay
de Bustamante , Dr. Antonio S.	Cuba
BUSTILLOS, Juan Francisco	Venezuela
CHINDAPIROM, Phya	Siam
CHYDENIUS, Jacob Wilhelm	Finland
CRUCHAGA TOCORNAL, Miguel	Chile
DANEFF, Dr. Stoyan	Bulgaria
DAS, S. R. ¹	India
DESCAMPS (Le baron)	Belgium
DOHERTY, The Right Hon. Charles	Canada
DUPUIS, Charles	France
ERICH, Rafael	Finland
FADENHEHT, Dr. Joseph	Bulgaria
FAUCHILLE, Paul	France
Finlay , Robert Bannatyne, Viscount G. C., M. G.	Great Britain
FRIIS, M. P.	Denmark
FROMAGEOT, Henri	France
GODDYN, Arthur	Belgium
<i>Gonzales</i> , Joaquin V.	Argentina
GRAM, G.	Norway
GUERRERO, Dr. J. Gustavo	Salvador
HALBAN, Dr. Alfred	Poland
HAMMARSKJÖLD, Knut-Hjalmar-Leo- nard de	Sweden
HANSSON, Michael	Norway
HASSAN KHAN MOCHIROD DOWLEH (H.H.)	Persia
HERMANN-OTAVSKY, Charles	Czechoslovakia
HONTORIA, Manuel Gonzales	Spain
Huber , Max	Switzerland
HYMANS, Paul	Belgium
KADLETZ, Karel.	Czechoslovakia
<i>Klein</i> , Dr. Franz	Austria

¹ According to a communication from the Indian Government, the particulars of the Honourable S. R. Das are as follows: Barrister-at-Law, Member of the Executive Council of the Governor-General of India.

KRAMARZ, Dr. Charles	Czechoslovakia
KRITIKANUKORNKITCH, Chowphya Bij- aiyati	Siam
LAFLEUR, Eugène	Canada
LANGE, Dr. Christian	Norway
DE LAPRADELLE, Albert	France
LARNAUDE	France
LIANG, Chi-Chao	China
Loder , Dr. B. C. J.	Netherlands
DE MAGYARY, Géza.	Hungary
MANOLESCO RAMNICEANO	Roumania
MARCS DE WURTEMBERG, baron Erik Teodor	Sweden
MASTNY, Vojtěch	Czechoslovakia
MOHAMMED ALI KHAN ZOKAOL MOLK (H.E.)	Persia
Moore , John Bassett (The Hon.)	U.S. of America
MORALES, Eusebio	Panama
Negulesco , Demètre	Roumania
Nyholm , Didrik Galtrup Gjedde	Denmark
DE OCA, Manuel Montès	Argentina
OCTAVIO DE LANGAARD MENEZES, Rodrigo	Brazil
Oda , Dr. Yorozi	Japan
PAPAZOFF, Theohar	Bulgaria
Pessôa , Epitacio da Silva	Brazil
PHILLIMORE, Lord Walter George Frank	Great Britain
PIOLA-CASELLI, Edoardo	Italy
POINCARÉ, Raymond	France
POLITIS, Nicolas	Greece
POUND, Dr. Roscoe	U.S. of America
RIBEIRO, Dr. Arthur Rodrigues de Almeida	Portugal
<i>Richards</i> , Sir Henry Erle	Great Britain
ROOT, Elihu	U.S. of America
ROSTWOROWSKI, Dr. Michel	Poland
ROUGIER, Antoine	France
SCHEY, Dr. Joseph	Austria
SCHLYTER, Karl	Sweden
SCHUMACHER, Dr. Franz	Austria

SCOTT, James Brown	U.S. of America
SOARES, Auguste Luis Vieira	Portugal
STREIT, Georges	Greece
<i>Struycken</i> , A. A. H.	Netherlands
TYBJERG, Erland	Denmark
VELEZ, Dr. Fernando	Colombia
VILLAZON, Eliodoro	Bolivia
WALLACH, William ¹	India
Wang Chung-Hui	China
Weiss , André	France
WESSELS, The Hon. Sir Johannes Wilhelmus	South Africa
WREDE, baron R. A.	Finland
Yovanovitch , Michel	Serb-Croat-Slovene State
<i>Zeballos</i> , Estanislao	Argentine
<i>Zolger</i> , Ivan	Serb-Croat-Slovene State

On three occasions national judges have sat on the Court.

Firstly, in the case of the *Wimbledon* ², when the German Government, being the Respondent, appointed M. Schücking as its national judge; then in the Mavrommatis case (jurisdiction and merits) ³, when the Greek applicant Government appointed M. Caloyanni. Biographical sketches of MM. Schücking's (Germany) and Caloyanni's (Greece) careers are printed in the First Annual Report, pp. 53-54.

The third occasion arose in the case concerning certain German interests in Polish Upper Silesia (jurisdiction and merits) ⁴. The following sat as national judges in this case: Dr. Rabel (Germany) and Count Rostworowski (Poland), one being appointed by the Applicant and the other by the Respondent. Biographical sketches of MM. Rabel and Rostworowski are printed in the Second Annual Report, pp. 18-19.

National
judges in the
Upper Silesian
case.

¹ According to a communication from the Indian Government, the particulars of Mr. W. Wallach are as follows: Barrister-at-Law, Counsel, practising before the Privy-Council.

² See First Annual Report, p. 163.

³ " " " " " 169.

⁴ " " " " " 99.

National judges in the cases presently submitted to the Court.

Since June 15th, 1926, four new cases have been submitted to the Court in which the Parties, having no judge of their nationality sitting on the Court, have been reminded of the regulations of the Statute, concerning the right of nominating a national judge. These cases are the following in chronological order according to the instrument instituting proceedings :

(1) The case of the *Lotus*¹, submitted by special Agreement between the French and Turkish Governments dated October 12th, 1926, at Geneva.

(2) The case of the *denunciation of the Treaty of November 2nd, 1865, between China and Belgium*² (unilateral Application by the Government of Belgium against the Government of China, dated November 25th, 1926, at The Hague).

(3) The case of *Chorzów* (indemnities)³ in which the German Government, having submitted a unilateral Application dated February 8th, 1927, is Applicant and the Polish Government Respondent.

(4) The case of the *readaptation of the Mavrommatis concessions*⁴ (unilateral Application by the Greek Government dated May 28th, 1927, at The Hague, summoning the British Government to appear before the Court).

As regards the first case, namely the *Lotus*, as the Court already has a judge of French nationality among its ordinary judges, the Registrar has brought the regulations of the Statute concerning the right of nominating a national judge to the notice of the Turkish Government only, which has designated for this purpose Feïzi Daïm Bey, First President of the Civil Tribunal of Stamboul.

As regards the second case (between China and Belgium), the Court not having a judge of either the nationality of the Applicant or of the Respondent, the Belgian and Chinese Governments have been reminded by the Registrar by letter dated February 26th, 1926, of the regulations concerning the nomination of a national judge.

In the case of *Chorzów* (indemnities), both Parties being in a similar situation, the Applicant has nominated Dr. Rabel, Professor of Law at Berlin University, who had already sat on the Court in the cases relating to certain German interests in Polish Upper

¹ See p. 122.

² „ „ 120.

³ „ „ 123.

⁴ „ „ 124.

Silesia (jurisdiction and merits) and the respondent Party, M. Louis Ehrlich, Professor of International Law at Lwów University.

In the case of the readaptation of the Mavrommatis concessions, the Registrar of the Court by letter dated May 30th, 1927, has reminded the Agent for the Applicant of the right his Government possesses to nominate a national judge (the Court not having a Greek judge amongst its members).

(5) SPECIAL CHAMBERS.

(See First Annual Report, p. 55.)

Composition of the Chamber for Labour cases.

Chamber for
Labour cases.

From January 1st, 1925, to December 31st, 1927 :

Members :

Lord Finlay, *President*,
MM. de Bustamante,
Altamira,
Anzilotti,
Huber.

Substitute Members :

MM. Nyholm,
Moore.

From January 1st, 1928, to December 31st, 1930 :

*Members*¹:

*Substitute Members*¹:

¹ The election of the members of this Chamber for the period in question had not taken place on August 15th, 1927; the same applies as regards the members of the Chamber for Communications and Transit Cases (see p. 16) and the Chamber for Summary Procedure (see p. 17). An addendum giving particulars of this election will be prepared.

Chamber for *Composition of the Chamber for Communications and Transit Cases.*
Transit cases.

From January 1st, 1925, to December 31st, 1927 :

Members :

MM. Weiss, *President*,
Nyholm,
Moore,
Oda,
Pessôa.

Substitute Members :

MM. Anzilotti,
Huber.

From January 1st, 1928, to December 31st, 1930 :

*Members*¹ :

*Substitute Members*¹ :

Chamber for *Composition of the Chamber for Summary Procedure.*
Summary
Procedure.

For 1927 :

Members :

MM. Huber, *President*,
Loder,
Weiss

¹ See foot-note on the preceding page.

Substitute Members :

Lord Finlay,
M. Altamira.

For 1928 :

*Members*¹:*Substitute Members*¹:

From June 15th, 1926, to June 15th, 1927, no case has been brought before a Chamber of the Court.

(6) ASSESSORS.

(See First Annual Report, p. 57.)

¹ See foot-note on page 15.

A.—LIST OF ASSESSORS FOR LABOUR CASES¹.
(CLASSIFICATION BY COUNTRIES.)

Assessors for Labour cases.	Country.	Name.	Nominated by:	Represent- ing:
	<i>Austria.</i>	ADLER, Emmanuel,	Government.	Employers. Workers.
		MAYER-MALLENAU, Felix,	Government.	
		KAISER, Dr. M.	I.L.O.	
		HUEBER, Antoine,	I.L.O.	
	<i>Belgium.</i>	JULIN, Armand,	Government.	Employers. Workers.
		MAHAIM, Ernest,	Government.	
		DALLEMAGNE, G.,	I.L.O.	
		MERTENS, Corneille,	I.L.O.	
	<i>Bolivia.</i>	—	—	Employers. Workers.
		—	—	
		GARCIA, E.,	I.L.O.	
		IBANEZ, Juan,	I.L.O.	
	<i>Brazil.</i>	PELLES, Godefredo Silva,	Government.	Employers. Workers.
		PEREIRA, Manoel Carlos Goncalves,	Government.	
		DUTRA, Ildefonso,	I.L.O.	
		BEZERRA, Andrade,	I.L.O.	
	<i>Bulgaria.</i>	NICOLOFF, A.,	Government.	Employers. Workers.
		NICOITCHOFF, V.,	Government.	
		BOUROFF, Ivan D.,	I.L.O.	
		DANOFF, Grigor,	I.L.O.	

¹ For details concerning the assessors included in the list in June, 1925, see First Annual Report, pp. 58-72; for others, particulars officially communicated to the Registry are given as notes.

Country.	Name.	Nominated by:	Representing:
<i>Canada.</i>	—	—	—
	—	—	—
	PARSONS, S. R., GIBBONS, Joseph,	I.L.O. I.L.O.	Employers. Workers.
<i>Chile.</i>	VICUÑA, Manuel Rivas,	Government.	
	—	—	—
	—	—	—
<i>China.</i>	HOO-CHI-TSAI,	Government.	
	TCHOU YIN,	Government.	
	—	—	—
<i>Colombia.</i>	RESTREPO, Antonio José,	Government.	
	URRUTIA, Dr. Francisco,	Government.	
	—	—	—
<i>Czecho-slovakia.</i>	FRANCKE, Emil,	Government.	
	HOROWSKY, Zdenek,	Government.	
	WALDES, Henri, TAYERLE, Rudolf,	I.L.O. I.L.O.	Employers. Workers.
<i>Denmark.</i>	BERGSOE, J. Fr.,	Government.	
	HANSEN, J. A.,	Government.	
	VESTESSEN, H., HEDEBOL,	I.L.O. I.L.O.	Employers. Workers.

Country.	Name.	Nominated by:	Representing:
<i>Finland.</i>	MANNIO, Niilo Anton,	Government.	
	HALLSTEN, Gustaf Onni Immanuel,	Government.	
	PALMGREN, Axel,	I.L.O.	Employers.
	PAASIVUORI, Matti,	I.L.O.	Workers.
<i>France.</i>	—	—	—
	—	—	—
	LEMARCHAND, M., MILAN, Pierre,	I.L.O. I.L.O.	Employers. Workers.
<i>Germany.</i>	—	—	—
	—	—	—
	POENSGEN, M., GRASSMANN, P.,	I.L.O. I.L.O.	Employers. Workers.
<i>Great Britain.</i>	CHAMBERLAIN, Sir Arthur Neville,	Government.	
	MACASSEY, Sir Lynden Livingstone,	Government.	
	DUNCAN, Sir Andrew Rae,	I.L.O.	Employers.
	THOMAS, The Right Hon. J. H.,	I.L.O.	Workers.
<i>Greece.</i>	CHOIDAS,	Government.	
	TOTOMIS, M. D.,	Government.	
	ZANNOS, M.,	I.L.O.	Employers.
	LAMBRINOPOULOS, Timoléon,	I.L.O.	Workers.
<i>Haiti.</i>	DENNIS, Fernand,	Government.	
	—	—	—
	—	—	—

Country.	Name.	Nominated by:	Representing:
<i>Hungary.</i>	—	—	—
	—	—	—
	TOLNAY, Kornel de, JASZAI, Samu,	I.L.O. I.L.O.	Employers. Workers
<i>India.</i>	CHOUDHURI,	Government.	
	Low, Sir Charles Ernest,	Government.	
	KAY, J. A., JOSHI, N. M.,	I.L.O. I.L.O.	Employers. Workers.
<i>Italy.</i>	BENEDUCE, Giuseppe,	Government.	
	GRIZIOTTI, Benvenuto,	Government.	
	BALELLA, Dr. Giovanni, BUOZZI, Bruno,	I.L.O. I.L.O.	Employers. Workers.
<i>Japan.</i>	KAWANISHI, Jitsuzo,	Government.	
	YOSHIZAKA, Shunzo,	Government.	
	MUTO, Sanji, MATSUMOTO, Uhei,	I.L.O. I.L.O.	Employers. Workers.
<i>Latvia.</i>	SCHUMANS, V.,	Government.	
	ROZE, Fr. ¹ ,	Government.	
	—	—	—
	—	—	—
<i>Lithuania.</i>	SLIZYS, François,	Government.	
	RAULINAITIS, François,	Government.	

Director of department for the Protection of Labour in the Ministry of Social Welfare.

Country.	Name.	Nominated by:	Representing:
<i>Luxemburg.</i>	—	—	—
	—	—	—
	MAYRISCH, Emile, SCHETTLÉ, Michel,	I.L.O. I.L.O.	Employers. Workers.
<i>Netherlands.</i>	NOLENS, Mgr. ¹ ,	Government.	
	VOOYS, J. P. de,	Government.	
	VERKADE, A. E.,	I.L.O.	Employers.
	FIMMEN, E.,	I.L.O.	Workers.
<i>Norway.</i>	BACKER, M. C.,	Government.	
	BERG, Paal,	Government.	
	PAUS, G.,	I.L.O.	Employers.
	LIAN, Ole O.,	I.L.O.	Workers.
<i>Panama.</i>	—	—	—
	—	—	—
	ZUBIETA, José Antonio, ADAMES, Enoch,	I.L.O. I.L.O.	Employers. Workers.
<i>Poland.</i>	KUMANIECKI, Dr. Casimir Ladislas,	Government.	
	MLYNARSKI, Dr. Felix,	Government.	
	ZAGLENICZNY, Jan,	I.L.O.	Employers.
	ZULAWSKI, Sigismund,	I.L.O.	Workers.
<i>Roumania.</i>	JANCOVICI, Dimitrie,	Government.	
	VOINESCU, Barvu,	Government.	
	CERCHEZ, Stefan,	I.L.O.	Employers.
	MAYER, Josif,	I.L.O.	Workers.

¹ Late professor extraordinary for Labour legislation at the University of Amsterdam.

Country.	Name.	Nominated by:	Representing:	
<i>Serb-Croat-Slovene State.</i>	—	—	—	
	—	—	—	
	YOVANOVITCH, Vasa V., KRISTAN, Etbin,	I.L.O. I.L.O.	Employers. Workers.	
<i>South Africa.</i>	—	—	—	
	—	—	—	
	GEMMIL, W., CRAWFORD, A.,	I.L.O. I.L.O.	Employers. Workers.	
<i>Spain</i>	ORMAECHEA, Rafael Garcia, OYUELOS, Ricardo,	Government. Government.		
	SALA, A., CABALLERO, Francisco Largo,	I.L.O. I.L.O.	Employers. Workers.	
	<i>Sweden.</i>	ELMQUIST, Gustaf Henning, RIBBING, Sigurd,	Government. Government.	
		HAY, B., JOHANSSON, E.,	I.L.O. I.L.O.	Employers. Workers.
<i>Switzerland.</i>	MERZ, Leo,	Government.		
	RENAUD, Edgar,	Government.		
	SAVOYE, Baptiste, SCHURCH,	I.L.O. I.L.O.	Employers. Workers.	
<i>Uruguay.</i>	BERNARDEZ, Manuel,	Government.		
	BLANCO, Dr. Juan Carlos,	Government.		
	ALVAREZ-LISTA, Dr. Ramon,	I.L.O.	Employers.	
	DEBENE, Alejandro,	I.L.O.	Workers.	

B.—LIST OF ASSESSORS FOR COMMUNICATIONS
AND TRANSIT CASES ¹.

(CLASSIFICATION BY COUNTRIES.)

Assessors for Transit cases.	COUNTRY.	NAME.
	<i>Austria.</i>	SCHEIKL, Gustav RINALDINI, Théodore
	<i>Belgium.</i>	LAMALLE, V. U. ² PIERRARD, A. ³
	<i>Brazil.</i>	PERRETI, Medeiros Joao RIBEIRO, Edgard
	<i>Bulgaria.</i>	BOCHKOFF, Lubomir DINTCHEFF, Urdan
	<i>Chile.</i>	ALVAREZ, Alejandro AMUNATEGUI, Francisco Lira
	<i>China.</i>	SHU-CHE LIN-KAI
	<i>Colombia.</i>	—
	<i>Czechoslovakia.</i>	MUELLER, Bohuslav FIALA, Ctibor ⁴
	<i>Denmark.</i>	ANDERSEN, N. J. U. LILLELUND, C. F.
	<i>Finland.</i>	SNELLMAN, Karl WREDE, Gustav Oskar Axel (Baron)
	<i>France.</i>	SIBILLE, M. FONTANEILLES, P.
	<i>Great Britain.</i>	DENT, Sir Francis MANCE, Lieut.-Col. H. O.

¹ For details concerning assessors who were included in the list for June, 1925, see First Annual Report, pp. 73-78; for others, particulars officially communicated to the Registry are given as notes.

² Manager of the State Railways.

³ Director-General of the Administration of the Belgian State Marine.

⁴ Assistant head of department at the Ministry of Railways and privat-docent at the Technical High School at Prague.

COUNTRY.	NAME.
<i>Greece.</i>	PHOCAS, Démétrius VLANGHALI, Alexandre
<i>Haiti.</i>	ADDOR, M.
<i>Hungary.</i>	MÁTRAY, Elemer ¹ NEUMANN, Charles ²
<i>India.</i>	BARNES, Sir George Stapylton LOW, Sir Charles Ernest
<i>Italy.</i>	CIAPPI, Anselmo MAURO, Francesco
<i>Japan.</i>	IZAWA, Michio TAKATORI, Yasutaro
<i>Latvia.</i>	ALBAT, G. PAULUKS, J. ³
<i>Lithuania.</i>	SIDZIKAUSKAS, Vanceslas SIMOLIUNAS, Jean
<i>Norway.</i>	RUUD, N. SMITH, G.
<i>Netherlands.</i>	ELIAS, Jonkheer P. EYSINGA, Jonkheer W. J. M. van
<i>Poland.</i>	TYSZYNSKI, M. Casimir WINIARSKI, Dr. Bohdan
<i>Roumania.</i>	PERIETZEANU, Alexandre POPESCU, Georges
<i>Spain.</i>	MACHIMBARRENA, Vicente PUIG DE LA BELLACASA, Narcise
<i>Sweden.</i>	HANSEN, Fredrik Vilhelm PEGELow, Fredrik Vilhelm Henrik
<i>Switzerland.</i>	NIQUILLE SCHRAFL ⁴
<i>Uruguay.</i>	FERNANDEZ Y MEDINA, Benjamin GUANI, Alberto, Dr.

¹ Vice-secretary of State, director of the railway and tariff section of the Royal Hungarian Ministry of Commerce.

² University professor, former director of the Ministry.

³ Engineer, former Minister of Roads and Communications.

⁴ President of the Directorate-General of the Federal State Railways.

C.—GENERAL LIST OF ASSESSORS.

Name.	Country.	Labour or Transit.	Date of nomination.
ADAMES, E.	Panama	Labour	Nov. 11th, 1921
ADDOR, M.	Haiti	Transit	Nov. 26th, 1921
ADLER, Em.	Austria	Labour	Nov. 11th, 1921
ALBAT, G.	Latvia	Transit	Dec. 23rd, 1921
ALVAREZ, A.	Chile	"	Dec. 10th, 1921
ALVAREZ-LISTA, R.	Uruguay	Labour	Nov. 11th, 1921
AMUNATEGUI, Fr.	Chile	Transit	Dec. 10th, 1921
ANDERSEN, N. J. U.	Denmark	"	Jan. 6th, 1922
BACKER, M. C.	Norway	Labour	Nov. 10th, 1921
BALELLA, G.	Italy	"	Nov. 11th, 1921
BARNES, G. S.	India	Transit	Oct. 12th, 1921
BENEDUCE, G.	Italy	Labour	Nov. 15th, 1921
BERG, P.	Norway	"	Nov. 10th, 1921
BERGSOE, J. Fr.	Denmark	"	Jan. 6th, 1922
BERNARDEZ, M.	Uruguay	"	Nov. 4th, 1921
BEZERRA, A.	Brazil	"	June 12th, 1923
BLANCO, J. C.	Uruguay	"	Nov. 4th, 1921
BOCHKOFF, L.	Bulgaria	Transit	Dec. 23rd, 1921
BOUROFF, I. D.	"	Labour	Nov. 11th, 1921
BUOZZI, B.	Italy	"	Nov. 11th, 1921
CABALLERO, F. L.	Spain	"	Nov. 11th, 1921
CERCHEZ, St.	Roumania	"	Nov. 11th, 1921
CHAMBERLAIN, A. N.	Great Britain	"	Dec. 23rd, 1921
CHOIDAS,	Greece	"	Feb. 17th, 1922
CHODHURI,	India	"	Oct. 12th, 1921
CIAPPI, A.	Italy	Transit	Nov. 15th, 1921
CRAWFORD, A.	South Africa	Labour	Nov. 11th, 1921
DALLEMAGNE, G.	Belgium	"	Nov. 11th, 1921
DANOFF, Gr.	Bulgaria	"	Nov. 11th, 1921
DEBENE, A.	Uruguay	"	Nov. 11th, 1921
DENNIS, F.	Haiti	"	Nov. 26th, 1921
DENT, Fr.	Great Britain	Transit	Dec. 23rd, 1921
DINTCHEFF, U.	Bulgaria	"	Dec. 23rd, 1921
DUNCAN, A. R.	Great Britain	Labour	Nov. 11th, 1921
DUTRA, I.	Brazil	"	June 12th, 1923
ELIAS, P.	Netherlands	Transit	Dec. 2nd, 1921
ELMQUIST, G. H.	Sweden	Labour	Nov. 25th, 1921
EYSINGA, M. v.	Netherlands	Transit	Dec. 2nd, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
FERNANDEZ			
Y MEDINA, B.	Uruguay	Transit	Nov. 4th, 1921
FIALA, C.	Czechoslova- kia	„	Nov. 27th, 1925
FIMMEN, E.	Netherlands	Labour	Nov. 11th, 1921
FONTANEILLES, E.	France	Transit	Nov. 7th, 1921
FRANCKE, E.	Czechoslova- kia	Labour	April 13th, 1922
GARCIA, E.	Bolivia	„	Nov. 11th, 1921
GEMMIL, W.	South Africa	„	Nov. 11th, 1921
GIBBONS, J.	Canada	„	Nov. 11th, 1921
GRASSMANN, P.	Germany	„	Nov. 11th, 1921
GRIZIOTTI, B.	Italy	„	Nov. 15th, 1921
GUANI, Al.	Uruguay	Transit	Nov. 4th, 1921
HALLSTEN, G. O. I.	Finland	Labour	March 27th, 1922
HANSEN, J. A.	Denmark	„	Jan. 6th, 1922
HANSEN, F. V.	Sweden	Transit	Nov. 25th, 1921
HAY, B.	„	Labour	Nov. 11th, 1921
HEDEBOL,	Denmark	„	Nov. 11th, 1921
HOO-CHI-TSAI,	China	„	Dec. 23rd, 1921
HOROWSKY, Z.	Czechoslova- kia	„	Nov. 15th, 1921
HUEBER, A.	Austria	„	Nov. 11th, 1921
IBANEZ, J.	Bolivia	„	Nov. 11th, 1921
IZAWA, M.	Japan	Transit	Nov. 4th, 1921
JANCOVICI, D.	Roumania	Labour	Dec. 12th, 1921
JASZAI, S.	Hungary	„	June 12th, 1923
JOHANSSON, E.	Sweden	„	Nov. 11th, 1921
JOSHI, N. M.	India	„	Nov. 11th, 1921
JULIN, A.	Belgium	„	Oct. 21st, 1921
KAISER, M.	Austria	„	Nov. 11th, 1921
KAWANISHI, J.	Japan	„	Nov. 4th, 1921
KAY, J. A.	India	„	Nov. 11th, 1921
KRISTAN, E.	Serb-Croat- Slovene State	„	Nov. 11th, 1921
KUMANIECKI, C. L.	Poland	„	Dec. 7th, 1921
LAMALLE, V. U.	Belgium	Transit	Nov. 12th, 1925
LAMBRINOPOULOS, T.	Greece	Labour	Nov. 11th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
LEMARCHAND, M.	France	Labour	Nov. 11th, 1921
LIAN, O.	Norway	"	Nov. 11th, 1921
LILLELUND, C. F.	Denmark	Transit	Nov. 6th, 1922
LIN KAI,	China	"	Dec. 23rd, 1921
LOW, Ch. E.	India	Labour	Oct. 12th, 1921
LOW, Ch. E.	"	Transit	Oct. 12th, 1921
MACASSEY, L. L.	Great Britain	Labour	Dec. 23rd, 1921
MACHIMBARRENA, V.	Spain	Transit	Nov. 21st, 1921
MAHAIM, E.	Belgium	Labour	Oct. 21st, 1921
MANCE, H. O.	Great Britain	Transit	Dec. 23rd, 1921
MANNIO, N. A.	Finland	Labour	March 27th, 1922
MÁTRAY, E.	Hungary	Transit	May 4th, 1926
MATSUMOTO, U.	Japan	Labour	Nov. 11th, 1921
MAURO, Fr.	Italy	Transit	Nov. 15th, 1921
MAYER, J.	Roumania	Labour	Nov. 11th, 1921
MAYER-MALLENAU, F.	Austria	"	Nov. 11th, 1921
MAYRISCH, E.	Luxemburg	"	Nov. 11th, 1921
MERTENS, C.	Belgium	"	Nov. 11th, 1921
MERZ, L.	Switzerland	"	Dec. 8th, 1921
MLYNARSKI, F.	Poland	"	Dec. 7th, 1921
MILAN, P.	France	"	Nov. 11th, 1921
MUELLER, B.	Czechoslova- kia	Transit	Nov. 15th, 1921
MUTO, S.	Japan	Labour	Nov. 11th, 1921
NEUMANN, Ch.	Hungary	Transit	May 4th, 1926
NICOITCHOFF, V.	Bulgaria	Labour	Jan. 2nd, 1922
NICOLOFF, A.	"	"	Jan. 2nd, 1922
NIQUILLE,	Switzerland	Transit	Jan. 6th, 1922
NOLENS, Mgr.	Netherlands	Labour	Nov. 23rd, 1921
ORMAECHEA, R.	Spain	"	Nov. 21st, 1921
OYUELOS, R.	"	"	Nov. 21st, 1921
PAASIVUORI, M.	Finland	"	Nov. 11th, 1921
PALMGREN, A.	"	"	Nov. 11th, 1921
PARSONS, S. R.	Canada	"	Nov. 11th, 1921
PAULUKS, J.	Latvia	Transit	Sept. 28th, 1925
PAUS, G.	Norway	Labour	Nov. 11th, 1921
PEGELOW, F. W. H.	Sweden	Transit	Nov. 25th, 1921
PELLES, G. S.	Brazil	Labour	Dec. 24th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
PEREIRA, M. C. G.	Brazil	Labour	Dec. 24th, 1921
PERIETZEANU, A.	Roumania	Transit	Nov. 24th, 1921
PERRETI, M. J.	Brazil	„	Dec. 24th, 1921
PHOCAS, D.	Greece	„	Dec. 29th, 1921
PIERRARD, A.	Belgium	„	Nov. 12th, 1925
POENSGEN, M.	Germany	Labour	Nov. 11th, 1921
POPESCU, G.	Roumania	Transit	Nov. 24th, 1921
PUIG DE LA BEL- LACASA, N.	Spain	„	Nov. 21st, 1921
RAULINAITIS, Fr.	Lithuania	Labour	July 5th, 1922
RENAUD, Ed.	Switzerland	„	Dec. 8th, 1921
RESTREPO, A. J.	Colombia	„	—
RIBEIRO, Ed.	Brazil	Transit	Dec. 24th, 1921
RIBBING, S.	Sweden	Labour	Nov. 25th, 1921
RINALDINI, Th.	Austria	Transit	Nov. 14th, 1921
ROZE, Fr.	Latvia	Labour	Aug. 12th, 1926
RUUD, N.	Norway	Transit	Nov. 10th, 1921
SALA, A.	Spain	Labour	Nov. 11th, 1921
SAVOYE, B.	Switzerland	„	Nov. 11th, 1921
SCHEIKL, G.	Austria	Transit	Nov. 14th, 1921
SCHETTLE, M.	Luxemburg	Labour	Nov. 11th, 1921
SCHRAFL,	Switzerland	Transit	Jan. 6th, 1922
SCHUMANS, V.	Latvia	Labour	Dec. 23rd, 1921
SCHURCH,	Switzerland	„	Nov. 11th, 1921
SHU-CHE,	China	Transit	Dec. 23rd, 1921
SIBILLE, M.	France	„	Nov. 7th, 1921
SIDZIKAUSKAS, V.	Lithuania	„	July 5th, 1922
SIMOLIUNAS, J.	„	„	July 5th, 1922
SLIZYS, Fr.	„	Labour	July 5th, 1922
SMITH, G.	Norway	Transit	Nov. 10th, 1921
SNELLMAN, K.	Finland	„	Oct. 29th, 1921
TAKATORI, Y.	Japan	Transit	Nov. 4th, 1921
TAYERLE, R.	Czechoslova- kia	Labour	Nov. 11th, 1921
TCHOU YIN,	China	„	Dec. 23rd, 1921
THOMAS, J. H.	Great Britain	„	Nov. 11th, 1921
TOLNAY, K. de,	Hungary	„	June 12th, 1923
TOTOMIS, M. D.	Greece	„	Feb. 17th, 1922
TYSZYNSKI, M. C.	Poland	Transit	Dec. 7th, 1921
URRUTIA, Fr.	Colombia	Labour	—

Name.	Country.	Labour or Transit.	Date of nomination.
VERKADE, A. E.	Netherlands	Labour	Nov. 11th, 1921
VESTESSEN, H.	Denmark	"	Nov. 11th, 1921
VICUÑA, M. R.	Chile	"	Dec. 10th, 1921
VLANGHALI, Al.	Greece	Transit	Dec. 23rd, 1921
VOINESCU, B.	Roumania	Labour	Dec. 12th, 1921
VOOYS, J. P. de,	Netherlands	"	Nov. 23rd, 1921
WALDES, H.	Czechoslova- kia	"	Nov. 11th, 1921
WINIARSKI, B.	Poland	Transit	Dec. 7th, 1921
WREDE, G. O. A.	Finland	"	Oct. 29th, 1921
YOSHIZAKA, Sh.	Japan	Labour	Nov. 4th, 1921
YOVANOVITCH, V.	Serb-Croat- Slovene State	"	Nov. 11th, 1921
ZAGLENICZNY, J.	Poland	"	Nov. 11th, 1921
ZANNOS, M.	Greece	"	Nov. 11th, 1921
ZUBIETA, J. A.	Panama	"	Nov. 11th, 1921
ZULAWSKI, S.	Poland	"	Nov. 11th, 1921

II.

THE REGISTRAR.

(See First Annual Report, p. 79.)

Present holder of the post :

M. ÅKE HAMMARSKJÖLD, Counsellor of Legation of H.M. the King of Sweden, Associate of the Institute of International Law.

He was appointed on February 3rd, 1922, and his term of office expires on December 31st, 1929.

The post of Deputy-Registrar provided for in the budget estimates for 1926 was filled as from January 1st, 1926. The first holder of this post is M. PAUL RUEGGER, First Secretary of Legation of the Swiss Confederation. (See below.)

III.

THE REGISTRY.

(Cf. First Annual Report, p. 79.)

The officials of the Registry at present holding permanent contracts are as follows :

Name.	Date of appointment.	Nationality.
<i>Deputy-Registrar :</i> M. P. Ruegger	January 1st, 1926	Swiss
<i>Editing Secretaries :</i> M. J. Garnier-Coignet, Secretary to the Presidency	March 1st, 1922	French
Mr. C. Hardy	June 1st, 1922	British
M. T. M. A. d'Honincthun	January 1st, 1925	French
<i>Private Secretaries :</i> Miss M. Recaño	March 1st, 1922	British
Mrs. C. La Touche	March 1st, 1922	British
<i>Establishment :</i> M. D. J. Bruinsma, Accountant-Establishment Officer, Head of Department	August 1st, 1922	Dutch
<i>Printing Department :</i> M. M. J. Tercier, Head of Department	May 19th, 1924	Swiss
<i>Archives :</i> Miss E. C. Cram, Head of Department	March 1st, 1922	British
Mlle L. Loeff	January 1st, 1925	Dutch
Miss A. Welsby	January 1st, 1927	British
<i>Shorthand, typewriting and roneo-graphing Department :</i> Mlle J. Lamberts, Head of Department	March 1st, 1922	Belgian
Miss G. Friedman, Head of Department	May 1st, 1924	British
Mlle M. Estoup, Verbatim Reporter	January 1st, 1927	French
<i>Messenger :</i> M. G. A. van Moort	March 1st, 1922	Dutch

As regards the procedure relating to the engagement of officials for the Registry, see the First Annual Report, pp. 80-81. The Staff Regulations, as revised on January 1st, 1926, are printed in the Second Annual Report, pp. 36-39. The Instructions for the Registry are printed in the First Annual Report, pp. 86-103; some of the provisions of the Instructions have been amended; these are to be found in the Second Annual Report, pp. 40-42.

Establishment
of an Admi-
nistrative Tri-
bunal.

In the course of the year 1925, the attention of the Supervisory Commission as well as of the Secretariat and the International Labour Office was directed to the fact that the officials of the League could not enforce the terms of their employment by any form of legal procedure. After a careful examination of this problem, the Supervisory Commission has now decided to propose to the Assembly the establishment of an Administrative Tribunal having jurisdiction over complaints of officials; it has consequently drawn up draft regulations preceded by a report of the Secretary-General, which will be submitted to the Eighth Assembly (September 1927).

The question has arisen in this regard as to whether the officials of the Registry should be considered amenable to the jurisdiction of the Tribunal, in the same manner as those of the Secretariat-General and the International Labour Office; the report of the Secretary-General to the Eighth Assembly contains the following passage with reference to this point:

“It is proposed to confine the jurisdiction of the Tribunal, in the first instance, to cases interesting the Secretariat and the International Labour Office. The staff of the Permanent Court consists of less than a dozen officials and questions as to its rights are dealt with by the Court itself. If and when desired by the Court, however, there would be no objection to giving the Tribunal jurisdiction over complaints by the staff of the Court.”

IV.

DIPLOMATIC PRIVILEGES AND IMMUNITIES OF JUDGES AND OFFICIALS OF THE REGISTRY.

(See First Annual Report, pp. 103-104.)

V.

PREMISES.

(See First Annual Report, pp. 112-117, and Second Annual Report, pp. 42-43.)

VI.

TELEGRAPHIC AND TELEPHONIC COMMUNICATIONS
OF THE COURT.

The Second Annual Report of the Court states on page 43 that in February 1926 the Registrar of the Court had approached the competent Netherlands authorities with the request that they should, if possible, give the Court the advantage of having its telegraphic and telephonic communications based on an analogous system to that applied to telegrams and telephonic conversations in the case of the organizations of the League at Geneva, namely, on the system of the so-called State communications. Thanks to the courteous intervention of the Netherlands Government, it has been possible since 1926 to ensure priority for telegrams of the Court addressed to certain countries. Subsequently, two other countries have also adhered to this arrangement. It follows that, at the moment, it is possible to ensure priority for the sending of the telegrams of the Court addressed to Germany, Belgium, Spain, France, Great Britain and Ireland, Italy, Luxemburg, Portugal, Sweden and Switzerland. By virtue of this temporary arrangement, telegrams of the Court addressed to those countries, and in particular to the Secretariat-General of the League of Nations and the International Labour Office, have the benefit of priority.

CHAPTER II.

THE STATUTE AND RULES OF COURT.

I.

THE STATUTE.

(See First Annual Report, pp. 121-125.)

On June 15th, 1927, fifty-two Members of the League of Nations had signed the Protocol of Signature of the Statute, drawn up in accordance with the Assembly decision of December 13th, 1920, which remains open for signature by the States mentioned in the Annex to the Covenant. The signatory States are :

Signatories
of the
Protocol.

Albania	Finland
Australia	France
Austria	Germany
Belgium	Great Britain
Bolivia	Greece
Brazil	Guatemala
Bulgaria	Haiti
Canada	Hungary
Chile	India
China	Irish Free State
Colombia	Italy
Costa Rica	Japan
Cuba	Latvia
Czechoslovakia	Liberia
Denmark	Lithuania
Dominican Republic	Luxemburg
Esthonia	Netherlands
Ethiopia	New Zealand

Norway	Serbs, Croats and Slovenes
Panama	(Kingdom of the—)
Paraguay	Siam
Persia	South Africa
Poland	Spain
Portugal	Sweden
Roumania	Switzerland
Salvador	Uruguay
	Venezuela

Ratifications. All the above States have ratified except Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Guatemala, Liberia, Luxemburg, Panama, Paraguay, Persia and Salvador.

II.

THE RULES OF COURT.

(1) *Preparation of the Rules of Court.*

(See First Annual Report, pp. 126-127.)

(2) *Revision of the Rules of Court.*

In the Second Annual Report, at pages 46 and 47, it is stated that on June 17th, 1925, at the third meeting of the Eighth Session, the Court decided to place on the agenda of the ordinary session of 1926 the question of the revision of the Rules of Court. The Rules of Court as revised in pursuance of this decision were adopted by the Court on July 31st, 1926, and came into operation on the same date.

The amendments of the Rules of Court may be looked upon mainly as a codification of the Court's practice during the first four years of its existence. On some points, however, the Court has introduced some new principles into its rules of procedure. Thus Article 62 contains a new provision according to which the judgment must include the number of judges constituting the majority contemplated in Article 55 of the Statute. Similarly, Article 62, as modified, stipulates that dissenting judges may, if they so desire,

attach to the judgment the mere statement of the fact of their dissent instead of giving their individual opinions. With the same purpose in view, according to the new terms of Article 71, advisory opinions given by the Court must mention the number of judges constituting the majority; moreover, as in the case of judgments, dissenting judges may attach to an opinion of the Court, either an exposition of their individual opinion or the mere statement of the fact of their dissent. Article 38, as modified, lays down the rules governing the presentation of possible preliminary objections after the filing of the Case but within the time limits fixed for the filing of the Counter-Case.

Finally, it may be mentioned that in Article 13 the Court has laid down a new rule as regards the exercise under certain special circumstances of the functions of President: whenever, according to the rules in force, the functions of President should be exercised by a national of one of the Parties to the suit, they shall pass, in the order of seniority established by the Rules of Court, to the first judge not similarly situated.

Generally speaking, the sections relating to contentious procedure, to summary procedure and to advisory procedure have been revised, having regard to the experience the Court has acquired. The Rules of Court, as modified, amplify more particularly the provisions relating to certain aspects of the proceedings (such as the filing of objections, and the revision and interpretation of judgments¹).

¹ The Revised Rules of Court are printed in Series D., No. 1. The minutes with annexes of the meetings of the Court's Preliminary Session, devoted to the drawing up of the original Rules of Court (January 30th— March 24th, 1922), were published in Series D., No. 2. The minutes which concern the revision of the Rules of Court have been published in the form of an addendum to Volume 2 of Series D. This volume also contains the notes, observations and suggestions made on this subject by the members of the Court.

CHAPTER III.

THE COURT'S JURISDICTION.

I.

JURISDICTION IN CONTESTED CASES.

(1) *Jurisdiction* *ratione materiae*.

According to the first paragraph of Article 36 of the Statute, the jurisdiction of the Court comprises all cases which the Parties refer to it and all matters specially provided for in treaties and conventions in force. As regards cases which the Parties submit to the Court by special agreement, the document instituting proceedings is that giving notice of the *compromis* setting out the terms of the agreement.

In the First Annual Report (page 129) it was stated that in 1924 the case concerning the interpretation of certain provisions of the Treaty of Neuilly, between the Bulgarian and Greek Governments, was brought before the Court by special agreement. Since then the French and Turkish Governments have signed at Geneva (on October 12th, 1926) a special agreement referring to the Court the so-called *Lotus* case¹. It should also be recalled that on October 31st, 1924, the French and Swiss Governments concluded a special agreement entrusting to the Court the interpretation of Article 435 of the Treaty of Versailles and the decision as to the régime to be applied to the free zones of Upper Savoy and the district of Gex, failing subsequent agreement on this point between the Parties. Notice of this special agreement has not yet been received by the Court.

As regards treaties and conventions in force, there is a special publication of the Court, periodically brought up to date and

¹ See p. 122.

Jurisdiction
in virtue of a
special agree-
ment.

Jurisdiction
under treaties
and conven-
tions.

completed, which enumerates them and gives extracts from the relevant portions¹. These instruments may be divided into several categories :

A. — *Peace Treaties.*

Peace Treaties.	The Treaty of Versailles	June 28th, 1919
	„ „ „ St.-Germain	September 10th, 1919
	„ „ „ Neuilly	„ 27th, „
	„ „ „ Trianon	June 4th, 1920
	„ „ „ Lausanne	(January 30th) July 24th, 1923 and annexed declarations.

Under a clause of one of these treaties (Art. 386 of the Treaty of Versailles), the case of the S.S. *Wimbledon*² was brought before the Court by means of an application instituting proceedings filed on behalf of the British, French, Italian and Japanese Governments ; the respondent Party was Germany.

B. — *Clauses concerning the protection of Minorities.*

Protection of minorities. These clauses are either to be found in separate instruments or are embodied in certain treaties. They affect sixteen States, namely :

Albania	Declarations before the Council of the League of Nations.	Geneva, October 2nd, 1921.
Armenia	Treaty with the Principal Allied Powers.	Sèvres, August 10th, 1920.
Austria	Treaty with the Allied and Associated Powers (Art. 69).	St.-Germain-en-Laye, September 10th, 1919.
Bulgaria	Treaty with the Allied and Associated Powers (Art. 57).	Neuilly-sur-Seine, November 27th, 1919.

¹ The first edition of this publication, entitled : *Collection of Texts governing the jurisdiction of the Court*, appeared on May 15th, 1923 (Series D., No. 3) ; the second edition is dated June, 1924 (Series D., No. 4). The third edition is dated December 15th, 1926 (Series D., No. 5) ; this third edition is supplemented by an addendum which forms Chapter X of this Report.

² See First Annual Report, p. 163.

Danzig	Convention between Poland and the Free City of Danzig.	Paris, November 9th, 1920.
Esthonia	Resolution of the Council of the League of Nations.	Geneva, September 17th, 1923.
Finland	Agreement between Finland and Sweden relating to the Aaland Islands, annexed to a Council Resolution.	Paris, June 24th, 1921.
Greece	Treaty with the Principal Allied and Associated Powers.	Sèvres, August 10th, 1920.
Hungary	Treaty with the Allied and Associated Powers (Art. 60).	Trianon, June 4th, 1920.
Latvia	Declaration before the Council of the League of Nations.	Geneva, July 7th, 1923.
Lithuania	Declaration before the Council of the League of Nations.	Geneva, May 12th, 1922.
Poland	Treaty with the Principal Allied and Associated Powers.	Versailles, June 28th, 1919.
Roumania	Treaty with the Principal Allied and Associated Powers.	Paris, December 9th, 1919.
Serb-Croat-Slovene State	Treaty with the Principal Allied and Associated Powers.	St.-Germain-en-Laye, September 10th, 1919.

Czechoslovakia	Treaty with the Principal Allied and Associated Powers.	St.-Germain-en-Laye, September 10th, 1919.
Turkey	Treaty of Peace (Art. 44).	Lausanne, July 24th, 1923.

C. — *Mandates for various colonies and territories entrusted to certain Members of the League of Nations under Article 22 of the Covenant.*

Colonial
Mandates.

The Mandatory States are seven in number. The following list gives the name of the mandatory, the mandated territory and the date and place of the conclusion of the compact :

South Africa (in the name of His Britannic Majesty)	Former German Protectorate of South West Africa.	Geneva, December 17th, 1920.
Australia (in the name of His Britannic Majesty)	Former German Possessions in the Pacific situated south of the Equator and other than German Samoa and Nauru.	Geneva, December 17th, 1920.
Belgium	Part of the territory of the former Colony of German East Africa.	London, July 20th, 1922.
British Empire	Island of Nauru.	Geneva, December 17th, 1920.
„ „	Western Part of the Cameroons.	London, July 20th, 1922.
„ „	Part of the territory of the former Colony of German East Africa.	London, July 20th, 1922.
„ „	Western Part of Togoland.	London, July 20th, 1922.

British Empire	Palestine.	London, July 24th, 1922 ¹ .
„ „	Iraq (Mesopotamia).	Geneva, September 27th, 1924 ² .
France	Eastern Part of the Cameroons.	London, July 20th, 1922.
„	Eastern Part of Togoland.	London, July 20th, 1922.
„	Syria and Lebanon.	London, July 24th, 1922 ¹ .
Japan	Former German is- lands in the Pacific Ocean to the north of the Equator.	Geneva, December 17th, 1920.
New Zealand (in the name of His Bri- tannic Majesty)	Former German Colony of Samoa.	Geneva, December 17th, 1920.

The applications whereby the Greek Government instituted proceedings in the Mavrommatis case (May 13th, 1923 ³) and in the case of the readaptation of the Mavrommatis concessions (May 28th, 1927) ⁴ were based on a clause of the Mandate for Palestine conferred on the British Empire.

¹ The Palestine mandate entrusted to His Britannic Majesty and that for Syria and Lebanon entrusted to the French Republic came into force on September 29th, 1923.

² See paragraph 1305 of the minutes of the thirtieth session of the Council held at Geneva in August—September 1924, entitled: *British Mandate for Iraq: Adoption of the draft instrument submitted by the British Government.*

In a letter dated March 2nd, 1926, addressed to the Secretary-General by the British Minister for Foreign Affairs, the latter mentions the undertakings given by the British Government and inserted in the Council Resolution of September 27th, 1924, as "giving effect, in respect of Iraq, to the provisions of Article 22 of the Covenant of the League of Nations".

³ See First annual Report, p. 169.

⁴ „ p. 124.

D. — *General International Agreements.*

General Inter-
national
Agreements.

This term is used in the present table to describe certain conventions concluded at the time of the peace negotiations in 1919 and conventions resulting from conferences held under the auspices of the League of Nations, both of which classes are open to all or certain States. These instruments are as follows :

Convention for the control of the trade in arms and ammunition. — Paris, September 10th, 1919.

Convention relating to the Liquor Traffic in Africa. — St.-Germain-en-Laye, September 10th, 1919.

Convention on aerial navigation. — Paris, October 13th, 1919.

Convention and Statute on Freedom of Transit. — Barcelona, April 20th, 1921.

Convention and Statute on the régime of Navigable Waterways of International Concern. — Barcelona, April 20th, 1921.

Convention for the suppression of the circulation of and traffic in obscene publications. — Geneva, September 12th, 1923.

International Convention for the simplification of Customs Formalities. — Geneva, November 3rd, 1923.

Convention and Statute on the international régime of Railways. — Geneva, December 9th, 1923.

Convention and Statute on the international régime of Maritime Ports. — Geneva, December 9th, 1923.

Convention relating to the transmission in transit of Electric Power. — Geneva, December 9th, 1923.

Convention relating to the development of Hydraulic Power affecting more than one State. — Geneva, December 9th, 1923.

Convention relating to Opium Traffic. — Geneva, February 19th, 1925.

Convention concerning the control of the international trade in arms and ammunition and in implements of war. — Geneva, June 17th, 1925.

Convention concerning slavery. — Geneva, September 25th, 1926.

Furthermore, Article 423 of the Treaty of Versailles and the corresponding articles of the other Peace Treaties give the Court jurisdiction to deal, amongst other things, with any question or dispute relating to the interpretation of conventions concluded, after the coming into force of the Treaties and in pursuance of the Part entitled "Labour", by the International Labour Organization. These conventions are as follows :

1. — *Conventions adopted at the First Conference* (Washington, 1919).

Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

Convention concerning unemployment.

Convention concerning the employment of women before and after childbirth.

Convention concerning employment of women during the night.

Convention fixing the minimum age for admission of children to industrial employment.

Convention concerning the night work of young persons employed in industry.

2. — *Conventions adopted at the Second Conference* (Genoa, 1920).

Convention fixing the minimum age for admission of children to employment at sea.

Convention concerning unemployment indemnity in case of loss or foundering of the ship.

Convention for establishing facilities for finding employment for seamen

3. — *Conventions adopted at the Third Conference* (Geneva, 1921).

Convention concerning the age for admission of children to employment in agriculture.

Convention concerning the rights of association and combination of agricultural workers.

Convention concerning workmen's compensation in agriculture.

Convention concerning the use of white lead in painting.

Convention concerning the application of the weekly rest in industrial undertakings.

Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.

Convention concerning the compulsory medical examination of children and young persons employed at sea.

4. — *Conventions adopted at the Seventh Conference* (Geneva, 1925).

Convention concerning workmen's compensation for accidents.

Convention concerning workmen's compensation for occupational diseases.

Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

Convention concerning night work in bakeries.

5. — *Convention adopted at the Eighth Conference* (Geneva, 1926).

Convention concerning the simplification of inspection of emigrants on board ship.

6. — *Conventions adopted at the Ninth Conference* (Geneva, 1926).

Convention concerning the repatriation of seamen.

Convention concerning seamen's articles of agreement.

E. — *Political Treaties (of alliance, commerce, navigation) and others.*

Treaties of
alliance, com-
merce, etc.

These instruments, which affect twenty-eight Powers, are as follows :

Treaty of Commerce and Navigation between Esthonia and Finland. — Helsingfors, October 29th, 1921.

Political Agreement between the Federal Republic of Austria and the Czechoslovak Republic. — Prague, December 16th, 1921.

Political Agreement between Esthonia, Finland, Latvia and Poland. — Warsaw, March 17th, 1922.

Polish-German Agreement with reference to Upper Silesia. — Geneva, May 15th, 1922.

Commercial Convention between Switzerland and Poland. — Warsaw, June 26th, 1922.

Protocols relating to the restoration of Austria. — Geneva, October 4th, 1922.

Treaty of Commerce between Latvia and Czechoslovakia. — Prague, October 7th, 1922.

Treaty between Great Britain and Mesopotamia (Iraq). — Bagdad, October 10th, 1922 ¹.

Treaty of Commerce between Esthonia and Hungary. — Tallinn, October 19th, 1922.

Commercial Convention between the Netherlands and Czechoslovakia. — The Hague, January 20th, 1923.

Treaty of Defensive Alliance between Esthonia and Latvia. — Tallinn, November 1st, 1923.

Preliminary Treaty for the Economic and Customs Union between Esthonia and Latvia. — Tallinn, November 1st, 1923.

Treaty of Commerce and Navigation between the Government of the Kingdom of Hungary and the Government of the Latvian Republic. — Riga, November 19th, 1923.

Convention concerning the organization of the Tangiers Zone. — Paris, December 18th, 1923.

Treaty of Alliance and Friendship between France and Czechoslovakia. — Paris, January 25th, 1924.

Protocol concerning the financial reconstruction of Hungary. — Geneva, March 14th, 1924.

¹ By a treaty signed at Bagdad on January 13th, 1926, between the British Government and Iraq, it has been provided that the régime established by this treaty is to be continued for twenty-five years over the latter country unless it becomes a Member of the League of Nations before the end of that period.

Convention between Finland and Norway. — Oslo, April 28th, 1924.

Convention concerning the transfer of the Memel territory. — Paris, May 8th, 1924.

Treaty of Commerce and Navigation between the Netherlands and Poland. — Warsaw, May 30th, 1924.

Exchange of Notes between the Lithuanian and Dutch Governments making a provisional arrangement regarding commerce and navigation. — Kovno (Kaunas), June 10th, 1924.

Treaty of Commerce between Latvia and the Netherlands. — Riga, July 2nd, 1924.

Convention between Denmark and Norway regarding Eastern Greenland. — Copenhagen, July 9th, 1924.

Provisional Treaty of Commerce between the Netherlands and Esthonia. — Tallinn, July 22nd, 1924.

Treaty of Commerce and Navigation between Latvia and Norway. — Oslo, August 14th, 1924.

Convention concerning the regulation of the traffic in alcoholic liquors between the United States of America and the Netherlands. — Washington, August 21st, 1924.

Agreements between the Allied Governments, the German Government and the Reparation Commission. — London, August 30th, 1924.

Treaty of Commerce and Navigation between Denmark and Latvia. — Riga, November 3rd, 1924.

Treaty of Commerce and Navigation between Germany and Great Britain. — London, December 2nd, 1924.

Commercial Convention between Latvia and Switzerland. — Berlin, December 4th, 1924.

Commercial Convention between Hungary and the Netherlands. — The Hague, December 9th, 1924.

Exchange of Notes between the Greek and Polish Governments constituting a provisional commercial Convention. — Warsaw, April 17th, 1925.

Treaty of Friendship, Commerce and Navigation between the Netherlands and Siam. — The Hague, June 8th, 1925.

Treaty of Commerce and Navigation between the United Kingdom and Siam. — London, July 14th, 1925.

Treaty of Friendship, Commerce and Navigation between Denmark and Siam. — Copenhagen, September 1st, 1925.

Commercial Convention between Esthonia and Switzerland. — Berne, October 14th, 1925.

Protocol annexed to the Customs and Credit Treaty between Germany and the Netherlands. — Berlin, November 26th, 1925.

Convention for the prevention of smuggling of Intoxicating Liquors between the United States of America and Cuba. — Havana, March 4th, 1926.

Commercial Convention between Greece and the Netherlands. — Athens, May 12th, 1926.

Treaty of Commerce and Navigation between Great Britain and Greece. — London, July 16th, 1926.

Treaty of Friendship, Commerce and Navigation between Norway and Siam. — Oslo, July 16th, 1926.

Treaty of Commerce between Haiti and the Netherlands.— Port-au-Prince, September 7th, 1926.

Treaty of Commerce and Navigation between Esthonia and Belgium and Luxemburg. — Brussels, September 28th, 1926.

Treaty carrying into effect the Customs Union between Esthonia and Latvia. — Riga, February 5th, 1927.

F. — *Various Instruments and Conventions concerning transit, navigable waterways and communications generally.*

In addition to the instruments mentioned below, it should be observed that all the peace treaties (enumerated in category A above) contain clauses of this nature, in connection with which provision is made for the jurisdiction of the Court.

Communica-
tions and
Transit, etc.

Convention and Statute on freedom of transit¹. — Barcelona, April 20th, 1921.

Convention and Statute on navigable waterways of international concern. — Barcelona, April 20th, 1921.

Convention on the statute of the Danube. — Paris, July 23rd, 1921.

Convention between Denmark and Norway concerning aerial navigation. — Copenhagen, July 27th, 1921.

Agreement for the regulation of international railway traffic. — Portorose, November 23rd, 1921.

Statute of navigation of the Elbe. — Dresden, February 22nd, 1922.

Convention between Norway and Sweden concerning aerial navigation. — Stockholm, May 26th, 1923.

Convention and Statute on the international régime of railways¹. — Geneva, December 9th, 1923.

Convention and Statute on the international régime of maritime ports¹. — Geneva, December 9th, 1923.

Convention relating to the transmission in transit of Electric Power.¹ — Geneva, December 9th, 1923.

Convention relating to the development of hydraulic Power affecting more than one State. — Geneva, December 9th, 1923.

Convention concerning the hydraulic system between Hungary and Roumania. — Bucharest, April 14th, 1924.

Convention of Memel. — Paris, May 8th, 1924.

Convention concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki) between Finland and Norway. — Oslo, February 14th, 1925.

Convention concerning the floating of timber on the Pasvik (Patsjoki) between Finland and Norway. — Oslo, February 14th, 1925.

¹ Already mentioned in the list of general international agreements; see page 44.

G. — *Treaties of Arbitration and Conciliation.*

- These Treaties, which affect twenty-eight Powers, are as follows : Treaties of Arbitration and Conciliation.
- General Treaty of Compulsory Arbitration between Uruguay and Venezuela. — Montevideo, February 28th, 1923.
- Agreement relating to arbitration between Austria and Hungary. — Budapest, April 10th, 1923.
- Agreement for the renewal of the Arbitration Convention between the United States of America and the British Empire. — Exchange of letters. — Washington, June 23rd, 1923.
- Agreement for the renewal of the Arbitration Convention between the United States of America and France. — Exchange of letters. — Washington, July 19th, 1923.
- Agreement for the renewal of the Arbitration Convention between the United States of America and Japan. — Exchange of letters. — Washington, August 23rd, 1923.
- Agreement further extending the duration of the Arbitration Convention between the United States of America and Portugal. — Exchange of Notes. — Washington, September 5th, 1923.
- Agreement for the renewal of the Arbitration Convention between the United States of America and Norway. — Exchange of letters. — Washington, November 26th, 1923.
- Agreement for the renewal of the Arbitration Convention between the United States of America and the Netherlands. — Exchange of letters. — Washington, February 13th, 1924.
- Treaty of Conciliation between Sweden and Switzerland. — Stockholm, June 2nd, 1924.
- Treaty of Conciliation between Denmark and Zwitterland. — Copenhagen, June 6th, 1924.
- Arbitration Convention between the United States of America and Sweden. — Exchange of Notes. — Washington, June 24th, 1924.

- Treaty of Conciliation and Arbitration between Hungary and Switzerland. — Budapest, June 18th, 1924.
- Treaty concerning the judicial settlement of disputes arising between Brazil and Switzerland. — Rio de Janeiro, June 23rd, 1924.
- Conciliation Convention between Denmark and Sweden. — Stockholm, June 27th, 1924.
- Conciliation Convention between Denmark and Norway. — Stockholm, June 27th, 1924.
- Conciliation Convention between Denmark and Finland. — Stockholm, June 27th, 1924.
- Conciliation Convention between Finland and Norway. — Stockholm, June 27th, 1924.
- Conciliation Convention between Finland and Sweden. — Stockholm, June 27th, 1924.
- Conciliation Convention between Norway and Sweden. — Stockholm, June 27th, 1924.
- Treaty of Arbitration and Conciliation between Germany and Sweden. — Exchange of letters. — Berlin, August 29th, 1924.
- Treaty of Conciliation and Judicial Settlement between Italy and Switzerland. — Rome, September 20th, 1924.
- Treaty of Conciliation between Austria and Switzerland. — Vienna, October 11th, 1924.
- Agreement for the renewal of the Arbitration Convention between Great Britain and Sweden. — London, November 9th, 1924.
- Treaty of Judicial Settlement between Japan and Switzerland. — Tokio, December 26th, 1924.
- Conciliation and Arbitration Convention between Esthonia, Finland, Latvia and Poland. — Helsingfors, January 17th, 1925.
- Treaty of Conciliation and Judicial Settlement between Belgium and Switzerland. — Brussels, February 13th, 1925.
- Treaty of Conciliation and Arbitration between Poland and Switzerland. — Berne, March 7th, 1925.

- Conciliation Convention between Latvia and Sweden. — Riga, March 28th, 1925.
- Treaty of Conciliation and Compulsory Arbitration between France and Switzerland. — Paris, April 6th, 1925.
- Treaty of Conciliation and Arbitration between Poland and Czechoslovakia. — Warsaw, April 23rd, 1925.
- Agreement for the renewal of the Arbitration Convention between Great Britain and Norway. — London, May 13th, 1925.
- Agreement for the renewal of the Arbitration Convention between Great Britain and the Netherlands. — London, July 12th, 1925.
- Treaty of Conciliation between Norway and Switzerland. — Oslo, August 21st, 1925.
- Treaty of Conciliation and Judicial Settlement between Greece and Switzerland. — Geneva, September 21st, 1925.
- Arbitration Convention between Germany and Belgium. — Locarno, October 16th, 1925.
- Arbitration Convention between Germany and France. — Locarno, October 16th, 1925.
- Treaty of Arbitration between Germany and Poland. — Locarno, October 16th, 1925.
- Treaty of Arbitration between Germany and Czechoslovakia. — Locarno, October 16th, 1925.
- Exchange of Notes prolonging and interpreting the Arbitration Convention of October 26th, 1905, between Norway and Sweden. — Stockholm, October 23rd, 1925.
- Convention for the peaceful settlement of disputes between Norway and Sweden. — Oslo, November 25th, 1925.
- Arbitration Convention between Great Britain and Siam. — London, November 25th, 1925.
- Treaty of Conciliation between the Netherlands and Switzerland. — The Hague, December 12th, 1925.
-

- Convention for the Pacific Settlement of disputes between Denmark and Sweden. — Stockholm, January 14th, 1926.
- Convention for the Pacific Settlement of disputes between Denmark and Norway. — Copenhagen, January 15th, 1926.
- Treaty of Compulsory Conciliation, Judicial Settlement and Arbitration between Roumania and Switzerland. — Berne, February 3rd, 1926.
- Convention for the Pacific Settlement of disputes between Finland and Norway. — Helsingfors, February 3rd, 1926.
- Arbitration Convention between the United States of America and Liberia. — Exchange of Notes. — Monrovia, February 10th, 1926.
- Treaty of Conciliation and Arbitration between Austria and Poland. — Vienna, April 16th, 1926.
- Convention renewing the Arbitration Convention between Denmark and Great Britain. — London, June 4th, 1926.
- Convention between Great Britain and Iceland renewing, as far as Iceland is concerned, the Anglo-Danish Arbitration Convention. — London, June 4th, 1926.
- Convention for the Pacific Settlement of disputes between France and Roumania. — Paris, June 10th, 1926.
- Treaty of Conciliation between Esthonia and Denmark. — Tallinn, December 18th, 1926.
- Agreement renewing the Arbitration Convention between Great Britain and Portugal. — London, January 4th, 1927.
- Treaty of Friendship, Conciliation and Arbitration (and attached Protocol) between Hungary and Italy. — Rome, April 5th, 1927.

TABLE IN CHRONOLOGICAL ORDER OF INSTRUMENTS
GOVERNING THE COURT'S JURISDICTION¹.

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919.				D²	
June 28th	Versailles	Treaty of Peace	Allied and Associated Powers and Germany	No. 5	II
June 28th	Versailles	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Poland	,,	I2
Sept. 10th	Saint-Germain-en-Laye	Treaty of Peace	Allied and Associated Powers and Austria	,,	I3
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and the Kingdom of the Serbs, Croats and Slovenes	,,	I4
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Czechoslovakia	,,	I5
Sept. 10th	Paris	Convention for the control of the trade in arms and ammunition	Collective Treaty	,,	I6

¹ The relevant clauses of these instruments are reproduced either in the *Collection of Texts governing the jurisdiction of the Court*, third edition (Publications of Court, Series D., No. 5) or in Chapter X of this volume which constitutes the first addendum to the third edition of that Collection. The two last columns of the present list indicate the volume in which each instrument is mentioned and the number which it bears in that volume.

² The abbreviation D., No. 5, means: The *Collection of Texts governing the jurisdiction of the Court* (third edition). The abbreviation E., No. 3, means: *Third Annual Report of the Court* (June 15th, 1926 - June 15th, 1927), i.e. the present volume; the texts will be found in Chapter X.

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919					
<i>(Cont.)</i>					
Sept.	10th	Saint-Germain-en-Laye	Convention relating to the liquor traffic in Africa	Belgium, British Empire, France, Italy, Japan, Portugal, United States of America	D No. 5 17
Oct.	13th	Paris	Convention for the regulation of air navigation	Collective Treaty	„ 18
Nov.	27th	Neuilly-sur-Seine	Treaty of Peace	Allied and Associated Powers and Bulgaria	„ 19
Nov.	28th	Washington	Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	Collective Treaty	„ 20
Nov.	28th	Washington	Convention concerning unemployment	Collective Treaty	„ 21
Nov.	28th	Washington	Convention concerning night work of women	Collective Treaty	„ 22
Nov.	28th	Washington	Convention fixing the minimum age for admission of children to industrial employment	Collective Treaty	„ 23

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919 (<i>Cont.</i>).				D	
Nov. 28th	Washington	Convention concerning the night work of young persons employed in industry	Collective Treaty	No. 5	24
Nov. 29th	Washington	Convention concerning employment of women before and after childbirth	Collective Treaty	„	25
Dec. 9th	Paris	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Roumania	„	26
1920.					
June 4th	Trianon	Treaty of Peace	Allied and Associated Powers and Hungary	„	27
July 9th	Genoa	Convention fixing the minimum age for admission of children to employment at sea	Collective Treaty	„	28
July 9th	Genoa	Convention concerning unemployment indemnity in case of loss or foundering of the ship	Collective Treaty	„	29

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 <i>(Cont.)</i>					D	
July	10th	Genoa	Convention for establishing facilities for finding employment for seamen	Collective Treaty	No. 5	30
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Greece	„	31
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied Powers and Armenia	„	32
Nov.	9th	Paris	Convention	Poland and the Free City of Danzig	„	33
Dec.	17th	Geneva	Mandate for German South-West Africa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Union of South Africa	„	34
Dec.	17th	Geneva	Mandate for German Samoa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Dominion of New Zealand	„	35
Dec.	17th	Geneva	Mandate for Nauru	Conferred on His Britannic Majesty	„	36

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920					
<i>(Cont.)</i>					
Dec. 17th	Geneva	Mandate for the German possessions in the Pacific Ocean situated south of the Equator other than German Samoa and Nauru	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Commonwealth of Australia	D No. 5	37
Dec. 17th	Geneva	Mandate for the former German Colonies in the Pacific Ocean situated north of the Equator	Conferred on His Majesty the Emperor of Japan	„	38
1921.					
April 20th	Barcelona	Convention and Statute on freedom of transit	Collective Treaty	„	39
April 20th	Barcelona	Convention and Statute on the régime of navigable waterways of international concern	Collective Treaty	„	40
June 24th	Geneva	Agreement in regard to the Aaland Islands	Finland and Sweden	„	41

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920					
<i>(Cont.)</i>					
July	23rd	Paris	Convention on the Statute of the Danube	Austria, Belgium, Bulgaria, Czechoslovakia, France, Germany, Great Britain, Greece, Hungary, Italy, Kingdom of the Serbs, Croats and Slovenes, Roumania	D No. 5 42
July	27th	Copenhagen	Convention on air navigation	Denmark and Norway	„ 43
Oct.	2nd	Geneva	Declaration made before the Council of the League of Nations in regard to the protection of minorities in Albania	Albania	„ 44
Oct.	29th	Helsingfors	Treaty of commerce and navigation	Esthonia and Finland	„ 45
Nov.	11th	Geneva	Convention concerning the compulsory medical examination of children and young persons employed at sea	Collective Treaty	„ 46

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921 <i>(Cont.)</i>				D	
Nov. 11th	Geneva	Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers	Collective Treaty	No. 5	47
Nov. 12th	Geneva	Convention concerning workmen's compensation in agriculture	Collective Treaty	„	48
Nov. 12th	Geneva	Convention concerning the rights of association and combination of agricultural workers	Collective Treaty	„	49
Nov. 16th	Geneva	Convention relating to the age at which children are to be admitted to agricultural work	Collective Treaty	„	50
Nov. 17th	Geneva	Convention concerning the application of the weekly rest in industrial undertakings	Collective Treaty	„	51
Nov. 19th	Geneva	Convention concerning the use of white lead in painting	Collective Treaty	„	52

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.	
1922						
<i>(Cont.)</i>						
Nov.	23rd	Portorose	Agreement for the regulation of international railway traffic	Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes	D No. 5	53
Dec.	16th	Prague	Political Agreement	Austria and Czechoslovakia	„	54
1922.						
Feb.	22nd	Dresden	Convention instituting the Statute of navigation of the Elbe	Belgium, Czechoslovakia, France, Germany, Great Britain, Italy	„	55
March	17th	Warsaw	Political Convention	Esthonia, Finland, Latvia, Poland	„	56
May	12th	Geneva	Declaration before the Council of the League of Nations concerning the protection of minorities in Lithuania	Lithuania	„	57
May	15th	Geneva	Agreement with reference to Upper Silesia	Germany and Poland	„	58

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (<i>Cont.</i>).				D	
June	26th	Warsaw	Commercial Convention	Switzerland and Poland	No. 5 59
July	20th	London	Mandate for East Africa	Conferred on His Majesty the King of the Belgians	„ 60
July	20th	London	Mandate for East Africa	Conferred on His Britannic Majesty	„ 61
July	20th	London	Mandate for the Cameroons	Conferred on His Britannic Majesty	„ 62
July	20th	London	Mandate for the Cameroons	Conferred on the French Republic	„ 63
July	20th	London	Mandate for Togoland	Conferred on His Britannic Majesty	„ 64
July	20th	London	Mandate for Togoland	Conferred on the French Republic	„ 65
July	24th	London	Mandate for Palestine	Conferred on His Britannic Majesty	„ 66
July	24th	London	Mandate for Syria and Lebanon	Conferred on the French Republic	„ 67
Oct.	4th	Geneva	Protocols Nos. II and III relating to the restoration of Austria	Austria, British Empire, Czechoslovakia, France, Italy	„ 68-69
Oct.	7th	Prague	Commercial Treaty	Czechoslovakia and Latvia	„ 70
Oct.	10th	Bagdad	Treaty of alliance	Great Britain and Iraq	„ 71

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (<i>Cont.</i>).				D	
Oct.	19th	Tallinn	Commercial Treaty	Esthonia and Hungary	No. 5 72
1923.					
Jan.	20th	The Hague	Commercial Convention	Czechoslovakia and The Netherlands	„ 73
Feb.	28th	Montevideo	General compulsory Arbitration Treaty	Uruguay and Venezuela	„ 74
April	10th	Budapest	Agreement relating to arbitration	Austria and Hungary	„ 75
May	26th	Stockholm	Convention relating to air navigation	Norway and Sweden	„ 76
June	23rd	Washington	Agreement for the renewal of Arbitration Convention	British Empire and the United States of America	„ 77
July	7th	Geneva	Declaration to the Council of the League of Nations concerning the protection of minorities	Latvia	„ 78
July	19th	Washington	Agreement for the renewal of Arbitration Convention	France and the United States of America	„ 79

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
July 24th	Lausanne	Treaty of Peace	British Empire, France, Greece, Italy, Japan, Roumania, Turkey	D No. 5	80
July 24th	Lausanne	Declaration relating to the administration of justice	Turkey	„	81
July 24th	Lausanne	Convention relating to the compensation payable by Greece to Allied nationals	British Empire, France, Greece, Italy	„	82
Aug. 23rd	Washington	Agreement for the renewal of Arbitration Convention	Japan and the United States of America	„	83
Sept. 5th	Washington	Agreement extending the Arbitration Convention	United States of America and Portugal	E No. 3	170
Sept. 12th	Geneva	Convention for the suppression of the circulation of and traffic in obscene publications	Collective Treaty	D No. 5	84
Sept. 17th	Geneva	Resolution of the Council of the League of Nations relating to the protection of minorities in Esthonia	—	„	85

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923 (Cont.).					D	
Nov.	1st	Tallinn	Treaty of defensive alliance	Esthonia and Latvia	No. 5	86
Nov.	1st	Tallinn	Preliminary Treaty for Economic and Customs Union	Esthonia and Latvia	No. 3	171
Nov.	3rd	Geneva	International Convention for the simplification of customs formalities	Collective Treaty	No. 5	87
Nov.	19th	Riga	Treaty of commerce and navigation	Hungary and Latvia	„	88
Nov.	26th	Washington	Agreement for the renewal of Arbitration Convention	Norway and the United States of America	„	89
Dec.	9th	Geneva	Convention and Statute on the international régime of railways	Collective Treaty	„	90
Dec.	9th	Geneva	Convention and Statute on the international régime of maritime ports	Collective Treaty	„	91
Dec.	9th	Geneva	Convention relating to the transmission in transit of electric power	Collective Treaty	„	92

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Dec.	9th	Geneva	Convention relating to the development of hydraulic power	Collective Treaty	D No. 5 93
Dec.	18th	Paris	Convention regarding the organization of the Statute of the Tangier Zone	British Empire, France, Spain	„ 94
1924.					
Jan.	25th	Paris	Treaty of alliance and friendship	Czechoslovakia and France	„ 95
Feb.	13th	Washington	Agreement for the renewal of Arbitration Convention	The Netherlands and the United States of America	„ 96
March	14th	Geneva	Protocol No. II relating to the financial reconstruction of Hungary	Hungary	„ 97
April	14th	Bucharest	Convention concerning the Hydraulic System of the Coterminous Territories and the dissolution of the Floods Protection Associations, divided by the Frontier	Hungary and Roumania	E No. 3 172

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.).					D	
April	28th	Oslo	Convention relating to the frontier between Finland and Petsamo	Finland and Norway	No. 5	98
May	8th	Paris	Convention relating to the transfer of the Memel territory	British Empire, France, Italy, Japan, Lithuania	„	99
May	30th	Warsaw	Treaty of commerce and navigation	The Netherlands and Poland	„	100
June	2nd	Stockholm	Treaty of conciliation	Sweden and Switzerland	„	101
June	6th	Copenhagen	Treaty of conciliation	Denmark and Switzerland	„	102
June	10th	Kovno	Exchange of notes constituting a provisional arrangement with regard to commerce and navigation	Lithuania and The Netherlands	„	103
June	18th	Budapest	Treaty of conciliation and arbitration	Hungary and Switzerland	„	104
June	23rd	Rio de Janeiro	Treaty concerning the judicial settlement of disputes	Brazil and Switzerland	„	105

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.).</i>					
June 24th	Washington	Arbitration Convention	United States of America and Sweden	E No. 3	173
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Sweden	D No. 5	106
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Norway	„	107
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Finland	„	108
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Norway	E No. 3	174
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Sweden	„	175

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.).					
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	Norway and Sweden	E No. 3 176
July	2nd	Riga	Treaty of commerce	Latvia and The Netherlands	D No. 5 109
July	9th	Copenhagen	Convention concerning Eastern Greenland	Denmark and Norway	„ 110
July	22nd	Tallinn	Provisional Commercial Treaty	Esthonia and The Netherlands	„ 111
Aug.	14th	Oslo	Treaty of commerce and navigation	Latvia and Norway	„ 112
Aug.	21st	Washington	Convention respecting the regulation of the liquor traffic	The Netherlands and the United States of America	„ 113
Aug.	29th	Berlin	Arbitration and Conciliation Treaty	Germany and Sweden	„ 114
Aug.	30th	London	Agreement relating to the arrangement of August 9th, 1924, between the German Government and the Reparation Commission	Allied Governments and German Government	„ 115

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.).					
Aug. 30th	London	Agreement	Allied Governments and German Government	D No. 5	116
Aug. 30th	London	Agreement	Allied Governments	„	117
Sept. 20th	Rome	Treaty of conciliation and judicial settlement	Italy and Switzerland	„	118
Sept. 27th	Geneva	Decision of the Council of the League of Nations relating to the application to Iraq of the principles of Article 22 of the Covenant (British Mandate for Iraq)	British Empire	„	119
Oct. 2nd	Geneva	Resolutions relating to the pacific settlement of international disputes adopted by the 5th Assembly of the League of Nations	—	„	120
Oct. 11th	Vienna	Treaty of conciliation	Austria and Switzerland	„	121

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.)</i>					
Nov.	3rd	Riga	Treaty of commerce and navigation	Denmark and Latvia	D No. 5 122
Nov.	9th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Sweden	„ 123
Dec.	2nd	London	Treaty of commerce and navigation	Germany and Great Britain	„ 124
Dec.	4th	Berlin	Commercial Convention	Latvia and Switzerland	„ 125
Dec.	9th	The Hague	Treaty of commerce	Hungary and The Netherlands	„ 126
Dec.	26th	Tokio	Treaty of judicial settlement	Japan and Switzerland	„ 127
1925.					
Jan.	17th	Helsingfors	Conciliation and Arbitration Convention	Esthonia, Finland, Latvia, Poland	„ 128
Feb.	13th	Brussels	Treaty of conciliation and judicial settlement	Belgium and Switzerland	„ 129
Feb.	14th	Oslo	Convention concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki)	Finland and Norway	E No. 3 177

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					E	
Feb.	14th	Oslo	Convention concerning the floating of timber on the Pasvik (Patsjoki)	Finland and Norway	No. 3	178
Feb.	14th	Paris	Treaty of friendship, commerce and navigation	France and Siam	No. 5	130
Feb.	19th	Geneva	Convention concerning opium	Collective Treaty	„	131
March	7th	Berne	Treaty of conciliation and arbitration	Poland and Switzerland	„	132
March	28th	Riga	Conciliation Convention	Latvia and Sweden	„	133
April	6th	Paris	Treaty of conciliation and of compulsory arbitration	France and Switzerland	„	134
April	17th	Warsaw	Exchange of notes constituting a provisional commercial Convention	Greece and Poland	„	135
April	23rd	Warsaw	Treaty of conciliation and arbitration	Czechoslovakia and Poland	„	136
May	13th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Norway	„	137

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					D	
May	29th	Tallinn	Treaty of conciliation	Esthonia and Sweden	No. 5	138
June	5th	Geneva	Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	Collective Treaty	„	139
June	8th	Geneva	Convention relating to night work in bakeries	Collective Treaty	„	140
June	8th	The Hague	Treaty of friendship, commerce and navigation	The Netherlands and Siam	„	141
June	10th	Geneva	Convention concerning workmen's compensation for accidents	Collective Treaty	„	142
June	10th	Geneva	Convention concerning workmen's compensation for occupational diseases	Collective Treaty	„	143
June	11th	Kovno	Treaty of conciliation	Lithuania and Sweden	„	144
June	17th	Geneva	Convention concerning the supervision of the in-	Collective Treaty	„	145

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925					
<i>(Cont.)</i>					
Oct.	16th	Locarno	Arbitration Treaty	Czechoslovakia and Germany	D No. 5 152
Oct.	23rd	Stockholm	Exchange of notes prolonging and interpreting the Arbitration Convention of October 26th, 1905	Norway and Sweden	„ 153
Nov.	25th	Oslo	Convention for the pacific settlement of disputes	Norway and Sweden	„ 154
Nov.	25th	London	Arbitration Convention	Great Britain and Siam	E No. 3 182
Nov.	26th	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	„ 183
Dec.	12th	The Hague	Treaty of conciliation	Switzerland and The Netherlands	D No. 5 155
1926.					
Jan.	2nd	Prague	Treaty of conciliation and arbitration	Czechoslovakia and Sweden	„ 156
Jan.	14th	Stockholm	Convention for the pacific settlement of disputes	Denmark and Sweden	E No. 3 184
Jan.	15th	Copenhagen	Convention for the pacific settlement of disputes	Denmark and Norway	„ 185

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926						
<i>(Cont.)</i>						
Jan.	29th	Helsingfors	Treaty for the pacific settlement of disputes	Finland and Sweden	D No. 5	157
Jan.	30th	Helsingfors	Arbitration Treaty	Denmark and Finland	„	158
Feb.	3rd	Berne	Treaty of compulsory conciliation, of judicial settlement and of arbitration	Roumania and Switzerland	„	159
Feb.	3rd	Helsingfors	Convention for the pacific settlement of disputes	Finland and Norway	E No. 3	186
Feb.	10th	Monrovia	Arbitration Convention	United States of America and Liberia	„	187
March	4th	Havana	Convention for prevention of smuggling of intoxicating liquors	United States of America and Cuba	„	188
March	5th	Vienna	Treaty of conciliation and arbitration	Austria and Czechoslovakia	D No. 5	160
April	16th	Vienna	Treaty of conciliation and arbitration	Austria and Poland	E No. 3	189
April	20th	Madrid	Treaty of conciliation and arbitration	Spain and Switzerland	D No. 5	161

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926					
<i>(Cont.)</i>					
April	23rd	Copenhagen	Treaty of conciliation and arbitration	Denmark and Poland	D No. 5 162
May	12th	Athens	Commercial Convention	Greece and The Netherlands	E No. 3 190
May	20th	The Hague	Treaty of arbitration and conciliation	Germany and The Netherlands	D No. 5 163
May	28th	Stockholm	Treaty of conciliation and arbitration	Austria and Sweden	„ 164
June	2nd	Berlin	Treaty of arbitration and conciliation	Denmark and Germany	„ 165
June	4th	London	Convention renewing the Arbitration Convention of October 25th, 1905	Denmark and Great Britain	E No. 3 191
June	4th	London	Convention renewing, as far as Iceland is concerned, the Anglo-Danish Arbitration Convention of October 25th, 1905	Great Britain and Iceland	„ 192

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926					
<i>(Cont.)</i>					
June	5th	Geneva	Convention for the simplification of the inspection of emigrants on board ship	Collective Treaty No. 5	D 166
June	10th	Paris	Convention for the pacific settlement of disputes	France and Roumania No. 3	E 193
June	23rd	Geneva	Convention concerning the repatriation of seamen	Collective Treaty No. 5	D 167
June	24th	Geneva	Convention concerning seamen's articles of agreement	Collective Treaty „	168
July	16th	London	Treaty of commerce and navigation	Great Britain and Greece No. 3	E 194
July	16th	Oslo	Treaty of friendship, commerce and navigation	Norway and Siam „	195
Aug.	7th	Madrid	Treaty of friendship and arbitration	Italy and Spain No. 5	D 169
Sept.	7th	Port-au-Prince	Treaty of commerce	Haiti and The Netherlands No. 3	E 196

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926					
<i>(Cont.).</i>					
Sept. 25th	Geneva	Convention regarding slavery	Collective Treaty	E No. 3	197
Sept. 28th	Brussels	Treaty of commerce and navigation	Esthonia and the Economic Union of Belgium and Luxemburg	„	198
Dec. 18th	Tallinn	Treaty of conciliation	Esthonia and Denmark	„	199
1927.					
Jan. 4th	London	Agreement renewing the Arbitration Convention	Great Britain and Portugal	„	200
Feb. 5th	Riga	Treaty carrying into effect the Customs Union	Esthonia and Latvia	„	201
April 5th	Rome	Treaty of friendship, conciliation and arbitration	Hungary and Italy	„	202

* * *

In addition to cases submitted by the Parties and matters specially provided for in treaties and conventions in force, the Court's jurisdiction extends to other disputes, first, under paragraphs 2 and 3 of Article 36 of the Statute, and, secondly, under the general declaration contemplated in paragraph 2 of the Resolution adopted by the Council on May 17th, 1922.

Jurisdiction in other disputes (compulsory jurisdiction).

The first of these provisions, namely paragraphs 2 and 3 of Article 36 of the Statute, is as follows:

Compulsory jurisdiction under the Optional Clause.

“The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the Protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning :

- (a) the interpretation of a treaty ;
- (b) any question of International Law ;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.”

The declaration in question is made by means of the signature of a special protocol annexed to the Statute of the Court and entitled “Optional Clause”. This Optional Clause is as follows :

“The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, under the following conditions :”

Below the Optional Clause is affixed the declaration in which the governments enumerate the conditions under which they recognize the Court's jurisdiction as compulsory.

The table given below indicates the names of the twenty-six States which have signed, or have renewed their adherence to, the Optional Clause, and gives the conditions of their acceptance or of their renewed adherence. The date on which declarations were affixed is entered on the table in those cases where it is known from documentary evidence. The text of declarations is reproduced on pages 73 *et seq.* of the *Collection of Texts governing the jurisdiction of the Court* (third edition; Series D., No. 5).

OPTIONAL CLAUSE.

List of signatories and ratifications.

States.	Date of signature.	Conditions.	Date of deposit of ratification (if any) ¹ .
Austria	March 14th, 1922 <i>Renewed</i> on Jan. 12th, 1927	Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from the date of de- posit of the in- strument of ra- tification).	March 13th, 1927
Belgium	Sept. 25th, 1925	Ratification. Reciprocity. 15 years. For any dispute arising after rati- fication relating to situations or facts subsequent to such ratification. Except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	March 10th, 1926
Brazil	Nov. 1st, 1921	Reciprocity. 5 years. On condition that compulsory juris- diction is accepted by at least two of the Powers perm- anently represent- ed on the Coun- cil of the League of Nations ² .	
Bulgaria	(1921) ³	Reciprocity.	Aug. 12th, 1921

¹ Ratification is not in point of fact required by the terms of the Optional Clause.

² Declaration contained in the instrument of ratification deposited at Geneva on November 1st, 1921.

³ Declaration reproduced in the *League of Nations, Treaty Series*, Vol. VI (1921), No. 170.

States.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
China	May 13th, 1922	Reciprocity. 5 years.	
Costa Rica	(Before January 28th, 1921) ¹	Reciprocity.	
Denmark	(Before January 28th, 1921) ¹ <i>Renewed on</i> Dec. 11th, 1925	Ratification. Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from June 13th, 1926).	June 13th, 1921 March 28th, 1926
Dominican Republic	Sept. 30th, 1924	Ratification. Reciprocity.	
Estonia	May 2nd, 1923	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
Ethiopia	July 12th, 1926	Reciprocity. 5 years. Future disputes in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement are excepted.	July 16th, 1926
Finland	(1921) ² <i>Renewed on</i> March 3rd, 1927	Ratification. Reciprocity. 5 years. Reciprocity. 10 years (from April 6th, 1927).	April 6th, 1922

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6. A., dated January 28th, 1921.

² Declaration reproduced in the *League of Nations, Treaty Series*, Vol. VI (1921), No. 170.

States.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
France	Oct. 2nd, 1924	Ratification. Reciprocity. 15 years. Other reservations ¹ .	
Guatemala	Dec. 17th, 1926	Ratification. Reciprocity.	
Haiti	(1921) ²	(Without conditions.)	
Latvia	Sept. 11th, 1923	Ratification. Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
Liberia	(1921) ²	Ratification. Reciprocity.	
Lithuania	Oct. 5th, 1921	5 years.	May 16th, 1922
Luxemburg	(1921) ²	Ratification. Reciprocity. 5 years.	

¹ The declaration of the French Government is as follows:

"I declare that the Government of the French Republic adheres to the optional clause of Article 36, paragraph 2, of the Statute of the Court, subject to ratification, and on condition of reciprocity, for a period of fifteen years, with the faculty of denunciation in the event of the Protocol of Arbitration, Security and Reduction of Armaments, signed this day, becoming ineffective, and also subject to the observations made in the First Committee of the Fifth Assembly to the effect that one of the Parties to a dispute may summon the other before the Council of the League of Nations, with a view to an attempt to effect a pacific settlement as provided in paragraph 3 of Article 15 of the Covenant and, during this attempt to settle the dispute by conciliation, neither Party may summon the other before the Court of Justice."

² Declaration reproduced in the *League of Nations, Treaty Series*, Vol. VI (1921), No. 170.

States.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Switzerland (<i>cont.</i>)	<i>Renewed</i> on March 1st, 1926	Ratification. Reciprocity. 10 years.	July 24th, 1926
Uruguay	(Before January 28th, 1921) ¹	Reciprocity.	Sept. 27th, 1921

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6. A., dated January 28th, 1921.

Briefly, the following is the situation :

A. *States which have signed the Optional Clause :*

Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Guatemala, Haiti, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, Salvador, Sweden, Switzerland, Uruguay.

B. *Amongst these the following States have signed, subject to ratification, which has subsequently taken place :*

Belgium, Denmark, Ethiopia, Finland, Norway, Switzerland.

C. *States which have signed without any condition as to ratification ¹ :*

Austria, Brazil ², Bulgaria, China, Costa Rica, Esthonia, Haiti, Lithuania, Netherlands, Panama, Portugal, Salvador, Sweden, Uruguay.

D. *States which have signed the Optional Clause without any condition as to ratification, but which have not ratified the Protocol of signature of the Statute :*

Costa Rica, Panama, Salvador.

E. *States which have signed subject to ratification which has not subsequently taken place :*

Dominican Republic, France, Guatemala, Latvia, Liberia, Luxemburg.

F. *States with regard to which the time limit for acceptance has expired :*

China (date of expiration.: May 13th, 1927) ³; Lithuania (date of expiration : May 16th, 1927).

¹ It should be observed that some of these States have ratified their declarations although such ratification was not required according to the terms of the Optional Clause.

² It should be observed that Brazil's pledge is made, *inter alia*, subject to the acceptance of compulsory jurisdiction by two at least of the Powers permanently represented on the Council of the League of Nations.

³ The Application instituting proceedings in the case between China and Belgium, based on the adherence by Belgium and China to the Optional Clause of the Statute of the Court, was filed at the Registry of the Court on November 25th, 1926. (See p. 125.)

A case has been submitted to the Court under the optional clause for compulsory jurisdiction: namely, the case of the denunciation of the Treaty of November 2nd, 1865, between China and Belgium, instituted by unilateral application at the instance of the Belgian Government on November 25th, 1926.

* * *

As has been stated above, there is another provision from which compulsory jurisdiction may arise: namely, the one embodied in paragraph 2 of the Resolution adopted by the Council on May 17th, 1922. This Resolution, taken by the Council in pursuance of the powers conferred upon it by paragraph 2 of Article 35 of the Statute of the Court¹, and reproduced in the First Annual Report on pages 142-144, contains the following paragraph:

Resolution adopted by the Council of the League of Nations on May 17th, 1922.

“2. Such declaration may be either particular or general.

A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen.

A general declaration is one accepting the jurisdiction generally in respect of all disputes, or of a particular class or classes of disputes which have already arisen or which may arise in the future.

A State making such a general declaration may accept the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, in conformity with Article 36 of the Statute of the Court; but such acceptance may not, without special convention, be relied upon *vis-à-vis* Members of the League or States mentioned in the Annex to the Covenant which have signed or may hereafter sign the “optional clause” provided for by the additional Protocol of December 16th, 1920.”

The Court has not yet been asked to consider cases in which its jurisdiction is founded on the general declaration contemplated in paragraph 2 of the Resolution of May 17th, 1922. But, on the

¹ This paragraph runs as follows:

“The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the Parties in a position of inequality before the Court.”

other hand, in the *Lotus* case, the Turkish Government, one of the Parties, has filed with the Registry of the Court, through the intermediary of its Chargé d'affaires at The Hague, a "particular" declaration, by which it has accepted the jurisdiction of the Court in this case. This declaration, which was dated at The Hague on January 24th, 1927, was made the subject of the notifications provided for in paragraph 3 of the Resolution.

* * *

Provisional
measures of
interim
protection.

Article 41 of the Statute empowers the Court to indicate, if it considers that the circumstances of a case so require, any provisional measures which ought to be taken to preserve the respective rights of either Party.

In the case of the denunciation by China of the Treaty between China and Belgium of November 2nd, 1865, instituted by application of the Belgian Government, dated at The Hague, November 25th, 1926, the Belgian Government in its application requested the Court to indicate any provisional measures which should be taken to preserve the rights which Belgium or her nationals might eventually be recognized as possessing. As a result of this request and after the receipt of the first document (Belgian Case) in the written proceedings, the President, on January 8th, 1927, issued an Order indicating measures of protection. On February 15th, 1927, a new Order, cancelling the first, was issued as the result of an agreement between the Belgian and Peking Governments, the conclusions of which had been intimated to the President by the Agents for the Belgian Government in the suit ¹.

* * *

Power to
determine its
own jurisdic-
tion.

The Court is competent to determine its own jurisdiction under the last paragraph of Article 36 of the Statute, which runs as follows :

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

In the Second Annual Report it is stated, at page 82, that the Court has had occasion to pass on its own jurisdiction on August

¹ See p. 125 for the statement of the circumstances relating to the institution of the case between Belgium and China and the Orders made by the President in this connection.

30th, 1924, in the Mavrommatis case, and on August 25th, 1925, in the suit concerning certain German interests in Polish Upper Silesia. It should be added that in the Chorzów (indemnities) case ¹ the Polish Government, Respondent, filed with the Registry of the Court on April 14th, 1927, a document bearing the title: "Preliminary Objection by the Polish Government and Preliminary Counter-Case" in which it pleads to the jurisdiction of the Court in the matter.

On the other hand, it is for the Court, at the request of any of the Parties, to construe a judgment which it has pronounced. This occurred in the Bulgaro-Greek case, relating to the construction of a provision in the Treaty of Neuilly. The Court's judgment was given on March 27th, 1925. Interpretation of judgments.

Finally, Article 61 of the Statute lays down that an application for the revision of a judgment can only be made, when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the Party claiming revision, provided always that such ignorance was not due to negligence. No request for revision has so far been submitted to the Court. Revision of judgments.

(2) *Jurisdiction* *ratione personæ*.

Only States or Members of the League of Nations can be Parties in cases before the Court ². The Statute makes a distinction between States, according to whether they are, on the one hand, Members of the League of Nations or mentioned in the Annex to the Covenant, or, on the other hand, outside the League of Nations ³.

A.—The Members of the League of Nations are, on June 15th, 1927 ⁴: Members of the League of Nations.

Albania	British Empire
Argentine Republic	Bulgaria
Australia	Canada
Austria	Chile
Belgium	China
Bolivia	Colombia
Brazil	Cuba

¹ See p. 123.

² Article 34 of the Statute.

³ " 35 " " " "

⁴ Communication from the Secretary-General of the League of Nations.

Czechoslovakia	Netherlands
Denmark	New Zealand
Dominican Republic	Nicaragua
Esthonia	Norway
Ethiopia	Panama
Finland	Paraguay
France	Peru
Germany	Persia
Greece	Poland
Guatemala	Portugal
Haiti	Salvador
Honduras	Roumania
Hungary	Serbs, Croats and Slovenes
India	(Kingdom of the—)
Irish Free State	Siam
Italy	South Africa
Japan	Spain
Latvia	Sweden
Liberia	Switzerland
Lithuania	Uruguay
Luxemburg	Venezuela

States mentioned in the Annex to the Covenant.

B.—The States mentioned in the Annex to the Covenant which do not belong to the League of Nations are :

Ecuador	United States of America
Hedjaz	

To the above-mentioned States the Court is open as of right and they have the right to sign the Protocol of December 16th, 1920, to which the Statute of the Court is attached.

The United States of America.

The Second Annual Report (pp. 84-87) enumerated the events which followed upon the Resolution of the Senate of the United States of America on January 27th, 1926, giving its favourable advice and consent to the adherence on the part of the United States to the Protocol of signature of the Statute of the Court (together with the Statute itself), upon certain conditions.

The Conference, to which the Council of the League of Nations had invited all the governments which had received copies from Washington of the Senate's Resolution, as well as the Government of the United States (which however did not accept the invitation),

to appoint representatives, assembled at Geneva on September 1st, 1926. The meetings of the Conference were brought to a conclusion by the drawing up of a Final Act, dated September 23rd, 1926, and by the formulation of certain conclusions intended to serve as the basis for the replies to be made by the governments to the communication from Washington, replies in which the signatory States would declare their views on the reservations and conditions made by the United States ; these conclusions refer to the reservations of the United States Senate as follows :

Reservation I.

It may be agreed that the adherence of the United States to the Protocol of December 16th, 1920, and the Statute of the Permanent Court of International Justice annexed thereto shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Peace of Versailles of June 28th, 1919.

Reservation II.

It may be agreed that the United States may participate, through representatives designated for the purpose and upon an equality with the other States, Members of the League of Nations, represented in the Council or in the Assembly, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice, or for the filling of vacancies.

Reservation III.

It may be agreed that the United States pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

Reservation IV.

A.—It may be agreed that the United States may at any time withdraw its adherence to the Protocol of December 16th, 1920.

In order to assure equality of treatment, it seems natural that the signatory States, acting together and by not less than a majority of two-thirds, should possess the corresponding right to withdraw their acceptance of the special conditions attached by the United States to its adherence to the said Protocol in the second part of the fourth reservation and in the fifth reservation. In this way the *status quo ante* could be re-established if it were found that the arrangement agreed upon was not yielding satisfactory results.

It is to be hoped, nevertheless, that no such withdrawal will be made without an attempt by a previous exchange of views to solve any difficulties which may arise.

B.—It may be agreed that the Statute of the Permanent Court of International Justice annexed to the Protocol of December 16th, 1920, shall not be amended without the consent of the United States.

Reservation V.

A.—In the matter of advisory opinions, and in the first place as regards the first part of the fifth reservation, the Government of the United States will, no doubt, have become aware, since the despatch of its letters to the various governments, of the provisions of Articles 73 and 74 of the Rules of Court as amended by the Court on July 31st, 1926 (Annex A). It is believed that these provisions are such as to give satisfaction to the United States, having been made by the Court in exercise of its powers under Article 30 of its Statute. Moreover, the signatory States might study with the United States the possible incorporation of certain stipulations of principle on this subject in a protocol of execution such as is set forth hereafter (Annex B), notably as regards the rendering of advisory opinions in public.

B.—The second part of the fifth reservation makes it convenient to distinguish between advisory opinions asked for in the case of a dispute to which the United States is a Party and that of advisory opinions asked for in the case of a dispute to which the United States is not a Party but in which it claims an interest, or in the case of a question, other than a dispute, in which the United States claims an interest.

As regards disputes to which the United States is a Party, it seems sufficient to refer to the jurisprudence of the Court, which has already had occasion to pronounce upon the matter of disputes between a Member of the League of Nations and a State not belonging to the League. This jurisprudence, as formulated in Advisory Opinion No. 5 (Eastern Carelia), given on July 23rd, 1923, seems to meet the desire of the United States.

As regard disputes to which the United States is not a Party but in which it claims an interest, and as regards questions, other than disputes, in which the United States claims an interest, the Conference understands the object of the United States to be to assure to itself a position of equality with States represented either on the Council or in the Assembly of the League of Nations. This principle should be agreed to. But the fifth reservation appears to rest upon the presumption that the adoption of a request for an advisory opinion by the Council or Assembly requires a unanimous vote. No such presumption, however, has so far been established. It is therefore impossible to say with certainty whether in some cases,

or possibly in all cases, a decision by a majority is not sufficient. In any event the United States should be guaranteed a position of equality in this respect; that is to say, in any case where a State represented on the Council or in the Assembly would possess the right of preventing, by opposition in either of these bodies, the adoption of a proposal to request an advisory opinion from the Court, the United States shall enjoy an equivalent right.

Great importance is attached by the Members of the League of Nations to the value of the advisory opinions which the Court may give as provided for in the Covenant. The Conference is confident that the Government of the United States entertains no desire to diminish the value of such opinions in connection with the functioning of the League of Nations. Yet the terms employed in the fifth reservation are of such a nature as to lend themselves to a possible interpretation which might have that effect. The Members of the League of Nations would exercise their rights in the Council and in the Assembly with full knowledge of the details of the situation which has necessitated a request for an advisory opinion, as well as with full appreciation of the responsibilities which a failure to reach a solution would involve for them under the Covenant of the League of Nations. A State which is exempt from the obligations and responsibilities of the Covenant would occupy a different position. It is for this reason that the procedure to be followed by a non-member State in connection with requests for advisory opinions is a matter of importance and in consequence it is desirable that the manner in which the consent provided for in the second part of the fifth reservation will be given should form the object of a supplementary agreement which would ensure that the peaceful settlement of future differences between Members of the League of Nations would not be made more difficult.

Moreover, observing that some of the United States' reservations would involve the conclusion of an appropriate agreement between the United States and the other States signatories to the Protocol of December 16th, 1920, the Conference annexed to its Final Act the following preliminary draft of a Protocol :

The States signatories of the Protocol of signature of the Permanent Court of International Justice, dated December 16th, 1920, and the United States of America, through the undersigned duly authorized representatives, have agreed upon the following provisions regarding the adherence by the United States of America to the said Protocol, subject to the five reservations formulated by the United States.

Article 1.

The United States shall be admitted to participate, through representatives designated for the purpose and upon an equality with the signatory States, Members of the League of Nations, represented in the Council or in the Assembly, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice, provided for in the Statute of the Court. The vote of the United States shall be counted in determining the absolute majority of votes required by the Statute.

Article 2.

No amendment of the Statute annexed to the Protocol of December 16th, 1920, may be made without the consent of all the contracting States.

Article 3.

The Court shall render advisory opinions in public session.

Article 4.

The manner in which the consent provided for in the second part of the fifth reservation is to be given, will be the subject of an understanding to be reached by the Government of the United States with the Council of the League of Nations.

The States signatories of the Protocol of December 16th, 1920, will be informed as soon as the understanding contemplated by the preceding paragraph has been reached.

Should the United States offer objection to an advisory opinion being given by the Court, at the request of the Council or the Assembly, concerning a dispute to which the United States is not a Party or concerning a question other than a dispute between States, the Court will attribute to such objection the same force and effect as attached to a vote against asking for the opinion given by a Member of the League of Nations either in the Assembly or in the Council.

Article 5.

Subject to the provisions of Article 7 below, the provisions of the present Protocol shall have the same force and effect as the provisions of the Statute annexed to the Protocol of December 16th, 1920.

Article 6.

The present Protocol shall be ratified. Each State shall forward the instrument of ratification to the Secretary-General of the League of Nations, who shall inform all the other signatory States. The instruments of ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The present Protocol shall come into force as soon as all the States which have ratified the Protocol of December 16th, 1920, including the United States, have deposited their ratifications.

Article 7.

The United States may at any time notify the Secretary-General of the League of Nations that it withdraws its adherence to the Protocol of December 16th, 1920. The Secretary-General shall immediately communicate this notification to all the other States signatories of the Protocol.

In such case the present Protocol shall cease to be in force as from the receipt by the Secretary-General of the notification by the United States.

On their part, each of the contracting States may at any time notify the Secretary-General of the League of Nations that it desires to withdraw its acceptance of the special conditions attached by the United States to its adherence to the Protocol of December 16th, 1920, in the second part of its fourth reservation and in its fifth reservation. The Secretary-General shall immediately give communication of this notification to each of the States signatories of the present Protocol. The present Protocol shall be considered as ceasing to be in force if and when, within one year from the receipt of the said notification, not less than two-thirds of the contracting States other than the United States shall have notified the Secretary-General of the League of Nations that they desire to withdraw the above-mentioned acceptance.

Article 8.

The present Protocol shall remain open for signature by any State which may in the future sign the Protocol of signature of December 16th, 1920.

Finally, the Conference recommended to all the States signatories of the Protocol that they should adopt the conclusions they had formulated and despatch their replies to the United States Government as soon as possible. Moreover, with this object in view, it directed its President to transmit to the governments of the States a draft letter of reply.

The Conference did not invite its members to inform the Secretariat-General of the League of Nations of the measures taken by it. It, therefore, follows that the Secretariat-General has no complete information on this subject. Three Governments, however, have informed it that they have written to the Washington Government in accordance with the terms suggested by the Conference. These Governments are: Great Britain, India and the Union of South Africa.

Other States
to which the
Court is open.

C.—As concerns States not Members of the League of Nations nor mentioned in the Annex to the Covenant, Article 35 of the Statute provides that the conditions under which the Court will be open to them are, subject to the special provisions of treaties in force¹, to be laid down by the Council ; but in no case will such provisions place the Parties in a position of inequality before the Court.

In accordance with this article, the Council, on May 17th, 1922, adopted a Resolution which now regulates this matter.

(See First Annual Report, p. 142 ; see also p. 88, above.)

The States neither Members of the League of Nations nor mentioned in the Annex to the Covenant, which have been notified by the Court of the Resolution of the Council to the effect that they are entitled to appear before it, are now as follows :

Afghanistan, Danzig (through the intermediary of Poland), Egypt, Georgia, Iceland, Liechtenstein, Mexico, Monaco, Russia, San Marino, Turkey.

Contribution
towards the
expenses of
the Court.

Paragraph 3 of Article 35 of the Statute of the Court provides that when a State which is not a Member of the League of Nations is a Party to the dispute, the Court will fix the amount which that Party is to contribute towards the expenses of the Court.

In the case of the *Wimbledon*, brought by unilateral application of the British, French, Italian and Japanese Governments and in which Germany was the respondent Party, the Court decided on September 13th, 1923, that no contribution should be exacted from the German Government.

During the case relating to certain German interests in Polish Upper Silesia, brought by unilateral application made by the German Government against the Polish Government, the Court decided on May 21st, 1926, to fix the amount payable by the German Government as a Party to the dispute at 35,000 florins.

It should be observed that in the *Lotus* case, brought by Special Agreement between the French and Turkish Governments, the

¹ The following passage of the report in regard to the Statute, adopted by the First Assembly of the League of Nations on December 13th, 1920, explains the clause analysed in the text: "The access of other States to the Court will depend either on the special provisions of the Treaties in force (for example, the provisions of the Treaties of Peace concerning the right of Minorities, labour, etc.) or else on a resolution of the Council."

Turkish Government, one of the Parties to the dispute and not a Member of the League of Nations, although entitled to appear before the Court, filed, on January 24th, 1927, a particular declaration as provided by the Resolution of the Council of the League of Nations, dated May 17th, 1922¹.

(3) *Channels of communications with governments.*

The following list indicates the channels to be used for direct communications from the Court destined for governments. Governments with which the Court is in touch but which do not appear in this list, have not furnished any indications².

America (United States of)	The Secretary of State, Washington.	Through the U.S. Legation at The Hague.
Australia	The Prime Minister of the Common- wealth of Australia, Melbourne.	
Austria	The Federal Chancel- lery Department for Foreign Affairs, Vienna.	
Belgium	The Minister for For- eign Affairs, Brus- sels.	
Brazil	The Ministry for For- eign Affairs.	Through the Brazilian Legation at The Hague.
Chile	The Ministry for For- eign Affairs, Santia- go.	
China	The Chinese Legation at The Hague.	

¹ For this Resolution see p. 89.

² This list has been brought up to date on June 15th, 1927.

Colombia	The Ministry for Foreign Affairs, Bogota.	
Czechoslovakia	The Minister for Foreign Affairs, Prague—Hrad.	
Danzig	The Polish Minister at The Hague.	
Denmark	The Danish Legation at The Hague.	In case of extreme urgency : The Minister for Foreign Affairs, Copen- hagen.
Esthonia	The Ministry for Foreign Affairs, Tallinn.	
Finland	The Finnish Chargé d'affaires at The Hague.	
France	The Ministry for Foreign Affairs, French Service for the League of Nations, Paris.	
Germany	The German Legation at The Hague.	
Great Britain	The Secretary of State for Foreign Affairs, Foreign Office, Whitehall, London, S.W.1.	
Greece	The Ministry for Foreign Affairs, Athens.	Copy to the Greek Chargé d'affaires at Berne.

Hungary	The Hungarian Chargé d'affaires, The Hague.	For communications under Article 44 of the Statute: The Royal Ministry of Justice, Budapest.
India	The India Office, Whitehall, London, S.W.1.	
Italy	Ministry for Foreign Affairs—League of Nations Section, Rome.	
Japan	The Minister for Foreign Affairs.	Through the Japanese Office for matters concerning the League of Nations, Paris.
Latvia	Ministry for Foreign Affairs, Riga.	
Liberia	The Liberian Secretary of State, Monrovia.	
Lithuania	The Minister for Foreign Affairs of the Lithuanian Republic, Kovno.	
Luxemburg	The Minister of State, President of the Grand-ducal Government, Luxemburg.	(By registered letter.)
Monaco	The Secretary of State, Director of the foreign relations and judicial administration of the Principality of Monaco.	

Netherlands	The Minister for Foreign Affairs, The Hague.	
New Zealand	The High Commissioner for New Zealand, New Zealand Government Offices, Strand, London, W.C.2	
Norway	The Ministry for Foreign Affairs, Oslo.	
Panama	The Ministry for Foreign Affairs, Panama.	
Persia	The Ministry for Foreign Affairs (3rd Section), Teheran.	
Poland	The Polish Minister at The Hague.	
Roumania	The Minister for Foreign Affairs, Bucharest.	Copy to the Roumanian Minister at The Hague, with the request to transmit it to Bucharest.
Salvador	The Ministry for Foreign Affairs, San Salvador.	
Serb-Croat-Slovene State	The Minister for Foreign Affairs, Belgrade.	
South Africa (Union of—)	The Prime Minister of the Union of South Africa, Capetown.	
Spain	The Ministry of State, Madrid.	

Sweden	The Swedish Minister at The Hague.	
Switzerland	The Swiss Legation at The Hague.	Communications such as notices of steps in judicial proceedings should be sent, by registered post, direct to the Federal Political Department at Berne.
Uruguay	The Minister for Foreign Affairs, Montevideo.	
Venezuela	The Venezuelan Legation at The Hague.	

In the cases of governments not appearing in the list above, the Court communicates with them either through their Legations at The Hague, or, where necessary, through their respective Ministries for Foreign Affairs.

II.

JURISDICTION AS AN ADVISORY BODY.

(See First Annual Report, pp. 148-150.)

The fifteen requests for advisory opinion which the Council has submitted to the Court may be divided into two categories: those really originating with the Council itself and those—much more numerous—submitted at the instigation or request of a State or international organization.

Amongst the former are to be included those mentioned on page 149 of the First Annual Report of the Court, as also the request regarding the interpretation of paragraph 2 of Article 3 of the Treaty of Lausanne concerning the frontier between Turkey and Iraq (the so-called Mosul question)¹.

Requests from the Council *proprio motu*.

¹ See Second Annual Report, p. 140.

Other
requests.

In the First Annual Report (pp. 149-150) the requests falling within the second category were indicated. The Second Annual Report (p. 92) mentioned that to these should be added that dated March 20th, 1926, in which the Council asked the Court to give an advisory opinion as to "the competence of the International Labour Organization to draw up and to propose labour legislation which, in order to protect certain classes of workers, also regulates incidentally the same work when performed by the employer himself". Since then a new request for an advisory opinion has been submitted to the Court, namely, the request forming the subject of a Resolution adopted by the Council of the League of Nations on December 9th, 1926, and relating to the jurisdiction of the European Commission of the Danube. The Council Resolution was adopted as the result of an arrangement, dated September 18th, 1926, between the French, British, Italian and Roumanian Governments, under which those Governments requested the Council to submit certain questions to the Court for its opinion; this Arrangement was transmitted to the Council under cover of a communication from the President of the Advisory and Technical Committee for Communications and Transit.

III.

OTHER ACTIVITIES.

On several occasions the Court or its President have been entrusted with certain missions—such, for instance, as the appointment of arbitrators or experts—either under an international legal instrument or under a private legal instrument.

In the synopsis, which precedes the third edition of the *Collection of Texts governing the jurisdiction of the Court*¹, have been mentioned the various appointments of arbitrators, members of commissions, etc., which the Court or its President have been or may be called upon to undertake under international instruments (arbitration conventions, commercial treaties, peace treaties, or special agreements).

(a) APPOINTMENTS BY THE COURT.

In the First and Second Annual Reports an account has been given of the circumstances in which the Court was called upon to

¹ Series D., No. 5, pp. 48 *et seq.*

nominate European Legal Counsellors in Turkey under the terms of the Declaration concerning the administration of justice in Turkey, signed by Ismet Pasha at Lausanne on July 24th, 1923, at the same time as the Treaty of Peace of Lausanne. Furthermore, under the Treaty of alliance and friendship between France and Czechoslovakia, signed at Paris on January 25th, 1924, the Court is entrusted in certain circumstances with the appointment of one or more arbitrators for the settlement of disputed questions which it has proved impossible to settle by friendly agreement or by diplomacy between the Governments of these two Powers. Again, the Treaty of commerce and navigation between Norway and Siam signed at Oslo on July 16th, 1926, entrusts to the Court, failing agreement between the High Contracting Parties, the choosing of one or more arbitrators who will be entrusted with the settlement of any dispute between them which has proved incapable of settlement by diplomacy.

(b) APPOINTMENTS BY THE PRESIDENT.

I.—*Under an instrument of public international law.*

The President of the Court is entrusted with the task of making certain appointments under various international instruments. These instruments are as follows :

Agreements for the pacific settlement of international disputes.

Appointment in certain circumstances of the President of an arbitration tribunal *ad hoc* :

The Convention of conciliation and arbitration between Esthonia, Finland, Latvia and Poland, signed at Helsingfors on January 17th, 1925.

Appointment in certain circumstances of Presidents of Conciliation Commissions :

The Treaty of conciliation between Sweden and Switzerland, of June 2nd, 1924 ;

The Treaty of conciliation between Denmark and Switzerland, of June 6th, 1924 ;

The Convention between Denmark and Sweden regarding the establishment of a Conciliation Commission, of June 27th, 1924 ;

Similar Conventions signed on the same date between Denmark and Norway, between Denmark and Finland, between Finland and Norway, between Finland and Sweden and between Norway and Sweden ;

The Convention of conciliation and arbitration between Esthonia, Finland, Latvia and Poland, of January 17th, 1925 ;

The Treaty of conciliation and judicial settlement between Belgium and Switzerland, of February 13th, 1925 ;

The Conciliation Convention between Latvia and Sweden, of March 28th, 1925 ;

The Treaty of conciliation between Esthonia and Sweden, of May 29th, 1925 ;

The Treaty of conciliation between Norway and Switzerland, of August 21st, 1925 ;

The Treaty of compulsory conciliation, judicial settlement and arbitration between Switzerland and Roumania, of February 3rd, 1926 ;

The Treaty of conciliation between Esthonia and Denmark, of December 18th, 1926.

It should be noted that most of the instruments above mentioned make provisions for the case where the President of the Court happens to be a national of one of the contracting States, and in this contingency, entrust the Vice-President of the Court with the task of making the appointments. Some of them also make provision for the case where the Vice-President is similarly placed, and lay down that in that case the eldest member of the Court, who is not a national of one of the contracting States, shall be called upon to make the appointments. (Cf. Article 13 of the Revised Rules of Court.)

It should also be noted that, in some cases, the President of the Court is entrusted with the appointment not only of the president of the commission, but also of the members to be jointly appointed by the Parties should these appointments not be effected within a certain time.

Treaties of commerce.

Appointment of the umpire upon arbitration tribunals *ad hoc* consisting of three members :

The Treaty of commerce and navigation between Denmark and Latvia, of November 3rd, 1924 ;

The Treaty of commerce between Latvia and Switzerland, of December 4th, 1924.

Appointment in certain circumstances of a third arbitrator :

The Treaty of commerce between Latvia and Czechoslovakia, of October 7th, 1922 ;

The Treaty of commerce between Esthonia and Hungary, of October 19th, 1922 ;

The preliminary Treaty for an Economic and Customs Union between Esthonia and Latvia, of November 1st, 1923 ;

The Treaty of commerce and navigation between Latvia and Hungary, of November 19th, 1923 ;

The Treaty of commerce and navigation between Latvia and Norway, of August 14th, 1924 ;

The Commercial Convention between Esthonia and Switzerland, of October 14th, 1925 ;

The Treaty of commerce and navigation between Esthonia and the Economic Union of Belgium and Luxemburg, of September 28th, 1926 ;

The Treaty carrying into effect the Customs Union between Esthonia and Latvia, of February 5th, 1927.

Appointment in certain circumstances of three of the arbitrators and of the president of an arbitral tribunal of five members :

The Customs and Credit Treaty between Germany and The Netherlands, of November 26th, 1925.

Treaties of peace and various conventions.

The appointment in certain circumstances of the presidents of the Mixed Arbitral Tribunals established between each of the Allied Powers and Turkey :

The Treaty of Peace signed at Lausanne on July 24th, 1923, between the British Empire, France, Italy, Japan, Greece and Roumania, on the one hand, and Turkey, on the other ;

The Convention signed at Lausanne on July 24th, 1923, between the British Empire, France and Italy, on the one hand, and Greece on the other.

Lastly, the group of Agreements and Arrangements signed at London on August 30th, 1924, between the Allied Governments and the German Government, entrusted to the Acting President of the Court the task of making a whole series of appointments, failing previous agreement between the Parties. Thus Clause 1 of the Agreement between the Allied Governments and the German Government, with regard to the Arrangement of August 9th, 1924, between the German Government and the Reparation Commission, provides for the appointment in certain circumstances of an umpire by the Acting President of the Court. Under Clause 5, paragraph 1, of the same Agreement, the President may, if necessary, be called upon to nominate three financial experts who will form a special arbitration tribunal. In two places in the London Agreements and Arrangements provision is also made for the collaboration in certain circumstances of the President of the Court for the constitution of arbitration commissions. Again, the appointment of a single arbitrator by the President of the Court is contemplated in Clause 5 of the Agreement between the Allied Governments and the German Government. Article 1 of the Arrangement between the Allied Governments entrusts to the President of the Court the task of appointing a citizen of the United States to take part in certain discussions of the Reparation Commission. Lastly, Clause 6 of the Agreement between the Allied Governments and the German Government provides for action by the President, in certain circumstances, with a view to the formation of a committee of three experts.

2.—*Under a contract of private law.*

Since June 15th, 1926, the President of the Court has received no further requests from private juristic persons for the appointment of experts or arbitrators of any kind.

(See Second Annual Report, pp. 95-96.)

* * *

It often happens that private individuals apply to the Court with the object of laying before it matters at issue between them and some government. They are generally claims for compensation for dispossession arising as a rule from the fact that the Applicants have lost their original national status and have not acquired another, and, for this reason, have met with a refusal, on the part of the courts to which they have applied, to entertain their claims. This situation has generally arisen in countries which have undergone territorial changes. The First Annual Report (p. 155) gave several examples indicating what is, as a general rule, the nature of such cases; in response to such applications the Registry invariably states that, under the terms of Article 34 of the Statute of the Court, "only States or Members of the League of Nations can be Parties in cases before the Court". Some further examples are given below¹:

Applications
from private
persons
against a
government.

The interested Party belongs to the category of persons (numbering 150) to whom Turkey, under the Protocol of July 24th, 1923, annexed to the Declaration relating to the amnesty signed at Lausanne on the same day, is entitled for political reasons to prohibit sojourn in and access to her territories, and whom Turkey may compel to liquidate their property and other goods in Turkey. He asks whether the Court would be competent to hear a suit regarding the liquidation of his property and the residence of his children in Turkey.

The interested persons are former municipal officials of a German Rhineland town. At the time of the separatist movement they, at the request of the separatists, continued to perform their duties. When the situation reverted to normal, they were dismissed without notice. They consider that they should benefit by the provisions relating to the amnesty included in the London Agreements of 1924. Having exhausted all means of obtaining redress through the German administrative tribunals, they ask whether the Court would be competent to deal with an application on the subject.

¹ The summaries reproduce the facts as stated in the applications received; the Registry takes no responsibility as to the correctness of the facts.

The interested person (a woman), of French nationality by birth, married a Greek who, however, before the marriage and before 1914 had become a naturalized French citizen. The husband and wife possessed a property in Turkey, whither they proceeded in 1918. According to the application, they were arrested by the authorities of the Turkish Republic which sequestered the property. Subsequently, according to the application, they were expelled as Greeks liable to exchange, in spite of the fact that their French nationality was recognized by the French and Greek authorities and by the Mixed Commission at Constantinople. It is stated that no indemnity was paid for the sequestered property. Subsidiarily the interested person maintains that at all events her personal property should have been exempt from seizure. She asks for judgment in accordance with her allegations.

The interested person was an official in a part of Hungary ceded at the conclusion of peace to one of the Succession States of the Dual Monarchy, the service of which he entered in the same capacity. After working for three years under the new régime, he was dismissed. His applications for a pension were refused by the authorities of both the States in question on the ground that the matter was not within their jurisdiction. He requests the Court to decide which of the two States should accept jurisdiction.

(*Note*: Claims more or less similar to the one described above are very numerous.)

The interested person is a retired Austrian officer, domiciled in one of the Succession States of the Dual Monarchy. His pension was at first regularly paid by this State, in accordance with the provisions of the Treaty of Saint-Germain. Later on, however, the amount was reduced to one quarter of the sum provided for. He asks what means of obtaining redress are open to him in this matter.

(*Note*: This case is also typical of a whole category of applications.)

The interested person, of Russian origin but domiciled in Germany, is the owner of pre-war Russian securities (bonds and shares). The payment of interest and dividends was suspended during the war. After the Peace of Brest-Litowsk, German holders of Russian securities were reimbursed, but not Russian holders. He asks what means of obtaining redress are open to him.

The interested person, of German nationality, the legal successor of a German who died during the revolutionary disturbances in Russia, tried to obtain possession of the succession through diplomatic channels, but his claim was refused on the ground that the laws of the U. S. S. R. did not recognize the right of inheritance. He asks the Court to declare international law to be applicable, to the exclusion of municipal law, and to award the succession to him.

The interested person, domiciled at Metz, obtained in 1924, from the French General commanding the troops at Düsseldorf, a decision to the effect that a considerable indemnity should be paid to him by the German authorities as compensation for material injuries suffered by him as the result of reprisals exercised against him. Being dissatisfied with the amount of the indemnity—which was made a charge upon a particular commune—the interested person wishes to make a further claim against the Reich.

(*Note*: This case is not the only one of its kind.)

The interested person, born in Germany of a German father and French mother, domiciled in France and married to a French-woman, was expelled in 1914 as being of no nationality. All his property was sequestered. He submits a claim for the restitution of his property and subsidiarily for damages.

(*Note*: This person no doubt comes within the category of those persons against whom is directed the measure for the sequestration in France of property belonging to individuals who, without having acquired French nationality, have lost German nationality—a very large category.)

The interested person (a woman), Swiss by birth, married a German of Alsace-Lorraine. The husband and wife were domiciled at Strasburg. After the armistice their property was sequestered by the French authorities. She asks the assistance of the Court in order to ascertain the amount realized at the sale of this property and to obtain the reimbursement of this amount by the Reich.

The interested person, an officer of the Russian Army, had been interned in a prisoners' camp in Germany but was subsequently exchanged as being disabled. On leaving Germany, he was deprived, in exchange for a receipt, of certain objects which, according to the statement of the customs authorities, he would be allowed to recover after the war. But the efforts which he made with this object met with a refusal based by the authorities on a certain clause of the Treaty of Rapallo. He demands restitution or compensation.

The interested person, a native of old Western Prussia, was in the German Army during the war but was made prisoner in Russia. He is now domiciled in Poland. His wife, who passed the whole period of the war in America, did not receive any war allotment from the German Government. He asks that the German Government should now be ordered to pay the arrears of allotments.

The interested person, of Belgian nationality, claims to be the lawful heir of a person of Dutch origin who died in Batavia in 1704. He asks whether, should the Dutch Courts, to which he will apply in the first case, not grant his claim, the Court would be competent to hear an action against the Dutch Government in the matter.

INTRODUCTION TO CHAPTERS IV AND V.

In accordance with Article 23 of the Statute, the Court holds a session annually beginning on June 15th. Furthermore, whenever circumstances require it, the President convenes an extraordinary session of the Court.

The First Annual Report gave the dates of the first seven sessions of the Court and enumerated and summarized the questions dealt with during those sessions. The Second Report does the same as regards the eighth, ninth and tenth sessions. The following table gives a list of the nineteen cases (seven judgments and twelve opinions) dealt with in the course of the first ten sessions, and it indicates the page of the Annual Report where each one has been summarized, the number of the Court's publications where the relevant documents have been printed, and, finally, it gives a summary of the main points which were considered.

The first ten sessions of the Court.

LIST OF JUDGMENTS AND OPINIONS GIVEN BY THE COURT
DURING ITS FIRST TEN SESSIONS.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Judgments.			
<i>Judgment No. 1:</i> The S.S. <i>Wimbledon</i> .	Series E., No. 1, p. 163	Admissibility of the suit.—Régime of the Kiel Canal; inland waterways and maritime canals; time of peace and of war; belligerents and neutrals.—Restrictive interpretation.—Neutrality and sovereignty. The right of intervention under Article 63 of the Court Statute.	Series A., No. 1; Series C., No. 3, vol. II and additional volume.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
<i>Judgment No. 2:</i> The Mavrommatis Concessions in Palestine (jurisdiction).	Series E., No. 1, p. 169	Nature of an objection to the jurisdiction of the Court.—Negotiations a condition precedent to legal proceedings.—The notion of “public control”.—International obligations accepted by the Mandatory.—What concessions are maintained by Protocol XII of Lausanne.—Retroactivity and considerations of form in international law.	Series A., No. 2; Series C., No. 5 ^I .
<i>Judgments Nos. 3 and 4:</i> Treaty of Neuilly, Article 179, Annex, paragraph 4, interpretation.	Series E., No. 1, p. 180	Extension of the application of paragraph 4 as regards persons and territory.—Relations between said paragraph and reparations.—Request for an interpretation under Article 60 of the Statute.	Series A., Nos. 3 and 4; Series C., No. 6 and additional volume.
<i>Judgment No. 5:</i> The Mavrommatis Concessions at Jerusalem (merits).	Series E., No. 1, p. 176	The conditions for the validity of the Mavrommatis Jerusalem Concessions.—A partial and transient violation of international obligations suffices to establish responsibility.—Indemnity not payable when no causal relation between violation and damage is proved.—Protocol XII: right to readaptation of valid concessions.	Series A., No. 5; Series C., No. 7 ^{II} .
<i>Judgment No. 6:</i> Certain German interests in Polish Upper Silesia (jurisdiction).	Series E., No. 2, p. 100	Diplomatic negotiations as a condition precedent to the institution of proceedings.—Interpretation of Article 23 of the Upper Silesian Convention.—	Series A., No. 6; Series C., No. 11,

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
<p><i>Judgment No. 7:</i> Certain German interests in Polish Upper Silesia (merits).</p>	<p>Series E., No. 2, p. 109</p>	<p>Power of the Court to base its judgment on objections upon elements belonging to the merits of the suit.—Its competence incidentally to construe for the same purpose instruments other than the convention relied upon.—Litispendency: The Court and the Mixed Arbitral Tribunals.—Notice of intention to expropriate constitutes a restriction on rights of ownership.</p> <p>The Court may give declaratory judgments.—Compatibility of the Polish law of July 14th, 1920, and the Upper Silesian Convention.—Derogations from the principle of respect for vested rights are in the nature of exceptions.—Right of Poland to avail herself of the Armistice Convention and the Protocol of Spa of December 1st, 1918.—Germany's capacity to alienate property after the Treaty of Versailles.</p> <p>Form of notice of expropriation.—Interpretation of Article 9 of the Upper Silesian Convention: the conception of "subsidence".—The conception of "control" in the Upper Silesian Convention.—Proofs of the acquisition of nationality.—For questions of liquidation, a municipality may be assimilated to a person.—The conception of domicile.</p>	<p>Vols. I, II and III.</p> <p>Series A., No. 7; Series C., No. 11, Vols. I, II and III.</p>

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Advisory Opinions.			
<i>Opinion No. 1:</i>			
The nomination of the workers' delegate for the Netherlands at the third session of the International Labour Conference.	Series E., No. 1, p. 185	International Labour Conferences.—Nomination of non-government delegates; duties of governments. Article 389, paragraph 3, of Treaty of Versailles.	Series B., No. 1; Series C., No. 1.
<i>Opinion No. 2:</i>			
Competence of the International Labour Organization in regard to agriculture.	Series E., No. 1, p. 189	International Labour Organization.—Its competence in regard to agriculture.—“Industry” (Part XIII, Treaty of Versailles) includes agriculture.—Sources for the interpretation of a text: the manner of its application and the work done in preparation of it.	Series B., Nos. 2 and 3; Series C., No. 1.
<i>Opinion No. 3:</i>			
Competence of the International Labour Organization in regard to agricultural production.	Series E., No. 1, p. 189	International Labour Organization.—Its competence in regard to production (agricultural or otherwise).	Series B., Nos. 2 and 3; Series C., No. 1.
<i>Opinion No. 4:</i>			
Nationality decrees in Tunis and Morocco.	Series E., No. 1, p. 195	Council of League of Nations.—Domestic jurisdiction of a Party to a dispute (Art. 15, para. 8, of Covenant).—Questions of nationality are in principle of domestic concern.—But a question which involves the inter-	Series B., No. 4; Series C., No. 2 and additional volume.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
<p><i>Opinion No. 5:</i> The Status of Eastern Carelia.</p>	<p>Series E., No. 1, p. 200</p>	<p>pretation of international instruments is not of domestic concern.</p> <p>Dispute between a Member and a non-Member of the League of Nations (Article 17 of the Covenant).—The consent of States as a condition for the legal settlement of a dispute.—Refusal by the Court to give an opinion for which it is asked.—Grounds for this refusal.</p>	<p>Series B., No. 5 ; Series C., No. 3, Vols. I and II.</p>
<p><i>Opinion No. 6:</i> German Settlers in Poland.</p>	<p>Series E., No. 1, p. 204</p>	<p>Council of the League of Nations.—Its competence in minority questions.—Private law contracts and State succession.—Determination of the date of the transfer of sovereignty over a ceded territory.—Polish Treaty of Minorities.—Treaty of Versailles, Article 256.</p>	<p>Series B., No. 6 ; Series C., No. 3, Vols. I, III^I and III^{II}.</p>
<p><i>Opinion No. 7:</i> Acquisition of Polish Nationality.</p>	<p>Series E., No. 1, p. 210</p>	<p>Council of the League of Nations.—Its competence under Minority Treaties.—Effect of the transfer of a territory upon the nationality of the inhabitants.—Conditions for the acquisition of nationality : origin, domicile (Treaty of Minorities with Poland, Article 4).</p>	<p>Series B., No. 7 ; Series C., No. 3, Vols. I, III^I and III^{II}.</p>

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
<i>Opinion No. 8:</i> Delimitation of the Polish and Czechoslovak frontiers. (The Jaworzina question.)	Series E., No. 1, p. 215	Conference of Ambassadors.—Contractual character of its decisions.—Its competence to interpret its decisions.—The fixing of a frontier line.—Powers of delimitation commissions.	Series B., No. 8; Series C., No. 4.
<i>Opinion No. 9:</i> Question of the Monastery of Saint-Naoum.	Series E., No. 1, p. 221 Series E., No. 2, p. 137	Conference of Ambassadors.—Definitive character of certain of its decisions.—Its competence to revise them.—Existence of a material error or new fact.	Series B., No. 9; Series C., No. 5, Vol. II.
<i>Opinion No. 10:</i> The Exchange of Greek and Turkish populations.	Series E., No. 1, p. 226	Establishment and domicile.—National legislation as a means for the interpretation of international instruments.—Mixed Commission: concurrent jurisdiction of national courts.	Series B., No. 10; Series C., No. 7, Vol. I.
<i>Opinion No. 11:</i> The Polish Postal Service at Danzig.	Series E., No. 1, p. 231 Series E., No. 2, p. 139	Final character of a decision under international law.—Binding effect of motives and of operative part of an award.—Relative value of the text of an award and the intention of the arbitrator.—Restrictive interpretation of a text: conditions.	Series B., No. 11; Series C., No. 8.
<i>Opinion No. 12:</i> Interpretation of Article 3, paragraph 2, of the Treaty of	Series E., No. 2, p. 140	Council of League of Nations.—Nature of its powers under Article 3 of Treaty of Lausanne: arbitral award, recom-	Series B., No. 12;

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Lausanne (Frontier between Turkey and Iraq—Mosul question).		mendation, mediation.—The common consent of the Parties, source of competence.—In case of doubt, decisions of Council, other than those on matters of procedure, must be unanimous (Art. 5 of Covenant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).	Series C., No. 10.

The eleventh (ordinary) session began on June 15th, 1926, and terminated on July 31st following. The list of cases for this session contained a request, dated March 20th, 1926, by which the Council of the League of Nations asked the Court to give an advisory opinion on the competence of the International Labour Organization with regard to regulating incidentally the personal work of the employer¹.

Eleventh session.

SYNOPSIS OF THE CASES IN THE LIST FOR THE TWELFTH SESSION.

In the list of cases for the twelfth session, which begins on June 15th, 1927, the following cases have been entered:

The twelfth session (June 15th, 1927).

1. The case of the competence of the European Commission of the Danube.
2. The *Lotus* case.
3. The Chorzów case, indemnities (jurisdiction).

On June 15th, 1927, the Court had before it two other cases, namely the case concerning the Chinese-Belgian Treaty of 1865, and that of the readaptation of the Mavrommatis Concessions. The latter case, in which the written proceedings could not be finished before the opening of the session, could not, therefore, under Article 28 of the Revised Rules of Court, be entered in the list for that session; a special decision of the Court to that effect will be required.

¹ See the summary of the case, p. 131. The acts and documents relating to the case have been reproduced in the volume: Series C., No. 12.

* * *

The case
between China
and Belgium.

The case between Belgium and China was submitted for a judgment by unilateral application from the Belgian Government, dated November 25th, 1926, at The Hague, and based upon the acceptance by the Applicant and by the Chinese Government, summoned before the Court, of the optional clause annexed to paragraph 2 of Article 36 of the Statute of the Court. The application has resulted in two Orders having been made by the President of the Court; on a later page a summary will be found of the circumstances relating to the institution of the proceedings and to their subsequent development¹. The case can only be included in the list for the session should China either fail to appear with the time fixed or raise a preliminary objection within that time.

* * *

The case of
the compet-
ence of the
European
Commission
of the Danube.

Besides the cases submitted in the form of contentious procedure, the Court has received a request for an advisory opinion in pursuance of a Resolution of the Council of the League of Nations, dated December 9th, 1926. This Resolution is based on an agreement, dated September 18th, 1926, between the Governments of France, Great Britain, Italy and Roumania, whereby the said Governments requested the Council to ask the Court for an opinion on the following points:

(1) Under the law at present in force, has the European Commission of the Danube the same powers on the maritime sector of the Danube from Galatz to Braila as on the sector below Galatz? If it has not the same powers, does it possess powers of any kind? If so, what are these powers? How far upstream do they extend?

(2) Should the European Commission of the Danube possess either the same powers on the Galatz-Braila sector as on the sector below Galatz, or certain powers, do these powers extend over one or more zones, territorially defined and corresponding to all or part of the navigable channel to the exclusion of other zones territorially defined, and corresponding to harbour zones subject to the exclu-

¹ See page 125.

ive competence of the Roumanian authorities? If so, according to what criteria shall the line of demarcation be fixed as between territorial zones placed under the competence of the European Commission and zones placed under the competence of the Roumanian authorities? If the contrary is the case, on what non-territorial basis is the exact dividing line between the respective competence of the European Commission of the Danube and of the Roumanian authorities to be fixed?

(3) Should the reply given in (1) be to the effect that the European Commission either has no powers in the Galatz-Braila sector, or has not in that sector the same powers as in the sector below Galatz, at what exact point shall the line of demarcation between the two régimes be fixed?

The Members of the League of Nations, as well as the States entitled to appear before the Court, were duly notified of the application, in accordance with the first paragraph of Section 1 of Article 73 of the Revised Rules of Court. Moreover, in conformity with the second paragraph of the same section, the Registrar also conveyed to the French, English, Italian and Roumanian Governments, as being likely to be able to furnish information on the question, that the Court would be prepared to receive by Wednesday, March 9th, 1927, at the latest, any written statement which the said Governments considered they could usefully submit for its information, and also to hear in open Court any oral statement the said Governments desired should be made on their behalf. The time for the filing of the written statements was subsequently extended to April 6th and then to April 12th, 1927. On this date the Court had received statements from three of the Governments notified. The Italian Government, however, had not availed itself of the notification received from the Court; it was, therefore, to be assumed that that Government did not desire to submit a written statement on the subject.

Subsequently some of the interested Governments asked to be allowed to submit replies to the documents filed. The President granted this request, and fixed a time for the submission of replies which was later extended to June 17th.

* * *

The *Lotus*
case.

The case of the *Lotus*, sometimes termed *Boz-Kourt—Lotus* case, was submitted for judgment by a special agreement between the French Government and the Turkish Government, dated October 12th, 1926, at Geneva, and filed in the Registry of the Court on January 4th, 1927, by the representatives of these Governments at The Hague.

In pursuance of the special agreement the Court must give a decision on the following questions :

(1) Has Turkey, contrary to Article 15 of the Convention of Lausanne of July 24th, 1923, respecting conditions of residence and business and jurisdiction, acted in conflict with the principles of international law—and if so, what principles—by instituting, following the collision which occurred on August 2nd, 1926, on the high seas between the French steamer *Lotus* and the Turkish steamer *Boz-Kourt* and upon the arrival of the French steamer at Constantinople—as well as against the Captain of the Turkish steamship—joint criminal proceedings in pursuance of Turkish law against M. Desmons, officer of the watch on board the *Lotus* at the time of the collision, in consequence of the loss of the *Boz-Kourt* having involved the death of eight Turkish sailors and passengers ?

(2) Should the reply be in the affirmative, what pecuniary reparation is due to M. Demons, provided, according to the principles of international law, reparation should be made in similar cases ?

The Cases and Counter-Cases have been filed within the fixed time limit, namely March 1st and May 24th, 1927, respectively. The question of the nomination of a national judge by the Turkish Government has been referred to elsewhere¹. Moreover, as has been remarked above², that Government filed with the Registry of the Court, on January 24th, 1927, a particular declaration by which it accepted the Court's jurisdiction in the matter.

¹ See page 14.

² „ „ 89.

* * *

The Chorzów (indemnities) case was submitted for a judgment by unilateral application by the German Government, dated at The Hague on February 8th, 1927. The Chorzów case (indemnities).

The German Application, which is directed against the Polish Government, recalls the operative provisions of Judgment No. 7, in which the Court decided that the attitude of the Polish Government in regard to the *Oberschlesische Stickstoffwerke* and *Bayerische Stickstoffwerke* was not in conformity with Article 6 and the following articles of the Geneva Convention. According to the Application, the German Government has, since Judgment No. 7, endeavoured by negotiation to come to an arrangement with the Polish Government regarding the reparation to be made for the injury suffered by the above-mentioned Companies by reason of the attitude of the Polish Government. The negotiations having failed, the German Government, in accordance with paragraph 1 of Article 23 of the Geneva Convention dated May 15th, 1922, and relating to Upper Silesia, requests the Court to give judgment to the effect that the Polish Government is bound to make reparation for the injury suffered by the said Companies by reason of its attitude, pronounced by Judgment No. 7 of the Court not to have been in conformity with its international obligations. The conclusions also indicate the amount of damages and interest claimed, as well as the method of payment.

The German Application was followed by a Case filed in the Registry of the Court on March 2nd, 1927. On April 14th following, within the time limit fixed for the filing of the Counter-Case, the Polish Government filed with the Court a document headed "Preliminary Objections and Preliminary Counter-Case", which asks the Court to nonsuit the Applicant without entering into the merits, the German conclusions being directed to points not provided for under paragraph 1 of Article 23 of the Geneva Convention, which is the sole ground, apart from special agreement, on which the Court can rest its jurisdiction in the matters under consideration.

The Agent for the German Government filed in the Registry on May 31st, 1927, a Reply to the Preliminary Polish Objection. Hence the case is ready for the twelfth session as regards the question of jurisdiction.

* * *

The Mavrom-
matis Conces-
sions
(readaptation). On behalf of the Greek Government, an Application was filed on May 28th, 1927, with the Registry instituting proceedings relating to the Mavrommatis Concessions, which had already formed the subject of Judgments Nos. 2 and 5 of the Court¹. The Application aims at the condemnation of the British Government, as Mandatory for Palestine, to pay an indemnity or compensation for the injuries alleged to have been suffered by M. Mavrommatis as a result of the obstacles said to have been placed in the way of the execution of the concessionary contracts concluded by him in 1926 in substitution of those of 1914, the validity of which the Court had recognized by Judgment No. 5, and the readaptation of which in accordance with the Protocol of Lausanne it had prescribed. According to the Application, the responsibility for the injury so inflicted rests entirely with the British Government which, it is alleged, has not conformed to the said Judgment of the Court and consequently, it is claimed, has, in its capacity as Mandatory for Palestine, violated its international obligations within the meaning of Article 11 of the said Mandate, as interpreted by the Court. The filing of the Greek Case in this matter took place on June 4th, 1927.

* * *

The following summaries of judgments and orders of the Court and of its advisory opinions, the purpose of which is merely to give a general view of the Court's work, may not be cited in argument against the actual texts of the judgments, orders and opinions, and do not constitute an interpretation of them. Like the remainder of the present volume, Chapters IV and V, which have been prepared by the Registry, do not in any way commit the Court.

¹ See Series E., No. 1, p. 169.

CHAPTER IV.

JUDGMENTS AND ORDERS.

CASE BETWEEN BELGIUM AND CHINA.

The case between Belgium and China was brought before the Court by the filing on November 25th, 1926, by the Belgian Government of an Application instituting proceedings. This Application is based on the declarations of acceptance by Belgium and by China of the optional clause of paragraph 2 of Article 36 of the Statute of the Court¹. It is alleged that the Chinese Government claimed to denounce the Treaty of November 2nd, 1865, between Belgium and China, contrary to the provisions of Article 46 of the said Treaty which only provides for a right of denunciation in favour of Belgium. This article provides that should the Belgian Government consider it advisable to modify certain clauses of the Treaty, it should, to this end, be at liberty, subject to certain conditions, to open negotiations; but failing such measures being taken, the Treaty must remain in force unchanged. According to the Application, the Belgian Government, whilst contending that the Chinese Government did not possess the right of unilateral denunciation, had nevertheless shown itself disposed to consider the possibility by mutual agreement of solving the matter by the conclusion of a *modus vivendi*. The negotiations for this purpose having been unsuccessful, the Belgian Government thereupon proposed to the Chinese Government that the dispute should be referred to the Court by special agreement. It was owing to the rejection of this proposal by the Chinese Government, and particularly to the promulgation, which followed, of measures violating the rights conferred by the Treaty of 1865 upon Belgium and her nationals, that the Belgian Government brought the case before the Court by unilateral application.

The document instituting proceedings.

¹ See page 83.

The conclusions of the Application contain two pleas : the Court is requested to give judgment to the effect that the Government of the Chinese Republic is not entitled unilaterally to denounce the Treaty of November 2nd, 1865 ; it is requested to indicate, by virtue of Article 41 of its Statute¹, any provisional measures which should be taken for the preservation of rights which may subsequently be recognized as belonging to Belgium or her nationals.

After the subsequent communication by the applicant Party of the documents on which the Application was founded, the President, on December 17th, fixed the time for the filing of the documents in the written proceedings ; furthermore, on December 20th, in reply to the request for provisional measures, the President (by virtue of Article 57 of the Revised Rules of Court which confers upon him this power when the Court is in recess) informed the Parties that from the documents so far filed, he was unable to acquire the conviction that the circumstances shewed such measures to be required. Consequently, he could not give effect to that part of the conclusions of the Belgian Application. Nevertheless, his decision was given subject to a reservation as regards any different conclusion at which he might arrive, should the Belgian Government see fit in their case on the merits, for example, or at all events within the prescribed limit of time for the filing of their Case, to bring forward circumstances which, in his opinion, would make provisional measures necessary ; the considerations which the Belgian Government might wish to submit with that object in view should refer to the character of the measures it desired should be indicated, and they should be supported by relevant documentary evidence.

On January 4th, 1927 (that is to say, within the time fixed), the Belgian Government filed its Case. It referred to the provisional measures, which were, according to the Applicant, necessary for two reasons : there was a danger, first, of the Chinese Government's applying to merchandise imported from Belgium a differential tariff harmful to Belgian interests, and, secondly, that both in criminal and civil matters judicial decisions might be taken and

¹ Article 41 of the Statute is as follows :

"The Court shall have power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either Party.

"Pending the final decision, notice of the measures suggested shall forthwith be given to the Parties and the Council."

the first steps towards their execution might confer upon them an ir retrievable character. It would be appropriate, speaking generally, if, whilst awaiting the judgment on the merits, the Court were to order that the Treaty of 1865 be continued in force in those cases where its non-application would place Belgium in a less favourable situation than that of other foreign countries ; anyhow, and subsidiarily, the judicial clauses of the Treaty should be maintained as well as those clauses which concern most-favoured-nation treatment. In support of its request for provisional measures, the Belgian Government cited the observations of the Extra-territoriality Commission, which sat at Pekin from January 12th to September 16th, 1926, in pursuance of the decisions of the Washington Conference.

On the following January 8th the President issued an Order setting out the provisional measures to be taken. Issued in syllogistic form, the Order stated, in the first place, that the denunciation by China of the Treaty of 1865 alters the situation of Belgian nationals in China, whereas it does not in any way modify the position of Chinese nationals in Belgium (and this is the explanation why measures are prescribed exclusively with regard to China) ; it then stated that the purpose of the provisional measures provided for by the Statute was considered to be the safeguarding of the rights of the Parties as long as the case was pending and that in this case these rights were those which arose as regards Belgian nationals in China from the system of guarantees granted to Belgium under the Treaty of November 2nd, 1865, in so far as that system implied a derogation from the ordinary law. It was true that Belgium and China had accepted the Court's jurisdiction as being compulsory and that such acceptance implied that the Court could give a decision as to the amount of reparation due for the breach of an international engagement ; but it was certain that, in the event of the denunciation of the Treaty of 1865 by China being considered by the Court to have been illegal, effective reparation could not in all cases be made for the prejudice caused by any breaches which might have taken place in the interval.

In these circumstances, the President indicated, on a provisional basis, that Belgian nationals should enjoy the following rights :

(1) a right on the part of any Belgian who may have lost his passport or have committed some offence against the law, to be

conducted in safety to the nearest Belgian consulate (cf. Treaty of November 2nd, 1865, Article 10) ;

(2) effective protection of Belgian missionaries who have peacefully proceeded to the interior of the country ; and, in general, protection of Belgians against any insult or violence (cf. Treaty of November 2nd, 1865, Articles 15 and 17) ;

(3) a right on the part of any Belgian who may commit a crime against a Chinese or any other offence against the law, not to be arrested except through a consul, nor to be subjected, as regards the execution of any penalty involving personal violence or duress, to any except the regular action of Belgian law (cf. Treaty of November 2nd, 1865, Article 19).

As regards their property, they should be safeguarded against any sequestration or seizure not in conformity with the generally accepted principles of international law and against non-accidental destruction. Finally, as far as concerns judicial safeguards, physical and juristic persons of Belgian nationality should have any legal proceedings to which they may be Parties before Chinese authorities heard by the modern Courts, in conformity with the modern codes of Law (the Courts and codes mentioned by the Chinese delegate in his statement of November 25th, 1921, before the Commission for the Pacific and Far East of the Washington Conference and referred to in the above-mentioned report of the Commission on Extra-territoriality in China), with right of appeal, in accordance with the regular legal procedure and with the assistance of advocates and interpreters chosen by them and duly approved by the said Courts.

On January 18th, the Applicant notified the Registrar of the Court that the Belgian and Chinese Governments had decided by mutual agreement to reopen negotiations for the purpose of concluding a new treaty to replace the Treaty of 1865. In order to facilitate the carrying out of these negotiations, the Belgian Government asked for an extension of the time accorded to the Chinese Government for the submission of its Counter-Case, which would have had to have been filed at the latest on March 16th, 1927.

The President acceded to this request whilst, at the same time, stating to the interested Parties that it involved a corresponding extension of the period during which the Order of January 8th relating to provisional measures, would apply.

By a communication, dated the following February 3rd, the

Agents for the Belgian Government brought to the notice of the Registrar of the Court that the Chinese Government had expressed its willingness, pending negotiations now in progress, to apply on a provisional basis to the case of Belgium a régime which comprised the following points: adequate protection of Belgian subjects and their property; the application of the tariff applied to other countries to merchandise destined for, or emanating from China or Belgium; judicial safeguards in civil and criminal process in which Belgian nationals might be implicated. The Belgian Minister at Peking having accepted these proposals, the Belgian Government esteemed that the provisional measures indicated in the Order of January 8th ceased to have any purpose; and it therefore asked for the rescission of this Order, adding that a decision to that effect would be in conformity with the wishes of the Chinese Government.

As a result of this new request, the President issued, on February 15th, a second Order rendering the Order of January 8th inoperative. In the new Order, also drawn up in syllogistic form, it is observed that it was the Belgian Government which had asked for the indication of provisional measures and that the Order issued in consequence of this request had, as its sole purpose, the safeguarding of certain of the rights to which Belgian nationals would have been entitled under the Treaty of 1865, if it were recognized as continuing to be in force. But, in accordance with the terms of the communication made by the Belgian Agents, the new agreement replaced the Treaty of 1865, particularly as far as these rights were concerned; consequently, as regards the rights in question, the Treaty had provisionally ceased to have any effect, and, therefore, their violation (as far as it had taken place during the period to which the new agreement applied) could no longer afford a basis for recourse to legal proceedings whatever the tenour of the judgment rendered by the Court on the case might be in the future. Moreover, since the applicant Party was entitled to modify its original conclusions, the time limit granted for the filing of the Counter-Case by the Respondent not having elapsed, it would have been sufficient for the applicant Party to have made a unilateral declaration renouncing the rights safeguarded by the first Order. (The fact that the Belgian request for the revocation of this Order might be interpreted as constituting such a declaration, relieved the Court of the necessity of considering the validity of the agreement notified by one of the Parties only.)

Under these conditions, the indication of provisional measures had become purposeless in this case, there being no circumstances which could make it possible to conclude that the measures were required solely in the interest of the procedure, considered apart from the legal position created by the Parties. Since, on the other hand, measures of protection, indicated by the Court as being, upon purely legal grounds, rendered necessary by circumstances, cannot be dependent as regards their applicability upon the state of negotiations that may be in progress between the Parties, the Order of January 8th, 1927, could only be completely and finally rescinded. The new Order, consequently, declared that the previous one should henceforth cease to be operative.

Since the second Order (i.e. since February 15th), the Belgian Government's Agent has asked for a further extension of the time limits in the case, giving as the reason for his request that such an extension was a condition made by China for the continuation of the negotiations with a view to the conclusion of a new treaty. In reply, the President informed the Applicant, first, that he fixed June 18th, 1927, as the date for the filing of the Chinese Counter-Case, and, secondly, that he did not consider it advisable to fix the other time limits so as to enable the Court, which assembled on June 15th, 1927, to take a decision in this matter.

CHAPTER V.

ADVISORY OPINIONS.

ADVISORY OPINION No. 13.

COMPETENCE OF THE INTERNATIONAL LABOUR ORGANIZATION TO REGULATE, INCIDENTALLY, THE PERSONAL WORK OF THE EMPLOYER.

(The International Labour Organization.—Its incidental competence in regard to work done by the employer.—Parallel with Advisory Opinion No. 3.—Discretionary powers of the Organization and their limit; Article 423 of the Treaty of Versailles.)

On the Agenda of the Sixth Session of the International Labour Conference held in 1924, was, amongst other things, the question of night-work in bakeries. The inclusion of this question having given rise to no objection on the part of the States Members of the International Labour Organization, the International Labour Office had prepared a preliminary draft for a convention on the subject, which was designed to serve as a basis for the discussions of the Conference. This draft laid down, in general terms, and subject to certain exceptions, that no night-work might be done in bakeries. It was provisionally adopted by the Sixth Conference, but not without occasioning numerous objections by a minority consisting of delegates belonging to the employers' group of the Conference. These objections concerned the application to the employer himself, in the draft, of the principle of the prohibition of night-work.

History of
the question.

At all events, the final adoption of the draft was referred to the Seventh Session of the Conference. When the Conference met for that Session in 1925, there had still been no objections on the part of the Members of the International Labour Organization. The

employers' delegates, however, raised the same objections as in 1924, but the draft convention was finally adopted notwithstanding.

Request for
advisory
opinion.

The employers' group, nevertheless, persisted in their doubts with regard to the legality of the extension to the personal work of the employer of the prohibition of night-work. At their instance, the Governing Body decided to take the necessary steps to obtain the Court's opinion; and it was in these circumstances that the latter received a Request for advisory opinion in pursuance of a Resolution of the Council of the League of Nations, dated March 17th, 1926.

The question referred to the Court was formulated as follows :

"Is it within the competence of the International Labour Organization to draw up and to propose labour legislation which, in order to protect certain classes of workers, also regulates incidentally the same work when performed by the employer himself?"

Composition
of the Court.

The Court considered this question at its eleventh session (the ordinary session lasting from June 15th to July 31st, 1926) ; it was composed as follows :

MM. HUBER, *President*,
 LODER, *Former President*,
 WEISS, *Vice-President*,
 Lord FINLAY,
 MM. NYHOLM,
 MOORE,
 DE BUSTAMANTE,
 ALTAMIRA,
 ODA,
 ANZILOTTI,
 PESSÔA.

Hearings.

The request for opinion was, in accordance with the customary procedure, communicated to Members of the League of Nations and to the States mentioned in the Annex to the Covenant.

It was also communicated to the International Labour Organization and to the following international Organizations which were regarded as in a position to furnish information in regard to the matter :

The International Organization of Industrial Employers ;
 „ „ Federation of Trades Unions ;
 „ „ Confederation of Christian Trades Unions.

These Organizations were informed that, upon request, they would be permitted to submit to the Court written and oral statements; they all availed themselves of this permission (though the International Confederation of Christian Trades Unions did not send a written statement) and public sittings were held on June 28th and 29th, 1926, for the purpose of hearing the oral statements.

* * *

In its Opinion which it delivered on July 23rd, 1926, the Court, in the first place, analyses the terms of the question on which its views are requested. The Court is thus led to the conclusion that the question is a general one, not relating to any particular branch of industry. It need not therefore specifically consider the conditions of the baking industry. It goes on to show that it is not called upon to deal with the work of the employer in general. Its opinion is not sought as to the existence of any general power on the part of the International Labour Organization to regulate work done by the employer, a power which, moreover, that Organization does not claim. The terms of the question also show that this phase of the subject has been deliberately excluded from the Court's consideration and that, in the view of the Council of the League of Nations, the employer when performing the same work which is performed by wage-earners, does not normally fall within the competence of the International Labour Organization. In the question put, any proposed regulation of the work of the employer is, by hypothesis, to be regarded as occupying a position purely incidental to regulations for the protection of wage-earners which do fall within the competence of the International Labour Organization.

The Court's
Opinion
(analysis).

The question asked—which is whether the International Labour Organization may, incidentally and to secure the protection of certain classes of wage-earners, propose regulation of work done by the employer himself—is manifestly a question of law. The answer to it depends on the terms of Part XIII (*Labour*) of the Treaty of Versailles by which the competence of the International Labour Organization is defined. The Court therefore proceeds to analyse the provisions of this Part, more especially those laying down the programme and aims of the International Organization. The Court is thus led to the conclusion that the competence of the International Labour Organization is exceedingly broad, so far

as concerns the investigation and discussion of labour questions and the formulation of proposals, whether for national legislation or for international agreements, but that its competence is almost entirely confined to that auxiliary form of activity. The Organization has no legislative power: moreover the clauses establishing it provide its members with the means of controlling beforehand any attempt to exceed its competence; these means include, in particular, the possibility of formally objecting to the inclusion of any individual subject on the agenda.

Since, however, the High Contracting Parties have conferred on the Organization very wide powers (although restricted within certain limits) of co-operating with them in respect of measures to be taken to assure the protection of workers, it is not conceivable that they intended at the same time to prevent the Organization from drawing up and proposing measures essential to the accomplishment of that end. But the Organization would be so prevented if it were incompetent to prepare for the protection of wage-earners a regulative measure in which, to attain that object, it was essential to include to some extent work done by employers.

The entire framework of Part XIII justifies this conclusion. Further, the Treaty contains specific provisions, in the application of which, as they are generally understood, it may be assumed that the incidental regulation of the personal work of the employer is potentially involved. Again, the documents before the Court show that, on several occasions, regulations in this sense have been actually applied: this is so in the case of the Convention concerning the prohibition of the manufacture and handling of matches containing white (yellow) phosphorus and in the case of the Convention prohibiting the use of white lead. Yet other instances might be given.

Again, the Court adverts to some of the reasoning employed in its third Advisory Opinion, which also supports this view. When it was asked to render an opinion on the question whether the examination of proposals for the organization and development of methods of agricultural production fell within the competence of the International Labour Organization, it replied, basing its answer on the construction to be placed on Part XIII of the Treaty of Versailles, that, though the examination of the methods of production themselves was outside the Organization's sphere of activity, it did not follow that the Organization must totally exclude from its

consideration matters committed to it by the Treaty because that might involve in some aspects the consideration of the means or methods of production, or of the incidental effect which the proposed methods might have upon production.

In practice, however, no sharp line can be drawn between, on the one hand, incidental effects upon production and, on the other, incidental regulation of the personal work of the employer. It therefore also follows from the reasoning cited from Opinion No. 3 that, if it is assumed for the purpose of the argument that the competence of the International Labour Organization is limited to the work of the wage-earner, the Organization is not excluded from proposing regulations for the protection of wage-earners because such regulations may have the effect of regulating at the same time and incidentally the work of the employer.

In the course of the proceedings before the Court, a large number of theories were advanced regarding, amongst other points, national sovereignty and individual liberty. But the Court, which is called upon simply to perform a judicial function, namely, to ascertain what it was that the contracting Parties agreed upon in Part XIII of the Treaty of Versailles, does not intend to express any view upon these points. It confines itself to pointing out that it is entirely in conformity with the terms of this Part of the Treaty that it should be left to the Labour Conference itself to decide if and in what degree it is necessary to embody in a proposed convention provisions destined to secure its full execution. Nor does the Court intend, in view of the bounds set to its competency by the terms of the questions asked, to intimate the limits of any discretionary powers which the International Labour Organization may possess as regards the making of incidental regulations. It realizes that controversy may arise in this connection, but it holds that it will be for the proper authorities to exercise judgment on the circumstances of each case ; at all events the Court cannot do so in this Opinion. Which are these authorities ? The Court does not say, but confines itself to observing that Part XIII of the Treaty of Versailles lays down in Article 423 that "any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice".

ANNEX TO CHAPTERS IV AND V.

ANALYTICAL INDEX OF THE JUDGMENTS AND OPINIONS
OF THE PERMANENT COURT OF INTERNATIONAL
JUSTICE.*Note.*

This analytical index is in no sense to be regarded as interpretative of the decisions of the Permanent Court of International Justice : it is a mere reference index of the Court's judgments and opinions, and its sole object is to enable persons who may undertake researches, rapidly to find, amidst the subjects dealt with by the Court, which are often very various, the points which may be of special interest to them.

It is prepared exclusively from the Court's Publications Series A. and B., to which it contains references, and it comprises nothing but quotations from these volumes. It may, however, be well to draw attention to the fact that the Court's Publications of the E. Series (Annual Reports) contain official summaries (though these summaries do not commit the Court) of the Court's judgments and opinions, and that Series C. contains the records and documents relating to each particular case.

Explanation of abbreviations :

- A 1, A 2, etc., means : No. 1, 2, etc., of Series A. of the Court's Publications.
B 1, B 2, etc., means : No. 1, 2, etc., of Series B. of the Court's Publications.
E 1, E 2, etc., means : No. 1, 2, etc., of Series E. of the Court's Publications.

LIST OF PUBLICATIONS
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
BELONGING TO SERIES A., B. AND E.

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„—2	The Mavrommatis Palestine Concessions.
„—3	Treaty of Neuilly, Article 179, Annex, paragraph 4 (interpretation).
„—4	Interpretation of Judgment No. 3.
„—5	The Mavrommatis Jerusalem Concessions.
„—6	Case concerning certain German interests in Polish Upper Silesia (question of jurisdiction).
„—7	Case concerning certain German interests in Polish Upper Silesia (the merits).

SERIES B. Collection of Advisory Opinions.

B—1	Advisory Opinion relating to the designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, given by the Court on July 31st, 1922.
„—2 and 3	Advisory Opinions relating to the competence of the International Labour Organization in regard to international regulation of the conditions of labour of persons employed in agriculture, and examination of proposals for the organization and development of the methods of agricultural production and other questions of a like character, given by the Court on August 12th, 1922.
„—4	Advisory Opinion relating to the Nationality Decrees issued in Tunis and Morocco (French zone) on November 8th, 1921, given by the Court on February 7th, 1923.
„—5	Advisory Opinion relating to the Statute of Eastern Carelia, given by the Court on July 23rd, 1923.
„—6	Advisory Opinion on certain questions relating to settlers of German origin in the territory ceded by Germany to Poland, given by the Court on September 10th, 1923.
„—7	Advisory Opinion on the question concerning the acquisition of Polish nationality, given by the Court on September 15th, 1923.

<i>Number.</i>	<i>Title.</i>
B—8	Advisory Opinion regarding the delimitation of the Polish-Czechoslovakian frontier (question of Jaworzina), given by the Court on December 6th, 1923.
„—9	Advisory Opinion relating to the question of the Monastery of Saint-Naoum (Albanian frontier), given by the Court on September 4th, 1924.
„—10	Advisory Opinion relating to the exchange of Greek and Turkish populations, given by the Court on February 21st, 1925.
„—11	Advisory Opinion relating to the Polish Postal Service in Danzig, given by the Court on May 16th, 1925.
„—12	Advisory Opinion concerning the interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (frontier between Turkey and Iraq), given by the Court on November 21st, 1925.
„—13	Advisory Opinion regarding the competence of the International Labour Organization to regulate, incidentally, the personal work of the employer, given by the Court on July 23rd, 1926.

SERIES E. Annual Reports.

E—1	Annual Report of the Permanent Court of International Justice (January 1st, 1922—June 15th, 1925).
„—2	Second Annual Report of the Permanent Court of International Justice (June 15th, 1925—June 15th, 1926).
„—3	Third Annual Report of the Permanent Court of International Justice (June 15th, 1926—June 15th, 1927).

ANALYTICAL INDEX
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DELIMITATION COMMISSIONS, set up under the Peace Treaties of 1919-1920: B 8, pp. 27, 33, 37, 41.—B 9, pp. 13-14.

DELIMITATION COMMISSIONS (*cont.*):

Competence and duties of the Commission set up by the decision of the Conference of Ambassadors dated July 28th, 1920 : B 8, pp. 38-41, 46-49, 53.

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See also : *States not Members* of the League of Nations, and *Independence*.

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Domicile and establishment : see *Establishment*.

DORPAT (*Treaty of—*) of October 14th, 1920.

Came into force on January 1st, 1921.

Articles 10 and 11 : B 5, pp. 6, 7, 8, 9, 16-19, 22, 24, 25.

Article 37 : B 5, p. 19.

Declarations annexed to this Treaty : B 5, pp. 13, 20-22, 23, 25, 26.

E.

ENTRY INTO FORCE of *Treaty of Versailles* : see *Versailles*.

ESTABLISHMENT (*Conception of—*) within the meaning of Article 2 of the Convention of Lausanne of January 30th, 1923 : B 10, pp. 7, 10, 11, 12, 15, 16.

Consideration of provisions of the Convention : B 10, pp. 17-18.

Establishment and domicile : B 10, p. 19.

Conception of establishment and national legal systems : B 10, pp. 19-20.

Characteristics of establishment : B 10, pp. 23-25.

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EXCHANGE OF GREEK AND TURKISH POPULATIONS :

Question brought before the Court for advisory opinion : B 10, pp. 6, 7 *et passim*.

Circumstances of the case : B 10, pp. 9-17. Cf. also E 1, pp. 226-230. See also *Lausanne* (Convention of—).

EXPROPRIATION (see: *Liquidation* in the meaning of the Geneva Convention) : A 7, pp. 46-53.

Application in particular cases in Polish Upper Silesia : see *Large Estates*.

F.

FINLAND (*Government of—*), directly interested in the question concerning the status of Eastern Carelia : B 5, *passim*.

FINLAY (Lord—), Judge of the Court : A 1, pp. 11, 15.—A 2, pp. 6, 38-53 (dissenting opinion).—A 5, p. 6.—A 6, p. 4.—A 7, pp. 4, 84-85 (observations).—B 1, p. 9.—B 2, p. 9.—B 3, p. 49.—B 4, p. 7.—B 5, p. 7.—B 6, p. 6.—B 7, pp. 6, 22-26 (observations).—B 8, p. 6.—B 9, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 13, p. 6.

FINS DE NON-RECEVOIR submitted in the case concerning certain German interests in Polish Upper Silesia : A 6, pp. 18, 21. (See also *Litispendency*.)

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FLORENCE (*Protocol of—*), of December 17th, 1913, concerning Albania : B 9, pp. 10, 13.

FRANCE (*Government of—*) :

Co-applicant in the *Wimbledon* case : A 1, p. 6 *et passim*.

Directly interested in the questions concerning the competence of the International Labour Organization in regard to Agriculture : B 2, pp. 11, 13, 17.—B 3, pp. 45, 51, 53.

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FRAUD *alleged in connection with contracts of sale* : A 7, p. 37.

Consideration of this allegation from the standpoint of International Law : A 7, pp. 37-40.

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FRONTIERS : see *Jaworzina* and *Saint-Naoum*.

FREE PASSAGE (*Right of*—) : see *Kiel Canal* and *Servitudes of International Law*.

See also : A 5, pp. 29-30.

G.

GENEVA CONVENTION of May 15th, 1922, concerning Upper Silesia :

A 6, *passim*.—A 7, *passim*.

Articles cited :

A 6 : Articles 2, 4, 5, 6-22, 9, 12, 13, 15, 17, 19, 20, 22, 23, 25, 586.

A 7 : „ 6-22, 23.

Interpretation of Article 23 : A 6, p. 14 (see also : A 6, pp. 32, 34-38).

Articles 1 and 2 : A 7, pp. 17-18.

Examination of the First Part and of Head III of the First Part of the Convention : A 7, pp. 20-23 (see also : A 7, pp. 88-93).

First Part, Head II : A 7, pp. 33-34.

Special references :

Articles 1, 2 : A 7, pp. 17, 18, 87.

Article 5 : A 7, p. 33.

„ 9 (Article 12) : A 7, pp. 48-51, 78.

„ 12 : A 7, pp. 66-68, 74-75, 78.

„ 15 : „ „ „ 45-48, 71.

„ 17 : „ „ „ p. 73.

„ 19 : „ „ „ „ 67.

„ 29 : „ „ „ „ 79.

„ 40 : „ „ „ „ 80.

GERMAN INTERESTS IN POLISH UPPER SILESIA (Case concerning certain—) : A 6, *passim*.—A 7, *passim*.

See also : E 2, pp. 100-136.

GERMANY (GOVERNMENT OF—) :

Respondent in the case of the S.S. *Wimbledon* : A 1, p. 7 *et passim*.

Applicant in the case concerning certain German interests in Polish Upper Silesia : A 6, p. 4.—A 7, p. 4 *et passim*.

Directly concerned in the question of the German settlers in Poland : B 6, p. 12 *et passim*.

Directly concerned in the question concerning the acquisition of Polish nationality : B 7, p. 9 *et passim*.

GOVERNING BODY OF INTERNATIONAL LABOUR OFFICE : see *Labour Office, International*.

GOVERNMENTS heard before the Court or which have furnished written information in advisory procedure : B 2, p. 13.—B 3, p. 51.—B 4, p. 11.—B 5, pp. 10-12.—B 6, pp. 12-13.—B 7, pp. 8-9.—B 8, pp. 13-16.—B 9, pp. 8, 9.—B 10, p. 8.—B 11, pp. 9, 10.—B 12, p. 9.

GOVERNMENT, *refusal by a — to participate in advisory proceedings instituted before the Court* : B 5, pp. 12-13 (grounds advanced in support of this decision).

See also : *States not Members* of the League of Nations.

GOVERNMENT, *refusal by a — to be represented at a session of the Court devoted to consideration of a request for an advisory opinion* : B 12, pp. 8-9 (reasons for this refusal).

GOVERNMENTS *German, British, French, etc.* : see : *Germany*, (Government of—), *Great Britain, France, etc.*

GREAT BRITAIN (*Government of—*) :

Co-applicant in the case of the *Wimbledon* : A 6, p. 6 *et passim*.

Respondent in the case of the *Mavrommatis Concessions* : A 2, p. 6.—A 5, p. 6 *et passim*.

Raises a preliminary objection to the jurisdiction in the same case : A 2, p. 9.

Directly concerned in the question of the nationality decrees in Tunis and Morocco : B 4, p. 7 *et passim*.

Directly concerned in the question concerning Article 3, paragraph 2, of the Treaty of Lausanne : B 7, *passim*.

GREECE (*Government of—*) :

Applicant in case of the *Mavrommatis Palestine Concessions* : A 2, p. 6.—A 5, p. 6 *et passim*.

Party in the case of the interpretation of the Treaty of Neuilly (Chamber for Summary Procedure) : A 3, p. 4.

Applies on November 27th, 1924, for an authoritative and detailed interpretation of the judgment given in the preceding case : A 4, p. 4.

Decision of the Court upon this application : A 4, pp. 6, 7.

Directly interested in the question concerning the exchange of Greek and Turkish Populations : B 10, p. 8 *et passim*.

H.

THE HAGUE (*Conventions of—*), of 1907 : see *Conventions and Arbitration*.

HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG :

Decisions of the High Commissioner (see also : *Decisions* in international law and *Interpretation* (rules of—) of a decision in international law).

Decision of August 15th, 1921 : B 1, pp. 13, 22, 23.

Decision of May 25th, 1922 : B 11, pp. 8, 13-15, 20, 21, 24, 26, 30, 31.

Final character of this decision as regards the purpose which it is designed to achieve : B 11, pp. 24-25.

Its scope : B 11, pp. 25-28.

Decision of December 23rd, 1922 : B 11, pp. 8, 15, 16, 17, 18, 24.

Analyses of this decision, its scope : B 11, pp. 28-31.

HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG (*cont.*):

Its declaratory character : B 11, p. 30.

Interpretative letter of January 6th, 1923 (addressed to the Polish Commissioner-General at Danzig) : B 11, pp. 8, 16, 18, 24, 28, 31, 32.

Decision of February 2nd, 1925 : B 11, pp. 6, 19-20, 21, 23.

HUBER (M.—), Judge of the Court and President (1925—...): A 1, pp. 11, 15, 35 (dissenting opinion).—A 2, p. 6.—A 3, p. 4.—A 4, p. 4.—A 5, pp. 6, 51.—A 6, pp. 4, 28.—A 7, pp. 4, 82.—B 4, p. 7.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, pp. 6, 26.—B 11, pp. 6, 41.—B 12, pp. 6, 33.—B 13, pp. 6, 24.

I.

INDEPENDENCE of States as regards method of settlement of their disputes : B 5, p. 27.

See : *Disputes, international*, and : *States not Members of the League of Nations*.

“INDUSTRY” in the meaning of Part XIII of the Treaty of Versailles : B 2, pp. 35-41.

INSTRUMENTS, INTERNATIONAL. RELATING :

(a) to *Tunis* : B 4, pp. 27-28, 29, 30-31 ;

(b) „ *Morocco* : B 4, pp. 27-28, 29, 30 ;

(c) „ *Panama Canal* : see *Panama Canal* ;

(d) „ *Suez Canal* : see *Suez Canal*.

INTERPRETATION of a judgment, in accordance with Article 60 of the Statute : A 4, pp. 4, 5, 6, 7.

The interpretation of a judgment (that of September 12th, 1924) given in accordance with Article 60 of the Statute cannot go beyond the limits of that judgment as defined by the terms of the Special Agreement : A 4, p. 7.

Cf. also *Neuilly* (Treaty of—).

INTERPRETATION :

Principles for the interpretation of a legal rule (of a decision in international law).

The right of giving an authoritative interpretation of a legal rule belongs solely to the person or body who has power to modify or suppress it : B 8, p. 37.

An obligation imposed on one contracting Party cannot be based on the fact that it is mentioned in the annex to a section of a treaty dealing with a different matter : A 3, p. 9.

Strict construction of a treaty or decision : B 11, pp. 37-40.

The rules as regards the strict or liberal construction of treaty provisions can only be applied in cases where the ordinary methods have failed : B 11, p. 39.

INTERPRETATION (*cont.*) :

The words must be interpreted in the sense which they would normally have in their context, unless such interpretation would lead to something unreasonable or absurd.

The Court intends strictly to confine itself to consideration of these questions (interpretation of Article 3, paragraph 2, of the Treaty of Lausanne) without in any way prejudging the merits of the problem before the Council : B 12, p. 18.

Relative value of a text and the intention of its author : B 11, pp. 30, 31.

The Court must in the first place endeavour to ascertain from the wording of a clause what the intention of the contracting Parties was ; subsequently it may consider whether factors other than the wording of the treaty must be taken into account : B 12, p. 19.

The facts subsequent to the conclusion of a treaty can only concern the Court in so far as they are calculated to throw light on the intention of the Parties at the time of its conclusion : B 12, p. 24.

INTERPRETATION of a text by the Court for the purposes of an advisory opinion.

Analysis of the factors taken into consideration :

(a) Municipal legislation (see *Legislation, municipal. national*) as a means for the interpretation of international instruments : B 10, pp. 11, 19, 23.

(b) The manner in which the text has been applied (Part XIII of the Treaty of Versailles) : B 2, pp. 21-43, and especially B 2, pp. 39, 41.

(c) Preparatory work preceding the drafting of the text to be interpreted : B 2, p. 41.—B 10, p. 16.—B 12, pp. 23-34.

INTERVENTION (*Statute*, Articles 62, 63 ; *Rules*, Articles 58, 59) :

Application of the Polish Government in the *Wimbledon* case : A 1, p. 9.

Intervention of a State which is a Party to an international convention, the construction of which forms the subject of the dispute (*Statute*, Article 63) : A 1, p. 12.

See also : B 7, p. 9.

ITALY (*Government of—*) :

Co-applicant in the *Wimbledon* case : A 1, p. 6 *et passim*.

J.

JAPAN (*Government of—*) :

Co-applicant in the *Wimbledon* case : A 1, p. 6 *et passim*.

JAWORZINA (*Question of—*), concerning the frontier between Poland and Czechoslovakia.

Submitted to the Court for advisory opinion : B 8, pp. 6-11 *et passim*.

Circumstances of the case : B 8, pp. 16-20, 20-26.

See also : E 1, pp. 215-220.

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JURISDICTION OF THE COUNCIL OF THE LEAGUE OF NATIONS: see *Council*.

JURISDICTION OF THE COURT :

(a) (Articles 34-36 of the Statute) Preliminary question to be decided : A 2, p. 10.

Nature of the Court's jurisdiction ; it is limited and is always based on the consent of the Respondent and only exists in so far as this consent has been given : A 2, p. 16.—See also : A 2, p. 48 (dissenting opinion).

Applicability *ratione temporis* of jurisdiction based on an international agreement : A 2, p. 35.

(b) Jurisdiction of the Court under a special agreement : A 4, p. 6.
—A 5, pp. 27, 28.

Jurisdiction of the Court upon a unilateral application : A 2, p. 60 (dissenting opinion).

Other references : A 2, pp. 57, 62, 74, 77.

(c) Jurisdiction of the Court in respect of the Parties to a suit. The Permanent Court may only hear disputes between nations ; consequences of this principle : A 2, pp. 38, 63, 86 (dissenting opinions).

Once a State has taken up a case on behalf of one of its subjects before an international tribunal, in the eyes of the latter the State is sole claimant : A 2, p. 12.

A State does not substitute itself for its subject ; it asserts its own rights : A 2, p. 13.

Other references : A 2, pp. 38, 40, 63, 86, 88, 92.

(d) Provisional conclusions, enabling the Court to decide the question of jurisdiction without entering into the merits of a case : A 2, p. 16.—A 6, pp. 12, 14-15, 29-30.—B 4, p. 16.

See also *Jurisdiction and Merits*.

JURISDICTION OF THE COURT *under the Geneva Convention of May 15th, 1922* : A 6, *passim*. —A 7, pp. 34-35.

Comparison between the various jurisdictional claims of the Geneva Convention shows that a case may be referred to the Court under Article 23, directly one of the Parties considers that a difference of opinion in regard to the construction and application of Articles 6-22 exists : A 6, p. 13 (see also on this point : A 6, pp. 16, 30).

JURISDICTION OF THE COURT (*cont.*):

The interpretation of other international agreements (other than the Geneva Convention) is indisputably within the competence of the Court if such interpretation must be regarded as incidental to a decision on a point in regard to which it has jurisdiction: A 6, p. 18.—A 7, p. 25.

The jurisdiction possessed by the Court under Article 23 in regard to differences of opinion between the German and Polish Governments respecting the construction and application of the provisions of Articles 6 to 22 concerning the rights, property and interests of German nationals is not affected by the fact that the validity of these rights is disputed on the basis of texts other than the German Convention: A 6, p. 18.

Jurisdiction to hear the difference of opinion concerning the large rural estates: A 6, pp. 25-26.

JURISDICTION OF THE COURT *under the Mandate for Palestine*: A 2, *passim*.—See above: *Jurisdiction of the Court*.

JURISDICTION OF THE COURT *under Article 42 of the Treaty of Versailles*: B 13, pp. 23, 24.

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Distinction between the "merits" and the "nature" of a case for the purposes of consideration of the question by the Court: B 4, pp. 22-26.

The Court in its decision on an objection to the jurisdiction cannot in any way prejudice its future decision in the merits: A 6, p. 15.—A 7, p. 16.

The Court is at liberty to base its decision upon objections on points belonging to the merits of the case: A 6, pp. 15-16.

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of a State which is a Party to a dispute (Article 15, paragraph 8. of the Covenant of the League of Nations): B 4, pp. 23-27.

Meaning of the expression "solely within the domestic jurisdiction": B 4, pp. 23-24.

Rules of international law calculated to restrict this jurisdiction: B 4, pp. 24-26. (See *Nationality*.)

Questions falling within the domain of international law and not solely within the "domestic jurisdiction" of States: B 4, pp. 27-31.

JURISDICTION *of the International Labour Organization*: see *Labour Organization, International*.

JURISDICTION *of municipal courts in regard to establishment (residence and business)*: see *Establishment*.

K.

KATTOWITZ (*Civil Court of—*): A 6, p. 10.

Nature of its jurisdiction in relation to that of the Court : A 6, p. 20.

KIEL CANAL :

Free access to — refused to the S/S. *Wimbledon* on March 21st, 1921 :
A 1, p. 8.

Effect of Article 380 of the Treaty of Versailles : A 1, pp. 22-30
(see also : A 1, pp. 38, 46).

Status of the Kiel Canal under the Treaty of Versailles : A 1, p. 23
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Free access to — in time of war : A 1, pp. 39, 40, 43.

L.

LABOUR (*International*) *Conference* : B 1, pp. 5, 7, 9, 13, 15, 17 (see also
Delegate).—B 2, pp. 13, 15, 17, 19, 21, 31, 33, 41.—B 13, pp. 9-12,
14, 17, 19, 23.

LABOUR (*International Office*), interested in advisory opinions : B 1, pp. 7,
11, 15.—B 2, pp. 5, 7, 9, 11, 13, 15, 17, 21, 27.—B 3, pp. 47,
51.—B 13, pp. 7, 8, 9, 14, 16.

Director of International Labour Office : B 1, pp. 5, 7, 11, 15.—
B 2, p. 11.—B 3, pp. 47, 51, 53.—B 13, pp. 6, 7, 9.

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B 2, pp. 15, 21, 23, 39.—B 13, pp. 6, 12.

LABOUR (*International*) *Organization* : B 1, pp. 15, 19.—B 2, pp. 5, 9,
21-27, 37, 39, 41, 43.—B 3, pp. 45, 49, 53, 55, 59.—B 13, pp. 7,
9, 12-24.

Competence of—:

(1) To regulate conditions of labour of persons employed in agricul-
ture (question referred to Court for advisory opinion) : B 2,
pp. 5, 11 *et passim*.

Circumstances of the case : B 2, pp. 13-21. See also : E 1,
pp. 189-194.

Bases of the competence of the International Labour Organization :
B 2, pp. 21-29.—B 13, pp. 14-18, 20.

Competence of the International Labour Organization in regard
to agricultural questions : B 2, pp. 31-33, 39-41.

(2) To consider proposals for the organization and development of the
methods of agricultural production as well as other questions
of a like character (question referred to the Court for advisory
opinion) : B 3, pp. 45, 49 *et passim*.

Circumstances of the case : B 3, pp. 45, 49-53.

See also : E 1, pp. 189-194.

Negative reply given by the Court to the question put : B 3, p. 59 ;
and grounds for this reply : B 3, pp. 53-59.

LABOUR (*International*) *Organization* (cont.):

Cases in which the International Labour Organization may incidentally concern itself with production : B 3, pp. 57-59.

(3) To regulate, incidentally, the personal work of the employer (question referred to the Court for advisory opinion) : B 13, p. 7 *et passim*.

Circumstances of the case : B 13, pp. 9-12.

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Limits and nature of the competence of the International Labour Organization : B 2, p. 23.—B 13, pp. 16-17, 22, 23.

Consideration of the "incidental competence" in relation to the question for advisory opinion : B 13, pp. 18-21.

Court replies in affirmative : B 13, p. 24.

LARGE RURAL ESTATES (*in Polish Upper Silesia*) : A 6, pp. 5, 10-11, 22-27.

List of large estates in respect of which *notice* was given (see *Notice*) : A 6, pp. 6-10.—A 7, p. 12.

Submissions of Applicant withdrawn or amended in regard to certain of them : A 6, p. 6.—A 7, pp. 10-12.

Account of the facts relating to the large estates : A 6, pp. 10, 11.

General principles in relation to the large estates : A 7, pp. 45-53.

Individual cases : A 7, pp. 53-81.

LAUSANNE (*Convention of*—) of January 30th, 1923, concerning the exchange of Greek and Turkish populations : B 10, pp. 6, 7, 8.

Article 1 : B 10, pp. 10, 18.

„ 2 : „ „ „ 10, 11, 14, 17, 18, 19, 22, 23, 24, 25, 26.

„ 3 : „ „ „ 14, 24, 25.

„ 11 : „ „ „ 9, 23.

„ 12 : „ „ „ 16, 24.

„ 18 : „ „ „ 20, 21.

Recourse to the Permanent Court for the solution of difficulties regarding the interpretation of the Convention : B 10, pp. 9, 13.

Relation to municipal legislation : B 10, pp. 19-21.

LAUSANNE (*Treaty of*—), Article 3, paragraph 2 :

Question brought before the Court for advisory opinion : B 12, pp. 6, 7 *et passim*.

Circumstances of the case : B 12, pp. 9-18.—Cf. also E 2, pp. 140-151.

LAUSANNE (*Treaty of*—), of July 24th, 1923; ratified August 6th, 1924 : A 2.—A 5 (see *Protocol XII*).

Analysis of Article 3 (see also *Interpretation*) : B 12, pp. 19-22.

Relation of Article 3 to other articles of the same Treaty :

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„ 16 : B 12, pp. 21-22.

Articles 44 and 107 : B 12, p. 30.

Effects of this article from the point of view of the nature of the decision to be taken by the Council of the League of Nations :

B 12, pp. 26-33.

LEGISLATION, MUNICIPAL: see *Interpretation, Obligations* (international), *Lausanne* (Convention of—), *Establishment*, (Conception of—).

Municipal laws in relation to international law; the Court may take them into consideration, not with a view to an interpretation of them as such, but in order to decide whether in enacting or applying them, a State is acting in accordance with its international obligations: A 7, p. 19.

See also: A 5, pp. 29-20.

LETTER BOXES (at Danzig): see *Polish Postal Service at Danzig*.

LIQUIDATION (*of property, rights and interests*):

See also *Expropriation*.

A 6, pp. 5, 16. A 7, pp. 6, 7, 9.

Consideration of the conception of liquidation in the meaning of the Geneva Convention: A 7, pp. 19-25.

Cf. also: A 7, pp. 88-90.

Liquidation and expropriation: A 7, pp. 21, 92, 93.

Opposing contentions regarding liquidation: A 7, pp. 31-33.

It is natural, from the standpoint of the régime of liquidation, to assimilate communes to individuals: A 7, p. 75.

LITISPENDENCY (*Litispendance*) *in the case concerning certain German interests in Polish Upper Silesia*:

Arguments advanced by the Polish Government: A 6, p. 19.

Reasons for which the Court does not admit this plea: A 6, p. 20.

LODER (M.—), Judge of the Court and President (1922-1925): A 1, pp. 11, 14, 15, 34.—A 2, pp. 7, 57.—A 3, pp. 4, 10.—A 4, pp. 4, 8.—A 5, p. 6.—A 6, p. 4.—A 7, p. 4.—B 1, pp. 9, 27.—B 2, pp. 9, 43.—B 3, pp. 49, 51.—B 4, pp. 7, 32.—B 5, pp. 7, 29.—B 6, pp. 6, 43.—B 7, pp. 6, 21.—B 8, pp. 6, 57.—B 9, pp. 6, 23.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 13, p. 6.

LAWS (POLISH—):

(a) *of July 14th, 1920*: B 6, pp. 14-15, 24, 26, 35, 36.

Introduced into Polish Upper Silesia by the law of June 16th, 1922: Articles 2, 5: A 6, pp. 5, 12.—A 7, pp. 6-8 *et passim*.

These articles in relation to the Geneva Convention: A 7, pp. 15, 16-18:

Preliminary examination of this law: see *Legislation, municipal*.

Compatibility of the application of the law with the Geneva Convention: A 7, pp. 20-24, 34, 81 (see also: A 7, p. 90).

Text of Articles 1, 2 (first paragraph) and 5: A 7, p. 23.

This law in relation to the Treaty of Versailles: A 7, pp. 25-31.

(b) *of June 16th, 1922*: see above.

LAWS (PRUSSIAN—) OF 1886: see *Colonization*.

LAW, TURKISH, KNOWN AS "NOUFOUZ", of June 16th, 1902. and August 14th, 1914 : B 10, pp. 11, 15, 21, 22.

LONDON (*Protocol of—*), of 1913, regarding Albania : B 9, pp. 10, 15, 16, 17, 22.

LONDON (*Treaty of—*), of May 17. h/30th, 1913 : B 9, p. 9.

Analysis of the documents emanating from the London Conference of 1913 : B 9, pp. 16-21.

M.

MANDATE for Palestine :

Granted in principle to Great Britain. May 20th, 1920 : A 5, p. 15.
Text drawn up July 24th, 1922, entered into force September 29th, 1923 : A 5, p. 17.

Article 4 : A 2, p. 21.

Article 11 : A 2, pp. 11, 17, 18, 19, 21, 22, 23, 26, 28, 29, 30, 31, 32, 34, 39, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 60, 68, 69, 70, 71, 73, 78, 79, 81, 83, 85, 86, 88.—A 5, pp. 26-28, 45.

Article 26 : A 2, pp. 11, 12, 15, 27, 29, 31, 35, 38, 39, 42, 51, 53, 56, 60, 62, 67, 74, 78, 80, 82, 83, 85, 87, 88, 91, 93.

(See also *Negotiations.*)

MANDATE for East Africa :

Article 13 : A 2, pp. 61, 82, 86.

MANDATORY (*International obligations accepted by the—*) :

The international obligations accepted by the Mandatory for Palestine are constituted solely by Protocol XII of Lausanne : A 5, p. 27.

The obligation assured by the Mandatory to maintain concessions covered by the Protocol is to be regarded as having existed at the time when the (Rutenberg) concession was granted, and it has never ceased to exist since that date : A 5, p. 39.

International obligations accepted by the Mandatory outside the scope of the mandate :

Their extent : A 2, p. 24.

Subrogation of Succession States as regards the rights and obligations of the cessionary State : A 2, pp. 27, 28, 32.

The obligations resulting from the international engagements of the Mandatory are obligations which the administration (of the country under mandate) is bound to respect ; the Mandatory is internationally responsible for any breach of them : A 2, p. 23.

Other references : A 2, pp. 22, 47, 48, 68, 71, 81, 82.

See also *Protocol XII*, and *Rutenberg*.

MAVROMMATIS (*Case of the Mavrommatis Palestine Concessions*): A 2, A 5, *passim*.

See also: E 1, pp. 169-179.

MAVROMMATIS (M.—, a Greek national), principal interested Party in the above case and holder of concessionary contracts for public works in Palestine: A 2, A 5, *passim*.

His nationality: A 5, pp. 15, 30, 31, 44.

His Jaffa Concessions: A 2, p. 28.

His Jerusalem Concessions, granted on January 27th, 1914: A 5, p. 11.

Their object: A 5, pp. 11-12.—See also: A 2, pp. 8, 20, 27, 29, 36, 54, 66, 76, 77, and A 5, *passim*.

His concessions in regard to the irrigation of the Jordan Valley: A 2, pp. 7, 20, 55, 66.

His negotiations with the British Colonial Office and the Palestine authorities, as also with M. Rutenberg: A 5, pp. 15-26.

MINING OPERATIONS:

Damage due to—: see *Subsidence*.

MINORITIES: see *Council* of the League of Nations (Competence of—).

MINORITIES (*Treaty of—*), signed at Versailles June 28th, 1919; came into force January 10th, 1920:

Minority treaties in general: B 7, pp. 15-17.

Object of the above Treaty: B 6, pp. 25-26.

Preamble: B 7, p. 14.

Article 1: „ 6, „ 20.

„ 2: „ 7, „ 15.

„ 3: „ „ „ 18.

Articles 2-8: „ 6, „ 20.

„ 3-6: „ 7, pp. 12-16.

Article 4: „ „ „ 6, 7, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 25.

„ 7: „ 6, „ 23, 24, 25.

„ 8: „ „ „ 23, 24, 25.

„ 9: „ 7, p. 25.

„ 12: „ 6, pp. 20-23.—B 7, pp. 12-13, 15, 16, 17, 22, 23, 24, 25.

MOORE (M.—), Judge of the Court: A 1, pp. 11, 15.—A 2, pp. 6, 54-75 (dissenting opinion).—B 1, p. 9.—B 2, p. 9.—B 3, p. 49.—B 4, p. 7.—B 5, p. 7.—B 6, p. 6.—B 7, p. 21.—B 9, p. 6.—B 13, p. 6.

MOSUL (*so-called question of—*): see *Lausanne* (Treaty of—), Article 3, paragraph 2.

N.

NATIONALITY : B 4, *passim*.

Nationality is not, in principle, a matter regulated by international law ; but the right of a State to use its discretion is nevertheless restricted by obligations which it may have undertaken towards other States : B 4, p. 24.

See also *Jurisdiction (exclusively domestic)*, and *Decrees*.

Under Turkish law, nationality is not a condition essential to the validity of concessions : A 5, p. 29.

See also *Laws, Turkish*, and *Protocol XII*.

Nationality in the meaning of the Minorities Treaty of June 28th, 1919 :

(a) Effect of the transfer of a territory upon the nationality of its inhabitants : B 7, pp. 14-16, 18, 23.

(b) Conditions for the acquisition of nationality ; origin, domicile : B 7, pp. 17-20, 23.

Cf. also *Nationality, Polish*, and *Council of the League of Nations (Competence of—)*.

Criterion of nationality in the application of the Geneva Convention :

Proofs of the acquisition of nationality : A 7, p. 73.

Communes assimilated to nationals : A 7, pp. 74-75.

NATIONALITY (*Decrees of —*) in Tunis and Morocco, question brought before the Court for advisory opinion : B 4, pp. 7-9 *et passim*.

Circumstances of the case : B 4, pp. 16-21. Cf. also : E 1, pp. 195-199.

See also *Negotiations*.

NATIONALITY, POLISH (*Acquisition of—*), question brought before the Court for advisory opinion : B 7, p. 6 *et passim*.

Circumstances of the case : B 7, pp. 10-12. Cf. also : E 1, pp. 210-214.

NEGOTIATIONS :

A dispute incapable of settlement by negotiation (Article 26 of the Mandate for Palestine) : A 2, pp. 13-15, 41, 62, 64, 79, 89, 91.

Diplomatic negotiations as a condition precedent to the institution of proceedings : A 6, pp. 14, 22, 36.

NEGOTIATIONS having preceded the reference of a question to the Court for advisory opinion : B 4, pp. 18-21. —B 5, p. 22. —B 6, pp. 16-18. —B 7, pp. 10-12. —B 8, pp. 16, 18, 23, 30, 45, 50, 54. —B 9, pp. 11, 14-19. —B 10, pp. 9, 10, 11, 13. —B 11, pp. 11-21, 29. —B 12, pp. 9-18.

NEGULESCO (M.—), Deputy-Judge : A 5, p. 6. —A 7, p. 4. —B 1, p. 9. —B. 2, pp. 9, 43 (dissent). —B 3, p. 49. —B 4, p. 7. —B 10, p. 6. —B 11, p. 9. —B 12, p. 6.

NETHERLANDS CONFEDERATION OF TRADES UNIONS: B 1, *passim*.
 Consideration of the standpoint adopted by this Organization:
 B 1, pp. 21-27.

NETHERLANDS (*Government of—*),

directly interested in the question concerning the appointment of
 the Dutch Workers' Delegate to the third session of the Inter-
 national Labour Conference: B 1, pp. 13-15, 17, 21, 25, 27.

NEUILLY (*Treaty of—*), November 27th, 1919: A 3, *passim*.

Article 121: A 3, pp. 8, 9.

„ 122: „ „ „ 8, 10.

„ 177: „ „ „ 5, 6, 7, 8.

„ 179 (Annex, paragraph 4), *French text*: A 3, p. 5; *English
 text*: A 3, p. 11.

Other reference: A 4, p. 46.

NEUILLY (*Treaty of—*):

Case of the interpretation of the Treaty of Neuilly (Chamber for
 Summary Procedure): A 3, *passim*.

Special Agreement signed at Sofia, March 18th, 1924, and ratified
 May 29th, 1924: A 3, pp. 4-5.

See also: E 1, pp. 180-184.

NEUTRALITY: see also *Kiel Canal*.

Prohibition of the transit of war material consigned to belligerent
 countries: A 1, pp. 7, 18.

German Orders of July 25th and 30th, 1920: A 1, pp. 18, 28.

Articles 2-7 of Convention XIII of The Hague of 1907: A 1, p. 46.

Exercise of the rights of a neutral Power in time of war: A 1, p. 25.

Use of great international waterways by belligerent or neutral
 vessels is not to be regarded as incompatible with the neutrality
 of the riparian State: A 1, pp. 25, 28.

Rules for its neutrality promulgated by a State cannot be pleaded
 against its international obligations: A 1, p. 30.—See also on
 this point: A 1, p. 47 (dissenting opinion).

NOTICE of intention to expropriate certain large estates in Polish Upper
 Silesia: A 6, p. 5.

Published in the *Monitor Polski* (of December 30th, 1924): A 6,
 p. 10.

Character of the notice: A 6, pp. 25, 26.—A 7, p. 46.

Examination of the notice from the point of view of substance and
 of form: A 7, pp. 45-53.

Application of the principles evolved in the various cases: see
Large Estates.

NYHOLM (M.—), Judge of the Court : A 1, pp. 11, 15.—A 2, p. 6.—A 5, p. 6.—A 6, p. 4.—A 7, p. 4.—B 1, p. 9.—B 2, p. 9.—B 3, p. 49.—B 4, p. 7.—B 5, pp. 7, 29 (dissent).—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, p. 6.—B 12, p. 6.—B 13, p. 6.

O.

OBERSCHLESISCHE STICKSTOFFWERKE (A.-G.),
founded at Berlin, December 24th, 1919 : A 6, pp. 5, 8, 17, 21.—A 7, pp. 5, 7, 12.
Its application to the Germano-Polish Mixed Arbitral Tribunal at Paris (1922) : A 6, p. 19.
Situation of this Company : A 7, p. 44.
Character and rights of this Company : A 7, pp. 35-43.

OBJECTIONS, Preliminary, to the Court's jurisdiction.

See *Great Britain* (Government of—).

„ *Poland* („ „ —).

A 2, A 6, *passim*.

Grounds for the objection made in the case concerning certain German interests in Polish Upper Silesia : A 6, pp. 13-22 and also pp. 31-41. See also *Jurisdiction of the Court*.

OBLIGATIONS (*International—*)

and municipal legislation : B 10, pp. 20-21 ;—and the sovereignty of States : B 10, pp. 21-22 ;—and neutrality : see *Neutrality*.

International obligations of a Mandatory : see *Mandatory*.

ODA (M.—), Judge of the Court : A 1, pp. 11, 15.—A 2, pp. 6, 85-87 (dissenting opinion).—A 5, p. 6.—A 6, p. 4.—B 1, p. 9.—B 2, p. 9.—B 3, p. 49.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, p. 6.—B 11, p. 6.—B 13, p. 6.

ORGANIZATION (*International Labour*) : see under *Labour, International (Organization)*.

ORGANIZATIONS (INTERNATIONAL—)

to which a request for advisory opinion has been notified : B 1, p. 11.—B 2, pp. 11-13.—B 3, p. 51.—B 13, p. 8.

Representative International Organizations in the meaning of Article 389 of the Treaty of Versailles : B 1, pp. 13, 19-27.

ORIGIN as a condition for the acquisition of nationality : see *Nationality*.

P.

PANAMA CANAL, Analysis of the régime of the Panama Canal : A 1, pp. 26, 27.

International instruments relating to the Canal : A 1, p. 27.

Regulation of the Canal in time of war : A 1, pp. 39, 44.

Method of neutralization : A 1, p. 46.

PARIS (*Convention of—*), of November 9th, 1920, concerning the Free City of Danzig :

Article 29 : B 11, pp. 25, 27, 28, 37.

Articles 29-32 : B 11, pp. 7, 11, 33-34.

Article 30 : B 11, pp. 13, 25.

„ 39 : „ „ „ „ 7, 11, 14, 24, 26, 31.

PARTIES (to a case) : see *Jurisdiction of the Court (c)*.

PATRIARCH (*Æcumenical*) : E 1, pp. 237-239.

PESSÔA (M.—), Judge of the Court : A 2, pp. 6, 88-93 (dissenting opinion).—A 6, p. 4.—B 9, p. 6.—B 13, p. 6.

PHOSPHORUS (*White*) : see *International Convention of 1906*.

PIOUS FUNDS OF THE CALIFORNIANS (Case of—) :

Award of the Permanent Court of Arbitration of October 14th, 1902 : B 11, p. 30.

POLAND (*Government of—*)

submits an application for permission to intervene (May 22nd, 1923) : A 1, p. 9 ;

abandons claim to intervene under Article 62 of the Statute (June 25th, 1923) : A 1, p. 13 ;

permitted to intervene under Article 63 of the Statute : A 1, p. 13 ;

Respondent in the case concerning certain German interests in Polish

Upper Silesia : A 6, p. 4.—A 7, p. 4 *et passim* ;

raises a preliminary objection to the jurisdiction in this case :

A 6, p. 7 *et passim* ;

directly interested in the question of the German colonists in Poland :

B 6, *passim* ;

directly interested in the question concerning the acquisition of

Polish nationality : B 7, *passim* ;

directly interested in the Jaworzina question : B 8, *passim*, and especially pp. 7-8, 16-19, 54-55 ;

directly interested in the question of the Polish Postal Service at Danzig : B 11, p. 6 *et passim* ;

standpoint of the Polish Government in this question : B 11, pp. 22, 24, 27, 32, 37, 39, 40.

POLISH POSTAL SERVICE AT DANZIG, question brought before the Court for advisory opinion : B 11, p. 6 *et passim*.

Circumstances of the case : B 11, pp. 7, 8, 10-21.

Cf. also : E 1, pp. 231-236.

See also *High Commissioner (Decisions of—)*.

POSTAL SERVICE : see *Polish Postal Service*.

PRAGUE (*Agreements of—*) of November 6th, 1921, between Poland and Czechoslovakia : B 8, pp. 45, 50, 54, 55.

PREPARATORY WORK : B 10, B 12.

See *Interpretation of a text* (c).

PROCEDURE, ORAL (in the case of the interpretation of the Treaty of Neuilly) :

The Court does not in this case consider it necessary to have oral proceedings : A 3, p. 5.—A 4, p. 5.

PROCEDURE, SUMMARY : see *Neuilly* (Treaty of—), and *Replies*.

PROTECTORATE (Régime of—) : B 4, pp. 13-15, 27-30.

PROTOCOL XII *annexed to the Treaty of Peace of Lausanne* of July 24th, 1923 ; entry into force, August 6th, 1924 : A 2, pp. 11, 26, 27, 28, 30, 31, 32, 33, 34, 35, 44, 45, 47, 51, 56, 72, 79, 83, 86.—A 5, pp. 24, 25, 26, 27, 29, 31, 32, 38, 39.

Articles 1, 3, 4, 5, 6, 9, 10 : A 5, pp. 21-23.

.. 4, 5 (readaptation) ; Article 6 (dissolution on payment of indemnity) : A 5, pp. 45-51.

Relations between Articles 4 and 6 : A 5, p. 48.

The procedure prescribed by this Protocol is not incompatible with that laid down by Article 11 of the Mandate for Palestine : A 2, p. 31.

Article 9 of the Protocol contemplates the real nationality of beneficiaries : A 5, p. 31.

Q.

QUESTIONS *submitted to the Court for advisory opinion* :

General questions put in the form of a specific case : B 13, pp. 12-14.

R.

RABEL (M.—), Judge *ad hoc* in the case concerning certain German interests in Polish Upper Silesia : A 6, p. 4.—A 7, p. 4.

RECOMMENDATIONS of the Council of the League of Nations within the meaning of the Covenant : see *Council of the League of Nations*.

REFUSAL of the Court to give an *advisory opinion* : see *Advisory Opinions*.

REICH, GERMAN : Its relations with the Bayerische and Oberschlesische Stickstoffwerke Companies : A 6, pp. 8, 17.—A 7, pp. 35-45, 93. See also *Germany* (Government of—).

REPARATION COMMISSION : A 3, p. 9.—A 4, p. 5.—A 7, pp. 31, 107.

REPLIES :

Agreement between Parties, approved by the Court, for the submission of replies in summary proceedings instituted by special agreement (Articles 32 and 69 of the Rules) : A 3, p. 5.

RETENTION AND LIQUIDATION

under Article 177 of the Treaty of Neuilly : A 3, p. 6.—A 4, p. 5.

RETROSPECTIVE EFFECT *in international law* : A 2, pp. 57, 80.

See also *Protocol XII*.

The effects of Protocol XII extend to legal situations dating from a time previous to its existence : A 2, p. 34.

The Mandate for Palestine has no retrospective effect : A 2, p. 83 (dissenting opinion).

ROSTWOROWSKI (*Count—*), Judge *ad hoc* in the case concerning certain German interests in Polish Upper Silesia : A 6, p. 4.—A 7, p. 4.

Dissenting opinions in the same case : A 6, pp. 31-41.—A 7, pp. 86-93.

ROUMANIA (*Government of—*), Request for permission to intervene in the question concerning the acquisition of Polish nationality : B 7, p. 9.

RUTENBERG (M.—),

holder of concessions for public works in Palestine : A 2, pp. 19, 20 *et passim*.—A 5, *passim*.

His concessions may fall within the scope of Article 11 of the Mandate for Palestine : A 2, p. 21.

Object of his concession (granted on September 21st, 1921, by the Administration of Palestine) : A 5, p. 16.

Article 29 of this concession : A 5, pp. 16-32.

His concessions in relation to the *Mavrommatis Jerusalem Concessions* : A 5, pp. 32-38.

So long as M. Rutenberg possessed the right to require the expropriation of the Mavrommatis Concessions, the clause in question (Article 29) was contrary to the obligations contracted by the *Mandatory* when signing Protocol XII of Lausanne : A 5, p. 40.

Cf. also as regards this point : A 5, p. 45.

S.

SAINT-GERMAIN-EN-LAYE (*Treaty of—*, 1919) :

Article 91 : B 8, p. 20.

- SAINT-NAOUM (*Question of the Monastery of—*), Albanian frontier.
 Brought before the Court for advisory opinion : B 9, pp. 6, 7 *et passim*.
 Circumstances of the case : B 9, pp. 9-12.
 See also : E 1, pp. 221-225.
- SCHÜCKING (M.—), Judge *ad hoc* in the *Wimbledon* case : A 1, pp. 11, 15.
 Dissenting opinion in the same case : A 1, pp. 43-47.
- SECRETARY-GENERAL OF THE LEAGUE OF NATIONS : B 1, pp. 5, 7, 9, 11.—B 2, pp. 5, 7, 9, 11.—B 3, pp. 47, 49, 51.—B 4, pp. 6, 9.—B 5, pp. 6, 8, 9, 12, 23, 25, 25.—B 6, pp. 7, 8, 9, 17.—B 7, pp. 7, 8, 9, 10, 11.—B 8, pp. 11, 18, 19.—B 9, pp. 7, 8.—B 10, pp. 7, 8, 9, 13.—B 11, pp. 9, 10.—B 12, pp. 7, 9, 11, 15.—B 13, pp. 6, 7, 8.
- SERB-CROAT-SLOVENE STATE, directly interested in the question of the Monastery of Saint-Naoum : B 9, pp. 6, 9, 11, 14-17, 18, 21, 22.
- SERVITUDES OF INTERNATIONAL LAW : A 1, p. 24.
 Restrictive interpretation of— : A 1, pp. 43-44.
- SÈVRES (*Treaty of—*), of August 10th, 1920 : B 8, pp. 20, 21, 33, 35.—B 12, p. 10.
 Articles 311 and 312 of this Treaty (concessions granted by the Ottoman authorities) : A 2, pp. 24, 25, 26, 36, 46, 47, 64, 79, 85.—A 5, pp. 13, 14, 19, 20, 38, 39.
- SOVEREIGNTY OF STATES :
 Limitations placed upon the exercise of sovereignty by international agreements : A 1, p. 24.
 The power of contracting international engagements is an attribute of State sovereignty : A 1, p. 25.—B 10, pp. 21, 33.
 Cf. also *Obligations, international*.
- SOVEREIGNTY OF STATES (*The principle of—*) in relation to Part XIII of the Treaty of Versailles : B 2, p. 23.—B 13, pp. 21-22.
- SOVEREIGNTY (*Transfer of—*) over a ceded territory :
 Determination of the date of the transfer of sovereignty : B 6, pp. 27-29.
- SOVIET GOVERNMENT, directly interested in the question concerning the status of Eastern Carelia : A 5, pp. 12-16.
 See also : *Government*, refusal by a — to take part in advisory procedure before the Court.
- SPA (*Agreement of—*), of July 16th, 1920 : A 7, p. 28.
 Protocol of—, of December 1st, 1918 : A 7, pp. 26-37.—B 6, pp. 26, 29, 39-40, 43.

SPA (*Agreement of—*) (*cont.*):

Question whether Poland is entitled to adduce this Protocol :
 A 7, pp. 25-29.
 Cf. also : A 7, pp. 84-85.

SPA (*Declaration of—*), of July 10th, 1920, concerning the territories of
 Teschen, Orava and Spisz : B 8, pp. 23, 35.

SPECIAL AGREEMENT : see *Neuilly* (Treaty of—).

SPISZ (*Territory of—*) : see *Jaworzina*.

STATUTE OF THE COURT :

Article 23 : A 7, p. 8.—B 8, p. 19.—B 10, p. 8.—B 11, p. 9.—B 12,
 p. 8.
 „ 29 : A 3, p. 4.
 „ 34 : A 2, pp. 10, 16, 55.
 „ 35 : A 6, p. 11.
 „ 36 : A 2, pp. 10, 16, 55.—A 6, pp. 11, 29, 30, 32.—A 7,
 pp. 18, 19, 86.
 „ 37 : A 1, pp. 6, 7.
 „ 40 : „ 1, p. 6.—A 2, pp. 7, 9, 11.—A 6, pp. 5, 6, 11.—
 „ 7, pp. 5, 94, 95.
 „ 43 : „ 3, p. 5.—A 5, p. 9.—A 7, p. 8.
 „ 48 : „ 7, p. 95.
 „ 57 : „ 2, p. 37.—A 6, p. 28.—A 7, p. 83.
 „ 59 : „ 7, pp. 16, 19.
 „ 60 : „ 4, pp. 4, 5, 7.
 „ 62 : „ 1, p. 9.
 „ 63 : „ „ „ 12.—A 7, p. 19.

STATEMENTS, ORAL :

Case of absence of oral statements in advisory procedure : B 11,
 p. 10.

STATEMENTS SUBMITTED BY INTERESTED STATES OR ORGANIZATIONS IN
 ADVISORY PROCEDURE :

see *Conclusions* filed, and : *Cases, statement of—, in advisory procedure*.

STATES NOT MEMBERS OF THE LEAGUE OF NATIONS :

See also *Disputes, international*, and *Independence*.

Dispute between a State Member of the League of Nations and a
 State not a Member of the League of Nations : B 5, p. 27.

Refusal by a State not a Member of the League of Nations to send
 a representative to sit with the Council in accordance with
 Article 17 of the Covenant : B 5, pp. 13, 24.

SUBROGATION : A 2. See *Mandatory*.

Under Article 9 of *Protocol XII* : A 5, p. 39. See also *Concessions*.

Under the *Treaty of Versailles* : A 7, pp. 29-31.—B 6, pp. 37-38.

See also *Versailles* (Treaty of—), Articles 255 and 256.

SUBSIDENCE of the surface, due to mining operations :

In general : A 7, pp. 51-53.

Individual cases : A 7, pp. 54, 60, 61, 63.

SUCCESSION, STATE—, and *contracts of private law* : B 6, pp. 35-37.

See also *Chorzów* (Factory of—, General principles), and *Vested Rights*.

SUEZ CANAL :

Régime of the Canal : A 1, p. 25.—(Convention of Constantinople, October 29th, 1888 : A 1, p. 26.)

Régime of the Canal in time of war : A 1, pp. 39, 44.

Method of neutralization : A 1, p. 46.

SWITZERLAND (*Government of—*) : B 2, pp. 15, 17.

T.

TRANSFER of a territory :

Consequences from the standpoint of *nationality* : see *Nationality*.

Date of transfer : see *Sovereignty*.

TREATIES (*in general*) :

The fact that Article 11 of the Mandate for Palestine only refers to Protocol XII in general terms and that the Protocol is more recent in date than the Mandate does not justify the conclusion that the Protocol would only be applicable in Palestine in so far as it is compatible with the Mandate. On the contrary, in cases of doubt, the Protocol, being a special and more recent agreement, should prevail : A 2, p. 31.

Cf. also *Interpretation*.

TRIANON (*Treaty of—*, 1920) :

Article 75 : B 8, p. 20.

TURKEY (*Government of—*),

directly interested in the question of the exchange of Greek and Turkish populations : B 10, p. 8 *et passim* ;

directly interested in the question concerning the interpretation of Article 3, paragraph 2. of the Treaty of Lausanne : B 12, *passim* ;

See also : *Government*, refusal by a — to be represented at a session of the Court devoted to consideration of a request for advisory opinion.

U.

UNANIMITY:]

Rule of unanimity in the meaning of Article 5 of the Covenant of the League of Nations : B 12, pp. 28-31.

The votes of interested Parties do not affect the required unanimity : B 12, pp. 31-33.

UNION OF THE SOCIALIST FEDERATIVE REPUBLICS OF THE RUSSIAN SOVIETS : see *Soviet Government*.UPPER SILESIA (*Polish*) :

Case concerning certain German interests in— : A 6, A 7, *passim*.

Geneva Convention concerning— : see *Geneva*.

V.

VERSAILLES (*Treaty of—*), of June 28th, 1919; entry into force, January 10th, 1920 : A 5, p. 13.

Importance of this date :

(a) From standpoint of the *cession of territories* : B 6, p. 28.

See *Sovereignty* (transfer of—).

(b) From standpoint of *nationality* : B 7, p. 19.

Obligations imposed by this Treaty : see *Alienation*.

Reference to various articles :

Article 51 : B 6, p. 38.

„ 75 : A 7, „ 30.—B 6, p. 38.

„ 81 : B 8, „ 20.

„ 84 : A 7, „ 73.

„ 87 : B 6, „ 13.—B 8, p. 20.

„ 88 : A 7, „ 30.

„ 91 : B 6, pp. 6, 37.

„ 92 : A 6, „ 5, 12.—A 7, pp. 6, 9, 12, 15, 29, 86, 88.—
B 6, p. 27.

„ 93 : B 6, pp. 19, 25.—B 7, pp. 14, 24.

Articles 100-108 : B 11, p. 10.

Article 103 : B 11, pp. 23-24, 26.

„ 104 : B 11, „ 7, 23, 33.

„ 116 : A 7, p. 28.

„ 232 : A 3, „ 9.—A 7, p. 28.

„ 248 : A 7, „ 30.

„ 255 : B 6, „ 37.

„ 256 : A 6, pp. 17, 18, 39.—A 7, pp. 25, 27, 28, 29, 30, 31,
37, 39, 41, 88.—B 6, pp. 6, 7, 13-14, 25, 26, 27, 35.

Part X : A 6, p. 2.

„ „ (Annex to Section V) : B 6, pp. 38-39.

Article 297 : A 6, pp. 5, 12.—A 7, pp. 6, 9, 12, 15, 39, 86, 88.

„ 304 : „ „, p. 38.

VERSAILLES (*Treaty of*—) (*cont.*):

Part XII, Section VI, Articles 380-386 : A 1, pp. 6, 7, 9, 13, 18, 19, 20, 21, 22, 25, 29, 33, 35, 37, 40.

Part XIII : B 2, pp. 21, 23, 25, 37, 41.—B 3, pp. 53-59. (See also *Industry and Interpretation.*)—B 13, pp. 18-20, 22-24.

Preamble to Part XIII : B 13, pp. 14-15.

Article 387 : B 2, p. 27.—B 13, pp. 14, 15.

.. 388 : .. 2, .. 27.—B 13, .. 14, 16.

.. 389 : .. 1, *passim.*—B 2, .. 23, 27.—B 13, p. 18.

See also *Organizations, international, "representatives"*.

Paragraph 1 : B 1, pp. 19, 23, 25

.. 3 : 5, 7, 11, 15, 17, 19, 21, 25, 27.

Text of paragraph 3 : B 1, p. 17.

.. .. 7 : 17.

Article 393 : B 2, pp. 23-39.—B 13, p. 16.

Articles 394-398 : B 13, p. 16.

Article 396 : B 2, p. 27.

.. 400 : 15.

.. 402 : pp. 15-17.

.. 405 : .. 13, p. 17.

.. 408 : 16.

Articles 409-420 : B 13, p. 17.

Article 423 : B 13, pp. 17-24.

.. 426 (Annex) : B 13, p. 19.

.. 427 : B 2, pp. 21, 29, 31, 33, 39.—B 13, pp. 14, 15, 18.

.. 440 : p. 35.

VESTED RIGHTS, Respect for vested rights held by private persons (Geneva Convention, Treaty of Versailles) : A 7, pp. 21, 22, 24, 30, 31.

VOTING (Method of—) of the Council of the League of Nations: see *Unanimity.*

W.

WANG CHUNG-HUI (M.—), Deputy-Judge : A 1, pp. 11, 15.—A 6, p. 4.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 11, p. 6.

WATERWAYS : see *Kiel, Panama, Suez.*

WARSAW (*Agreement of*—), of October 24th, 1921, between Poland and the Free City of Danzig : B 11, p. 11.

Section III of this Agreement : B 11, pp. 7, 11, 12.

Article 149 : B 11, p. 34.

.. 150 : pp. 14, 27, 35, 37.

.. 151 : p. 35.

.. 168 : pp. 11, 15, 16, 18, 32, 35-37, 38, 39, 40.

.. 240 : 7, 11, 12, 25, 27, 32, 40.

WEEKLY REST : see *Conventions* (Draft—).

WEISS (M.—), Judge and Vice-President of the Court : A 1, pp. 11, 15.—A 2, p. 6.—A 3, p. 4.—A 4, p. 4.—A 5, p. 6.—A 6, p. 4.—A 7, p. 83.—B 1, p. 9.—B 2, pp. 9, 13 (dissent).—B 3, p. 49.—B 4, p. 7.—B 5, pp. 7, 29 (dissent).—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 9, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 13, p. 6.

Reference to his work : *Private International Law* (Paris, 1913) : A 2, p. 59.

WHITE LEAD (Convention prohibiting the use of — in painting) : see *Conventions* (Draft—).

“WIMBLEDON”, Case of the S.S.— : A 1, *passim*. See also : E 1, pp. 163-168.

WITNESSES, Hearing of expert witnesses ordered by Court : A 7, pp. 13, 96-97.

Y.

YOVANOVITCH (M.—), Deputy-Judge : A 5, p. 6.—A 7, p. 4.—B 8, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.

ZIONIST (*Organization*), mentioned in Article 4 of Mandate for Palestine : A 1, p. 21.

Is really a public body, closely connected with the Palestine administration, and its mission is to co-operate with the latter, under its control, in the development of the country : A 2, p. 21.

See also : A 2, pp. 51, 52.

CHAPTER VI.
—
DIGEST
OF DECISIONS TAKEN BY THE COURT
IN APPLICATION OF
THE STATUTE AND RULES.
—

INTRODUCTION.

Chapter VI of the Court's First and Second Annual Reports reproduced the substance of decisions taken by the Court at private meetings from January 1st, 1922, to June 15th, 1926. These decisions were therein grouped by subjects and contained simple references to the Statute and to the Rules of March 24th, 1922.

For two reasons it did not appear possible in the Third Annual Report to continue to follow this method and simply to indicate the decisions taken since June 15th, 1926, embodying them in the collection of the First and Second Annual Reports : in the first place the Court on July 31st, 1926, had adopted Revised Rules which came into force on the same date and replaced the original Rules of 1922 ; in the second place, in this new text were embodied a large number of the decisions adopted at private meetings which had been published (as such) in the First and Second Annual Reports.

Since a complete re-arrangement of the subject matter was therefore necessary, it appeared desirable to adopt for this chapter a different method to that hitherto followed and one which, on the one hand, would afford a firm foundation for the codification of the Court's decisions—both past and future—and, on the other hand, would lend itself more readily to consultation : under each article of the Statute are grouped the provisions for the Rules connected therewith and the practice adopted by the Court in the application of the terms of its Statute and Rules.

The chapter is followed (p. 231) by an analytical index which contains, amongst other things, under *Rules of Court*, a list of the articles of the Rules with reference to the articles of the Statute on which they are based.

SECTION I.

STATUTE.

Establish-
ment of
Court.

ARTICLE 1.

By reason of the reference to Article 14 of the Covenant made in Article 1 of the Statute, it appears convenient to group Rules 71 to 74 concerning advisory opinions and the practice of the Court in regard to them under this article, but as it would seem more logical to take advisory procedure after judicial procedure, there being no direct reference to the former in the Court's Statute, a separate section (II) of this chapter¹ is devoted to an analysis of the practice in regard to advisory procedure. Points in regard to which there is no direct reference in the Rules of Court relating to advisory procedure are dealt with under the article of the Statute applicable by analogy.

Qualification
of judges.

ARTICLE 2.

In connection with this article it may be useful to refer to the biographical notes concerning the judges contained in the volumes of the E. Series as follows: No. 1, pp. 14-27; No. 2, pp. 18-19.

Composition
of Court and
provision for
increase of the
number of its
members.

ARTICLE 3.

In view of the provision for possible increase in the number of members of the Court, the Court, when revising the Rules at its ordinary session in June 1926, so worded the first paragraph of Rule 4 as to allow for the possibility of the number of judges constituting the "full Court" being increased. (See Publications of Court, Series D., No. 2, Addendum: *Revision of the Rules of Court*, p. 22.)

Nomination
of candidates
for election.

ARTICLES 4-6.

For procedure adopted in 1921, see the letter of the Secretary-General of the League of Nations to Members of the League, *Official Journal*, January—June, 1921, p. 246; letter of Secretary-General to Members of League not Members of the Permanent

¹ See p. 222.

Court of Arbitration, *id.*, p. 315 ; also Documents III, IV and V, *Official Journal*, July—October, 1921, pp. 418, 426, 428. For procedure in 1923, see *Official Journal*, May—June, 1923, p. 554. Nos. 889-890.

ARTICLE 7.

Preparation
of list of
candidates.

For procedure adopted in 1921, see Memorandum by Secretary-General, *Official Journal*, October, 1921, p. 803, also annex to this memorandum. For procedure in 1923, see *Official Journal*, October—December, 1923, p. 1302.

ARTICLES 8-11.

Election.

See *Records of 2nd Assembly* (1921), Plenary Meetings, pp. 222-223, 235-255 ; *4th Assembly* (1923), pp. 22, 165, 194.

ARTICLE 12.

Procedure in event of election not being complete after third meeting. See *Records of 2nd Assembly* (1921), pp. 255-258, 264, 272-273, 279, 281, 290-293.

ARTICLE 13.

Term of
office.

During the revision of the Rules in June 1926, it was proposed—applying by analogy Article 13 of the Statute—to embody in Rule 9 a clause to the effect that a retiring President should continue to preside over any cases begun during his period of office ; this principle had been applied in the case of the Chamber for Summary Procedure (see under *Statute*, Article 29). The Court rejected this proposal, without however reversing the precedent established. (See Publications of Court, Series D., No. 2, Add., pp. 35-36.)

ARTICLE 14.

Vacancies.

RULES, ARTICLE I.

On the analogy of Article 18 of the Statute, it may be presumed that the normal procedure in the event of the death of a judge would be for the Court to notify the Secretary-General of the League of Nations of his decease and the consequent vacancy. In the only case which has so far arisen, however, that of the death of M. Barbosa, the Brazilian judge, it was the Secretary-General of the League of Nations who notified the Court of his death.

Precedence of
judges and
deputy-
judges.

ARTICLE 15, last paragraph
(also *Article 12*, last paragraph).

RULES, ARTICLE 2, paragraphs 1, 4 and 5.

The interpretation placed by the Court on the fifth paragraph of this article, which constitutes an amendment adopted in 1925 and confirmed in 1926, was that there could at any given time only be one retiring President and that the rule applied only to him. (See Publications of Court, Series D., No. 2, Add., p. 14.)

Summons of
deputy-
judges.

ARTICLE 15.

RULES, ARTICLE 2, paragraph 3.

.. . . 3.

During the Preliminary Session in 1922, the Court adopted the following decisions in regard to the participation of deputy-judges in the election of the President and Vice-President and in a vote under Article 18 of the Statute :

(1) that deputy-judges should not participate in the election of the President and Vice-President, except when their presence was required to bring up the number of judges to eleven ;

(2) that deputy-judges should be summoned to take part in a vote with regard to the removal of a member of the Court. (Statute, Article 18.)

At the same session the Court also agreed, with reference to the question of the deputy-judges' right to vote on a question directly concerning them, that since the two deputy-judges then present had been summoned in order to complete the number of eleven required under the Statute, they were entitled and in duty bound to take part in all decisions of the Court.

On June 19th, 1926, the Court decided that the Statute did not permit the convocation of the deputy-judges for the purpose of the revision of the Rules (except when their presence was required to complete the number of judges necessary under the Statute) ; but the President, holding that absent judges who had been consulted in writing were morally entitled to have their proposals put to the vote, submitted the deputy-judges' proposals in his own name. (Publications of Court, Series D., No. 2, Add., pp. 18-19.)

On March 19th, 1925, the question was raised whether, under the Rules as then drafted (Series D., No. 1, p. 67), a deputy-judge who was summoned to attend a session but was forced to refuse for reasons beyond his control, should not be entitled to be summoned again to fill the next vacancy.

The Court agreed that the question thus raised involved the amendment (and not simply an interpretation) of the relevant paragraph (now deleted) of Article 3 of the Rules, as adopted in 1922.

During the revision of the Rules at the Eleventh Ordinary Session,

proposals establishing a distinction between insuperable reasons and personal reasons for the non-attendance of a deputy-judge were put forward but rejected. (Series D., No. 2, Add., p. 18.)

ARTICLES 16 AND 17.

Incompati-
bility of func-
tions.

The opinion of members of the Court on the question of incompatibility of functions was expressed on February 4th, 1922 (see Publications of Court, Series D., No. 2, pp. 10-13) as follows :

“(a) that there was incompatibility between the functions of judge of the Court and the functions of a member of an institution such as the *Conseil du contentieux* of the Italian Foreign Office ;

“(b) that there was no incompatibility between the functions of a judge and the functions of a member of a Government Commission for preparing copyright legislation ;

“(c) that there was no incompatibility between the functions of a judge and the functions of a member of a Government Commission for testing candidates for the diplomatic service ;

“(d) that the judges, or in case of doubt, the Court should decide in each instance if there were incompatibility between their functions as judges and participation in cases of private international law ;

“(e) that, except in special cases upon which the Court might be called upon to decide, participation in negotiations even of a non-political character was inadmissible ;

“(f) that the judges might take part in international conferences which were concerned with the development of law.”

In practice the following functions amongst others have been accepted or exercised by judges, with the Court's approval :

- M. Loder — President of a Mixed Arbitral Tribunal.
- Mr. Moore — President of the International Commission on the Rules of warfare (submarine, wireless, air).
- M. Nyholm — Member of a Mixed Arbitral Tribunal, in replacement of a German member.
- M. Huber — Rapporteur in an Anglo-Spanish dispute regarding Morocco.
- M. Huber — President of Conciliation Commission between Sweden and U.S.A.

In September 1926, the question of the incompatibility of the appointment of a judge of the Court as President of a conciliation commission provided for in the Locarno Agreements having been raised in the form of enquiries made by one of the interested governments, the following pronouncements were made on behalf of the President of the Court :

(1) There is no incompatibility in law between the functions of member of the Permanent Court of International Justice and those of member of a conciliation commission.

(2) Participation by a judge in the proceedings of a conciliation commission in the capacity of a member of that commission would involve an obligation not to sit on the Court should the same question subsequently be submitted for judicial settlement. Consequently, there is a certain effective incompatibility between the functions of judge and of member of a conciliation commission when the same agreement provides for judicial settlement by the Court, failing a settlement by the conciliation commission.

But there is no such incompatibility if a member of the Court is called upon to form part of a conciliation commission established under an agreement which does not contingently provide for a settlement by the Court of disputed questions.

Acceptance of decorations. On July 30th, 1926, the Court adopted the following Resolution :
 "The Court holds that neither its members nor the Registrar nor officials of the Registry should accept decorations without the consent of the Court."

It was also decided that as a general rule it should vote by secret ballot when applying this Resolution.

On the same occasion, consent was refused the Registrar to accept a decoration conferred upon him by a government who had recently been a Party to suits before the Court.

Removal of judges.

ARTICLE 18.

RULES, ARTICLE 6.

(See above Court's decision regarding participation of deputy-judges, p. 176.)

Diplomatic privileges and immunities.

ARTICLE 19.

Under Article 19 of the Statute, the members of the Court are entitled to diplomatic privileges and immunities. These immunities do not apply to members of their households who are of Dutch nationality. Under Article 7 of the Covenant, the Registrar and members of the Registry of the Court enjoy, in principle, similar privileges and immunities.

Accordingly, the Dutch Government has, *inter alia*, authorized the importation free of customs duty of goods destined for the use of the Court or for the personal use of members of the Court or of the Registry, in the case of the latter in so far as they are to be considered as "agents"; in practice, the privilege is extended to the whole staff possessing so-called *permanent* contracts.

Similarly the Dutch Government granted exemption from taxation to the members and staff of the Court (other than Dutch) under Article 19 of the Statute and 7 of the Covenant. Persons of Dutch nationality upon or in the service of the Court were also

granted exemption from income tax and the so-called national defence tax upon emoluments received for such service.

Again, persons of other than Dutch nationality also benefit by immunity from local and special taxation. Similarly they are provided with cards or plates for their motor cars and bicycles indicating their exemption from the tax on such vehicles.

Under this heading, mention should also be made of the special treatment granted by virtue of the consent of the various postal administrations—obtained through the agency of the Netherlands Government—to official telegrams of the Court signed by the President or Vice-President or by the Registrar, or simply indicating the telegraphic address—Intercourt—and despatched to Belgium, Germany, France, Great Britain, Ireland, Italy, Luxemburg, Portugal, Spain, Sweden and Switzerland, which telegrams, together with the replies thereto, are assimilated to State telegrams. Similar treatment is accorded to telephonic communications on behalf of the Court with a certain smaller number of countries. The Dutch Government has also announced its intention of pressing for the general regulation of the special régime to be granted to the Permanent Court of International Justice at the next International Telegraph Conference. (See Publications of Court, Series D., No. 2, p. 43.)

Special telegraph and telephone privileges accorded to the Court.

ARTICLE 20.

RULES, ARTICLE 5.

In the case of the S.S. *Wimbledon* the Court expressed the view that the German judge *ad hoc* could not take part in proceedings until he had made the solemn declaration (June 15th, 1923). The same principle has been applied subsequently.

Solemn declaration by members of Court.

RULES, ARTICLE 8.

Solemn declaration by assessors.

ARTICLE 21, paragraph 1.

RULES, ARTICLE 9.

At the Eleventh Ordinary Session, in connection with the system of voting for the election of the President (Rule 9), a proposal was made for the addition to Article 9 of the Rules of a provision for a second ballot, limited to the two judges obtaining the most votes, in the event of no judge obtaining an absolute majority at the first ballot. The main object of the amendment was to limit the number of inconclusive votes. The proposal was, however, rejected, as the Court did not wish to change the present system of electing the President (involving an unlimited number of ballots) or, in

Election of President and Vice-President.

general, to limit its freedom of action by enacting a specific rule. (Series D., No. 2, Add., pp. 33-35.)

In connection with the revision of the Rules in 1926, the interpretation of Article 13 of the Statute was considered. This point is dealt with under that article.

It was also proposed to delete the provision in Rule 9 regarding the convocation of an extraordinary session simply for the election of the President and Vice-President; the Court rejected this proposal, thereby indicating that its view was that, if necessary, this course should be adopted.

RULES, ARTICLE 10.

RULES, ARTICLE 11.

Duties of
Vice-President.

The Court approved on February 7th, 1922, a memorandum by the President on the duties of the Vice-President. This memorandum was to the following effect :

- (1) that he should attend all sessions of the Court in his capacity as judge ;
- (2) that he should replace the President when the latter is unable for any reason to attend to his duties ;
- (3) that he should preside over any chamber of which he is a member, unless the President is also a member.

RULES, ARTICLE 13. (For amendment of this rule, see below under *Statute*, Article 24.)

Appointment
of Registrar.

ARTICLE 21, paragraphs 2 and 3.

RULES, ARTICLE 17.

Procedure at
Preliminary
Session.

During the Preliminary Session in 1922, at the second meeting, the election of the Registrar was considered. The Court had before it a list of candidates, but the President observed that this list was not exclusive and that further names might be added to it. He asked the official, who was seconded by the Secretary-General of the League of Nations, to act as Secretary to the Court pending the election of a Registrar, whether he was willing to be a candidate. A formal proposal having been made for his election, the official in question was elected by secret ballot. (See Series D., No. 2, p. 7.)

Appointment
of Deputy-
Registrar.

The procedure followed at the Ninth Session for the election of the Deputy-Registrar was similar to that laid down as regards the selection of the Registrar, i.e. candidates were put forward by

members of the Court and the Court selected the occupant of the post by secret ballot. (Article 17 of Rules.)

In Article 17, the last part of the fourth paragraph is intended to render it clear that in all circumstances a new Registrar would be appointed for a full period of seven years and thus to facilitate the finding of a competent person. (See Series D., No. 2, Add., p. 39.)

RULES, ARTICLE 18.

RULES, ARTICLE 20.

In connection with Article 20 of the Rules, the following decisions have been given at various times : Appointments
to Registry.

(1) It was agreed, on February 14th, 1922, that if in the future cases in which the Spanish language played an important part became frequent, the Court would consider the creation of a post in the Registry for a person of Spanish-speaking nationality.

(2) On July 30th, 1926, the Court agreed to leave the Registrar a free hand as regards the choice of an individual having a knowledge of Slav languages. It was observed that for the officials of the Registry nationality was not a consideration of first importance and that the principle followed at Geneva, namely, the distribution of posts according to, *inter alia*, criteria of nationality, could not be applied in the Registry.

(For lists of officials see Series E., No. 1, p. 80; No. 2, p. 35; No. 3, p. 31.)

RULES, ARTICLE 21.

Under Article 21 of the Rules may be grouped decisions on questions concerning the Staff of the Registry. Questions
concerning
the Registry.

The regulations for the Staff of the Registry (See Series E., No. 2, p. 36) are not in such detail as the regulations for the Geneva Secretariat, and therefore the latter are applied by analogy where the regulations of the Registry contain no relevant provision.

An administrative tribunal is to be established for the Secretariat at Geneva and International Labour Organization. The Statutes for this tribunal are to be submitted to the Assembly. The report of the Secretary-General on the establishment of the tribunal contains a paragraph to the effect that it is proposed at first to confine the jurisdiction of the tribunal to cases affecting the Secretariat and International Labour Organization; that the officials of the Permanent Court are very few in number, and the Court itself deals with questions arising in connection with their rights; that there would, however, be no objection, should the Court desire, to giving the tribunal jurisdiction to deal with a claim made by an official of the Registry.

The Staff Provident Fund of the Geneva Secretariat also embraces the International Labour Office and Registry of the Court, and the Regulations of the Fund therefore apply *in toto* to the officials of the Registry (but not to the Registrar whose position is assimilated to that of members of the Court). As regards the regulations governing this Fund, see Publications of Court, Series E., No. 1, p. 293.

The Court also pays, since 1925, 50% of premiums of approved sickness and accident insurance policies taken out by members of the Registry. (See Series E., No. 1, p. 294.)

In this connection, it was decided (on January 13th, 1925) to contribute 50 % towards the medical expenses of an official incurred in 1924. This course was taken in view of

(1) the absence at that time of any sickness insurance system corresponding to that existing in the case of the Secretariat at Geneva ;

(2) the tenor of the discussions of the Supervisory Commission on the question ;

(3) the fact that 50 % is the proportion of the premiums for sickness insurance paid by the League.

The salaries of the Staff of the Registry are to some extent subject to variation with the cost of living. (See Series E., No. 1, pp. 294-295.)

RULES, ARTICLE 22.

The Court having decided that it would itself appoint the person to replace the Registrar and Deputy-Registrar, should both be absent simultaneously during a session, Article 22 was modified in order to bring it into conformity with other articles of the Rules.

RULES, ARTICLE 23.

RULES, ARTICLE 24.

The words in Article 24 "including any enquiries from the Press" were inserted in 1926 in order to embody the practice followed and to provide the Registrar with definite authority under the Rules for dealing with the Press.

The system to be adopted for communications to the Press was discussed by the Court on June 20th, 1922. The practice is for the Registrar to prepare communiqués which are sometimes approved by the President. All communications to the Press are marked "unofficial".

RULES, ARTICLE 25.

RULES, ARTICLE 26.

For the financial duties of the Registrar under Article 26 of Rules, see also under Article 32 of Statute.

ARTICLE 22.

RULES, ARTICLES 12 AND 19.

Seat of Court
and residence
of President,
Registrar and
Deputy-
Registrar.

ARTICLE 23, paragraph 1.

RULES, ARTICLE 27.

Sessions :
ordinary and
extraordinary

At the ordinary session in 1925, the Court, having assembled on June 15th, and there being no case before it ready for consideration, decided as follows, on June 15-17th, in regard to the case of the German interests in Polish Upper Silesia :

(a) To inform the Parties that the Court would deal, in the course of the current session, with the plea to the jurisdiction put forward in regard to the proceedings instituted by the German Application, dated May 15th, 1925, provided that the oral pleadings in regard to this plea could be commenced on July 15th at latest and that, before June 25th, the two Parties informed the Court that they were prepared to complete the written proceedings in regard to this point in sufficient time to enable the Court to commence the oral proceedings on the question of jurisdiction on July 15th.

If this condition were not fulfilled, to adjourn the suit until an extraordinary session, the date of which would be fixed later.

(b) To suspend its session until July 15th, authorizing the President to close the session, should the agreement contemplated in the preceding paragraph not be effected.

It was also decided on June 17th, 1925, to authorize the President, if necessary, to postpone the resumption of the ordinary session by five days, i.e. until July 20th ; but that date was to be regarded as the latest.

On June 19th, 1925, the President, at a public sitting, declared the ordinary session adjourned until July 15th, 1925.

At the Ninth Extraordinary Session, the Court agreed that an administrative decision taken at an ordinary session could not be revised at an extraordinary session.

The opinion was expressed at the Eleventh Session, during the discussion of the revision of the Rules, that cases should await the opening of the ordinary session except when a matter was really

urgent. Extraordinary sessions should be avoided as far as possible, in order to facilitate the presence on the Bench of all ordinary judges.

Lists of cases.

ARTICLE 23, paragraph 2.

RULES, ARTICLE 28.

On August 19th, 1924, the Court decided that its Fifth (Ordinary) Session should be closed when judgment on the plea to the jurisdiction in the case of the Mavrommatis Palestine Concessions had been given and Advisory Opinion No. 9 had been rendered. It was agreed that the oral proceedings on the merits of this case would take place either at the next ordinary session or at an extraordinary session, according to the date of the conclusion of the written proceedings. Similarly, in the case concerning certain German interests in Polish Upper Silesia, the question of jurisdiction was treated separately from the merits of the case, the former being taken at the ordinary session in 1925 and the latter at the Tenth Extraordinary Session held in the early part of 1926. The question of jurisdiction and the question on the merits were, accordingly, considered as two different cases in the sense of Article 23 of the Statute.

At the Eleventh Ordinary Session, in connection with the revision of the Rules and in particular the adoption of Rule 38, the President remarked that the Court was agreed that it could decide in each particular case whether the jurisdiction and the merits could be taken in the same session or whether, regarding them as independent cases, the Court could postpone the latter to another session.

On January 27th, 1925, the Court decided to add the case of the Mavrommatis Palestine Concessions (merits) to the list for the extraordinary session then in progress, as the written proceedings in regard to it were concluded.

The general question of the interpretation of Article 28 of the Rules was reserved for the time being.

On June 16th, 1925, the Court agreed that the removal of the question of the Œcumenical Patriarchate from the list was an administrative matter to be dealt with by the President. At the first public sitting of the session, the President announced the withdrawal of the question by the Council and its consequent removal from the list.

On September 7th, 1923, in connection with a request made by the Roumanian Government for permission to submit a statement in the proceedings relating to Advisory Opinion No. 7, the Court approved a communication from the Registrar to the Secretary-General of the League of Nations to the effect that the Court could not authorize the filing of a statement by the Roumanian Government because to do so would involve a postponement of delivery

of the opinion which would be contrary to Article 23 of the Statute (which was applicable by analogy).

In the Chino-Belgian case concerning the denunciation by China of the Treaty of 1865, negotiations for the conclusion of a new treaty having been reopened, and the Belgian Government consequently no longer insisting that the case should proceed in accordance with the times originally laid down, the Registrar, in connection with the point which had thus been raised, stated, on January 15th, 1927, in a communication to the Chinese Legation at The Hague, that once proceedings had been instituted, they could not be "suspended". Failing a formal withdrawal of the document instituting proceedings, the case must follow its normal course—subject, of course, to the Court's (or President's) power to extend times previously fixed.

It was agreed on February 25th, 1922, that it was not desirable, in the event of there being no cases to be dealt with on June 15th, to authorize the President to postpone the commencement of the ordinary session. It was understood that there would, in all circumstances, be an annual session. (See Series D., No. 2, pp. 99-100.)

At the ordinary session in 1926, when the Rules of Court were revised, a proposal was made for the addition of an Article 28 *bis* providing for the postponement of the opening of the ordinary session by the President if, one month before the date of opening, there were no case or question on the list. It was also proposed to confirm by a clause in the Rules the practice followed by the Court in June 1925 (i.e. the adjournment of the session if the Court, on meeting, had before it only cases which would not be ready until a short time had elapsed.) The Registrar submitted two alternative drafts for a new third paragraph to Article 28, one of which excluded the possibility of adding to the list for extraordinary sessions cases maturing in the course of them, whilst the other, on the contrary, made the addition of such cases possible in cases of urgency by decision of the Court.

After discussion, it was decided that it would be better to leave the Rules 27 and 28 as they stood for the time being, since the Court's work was continually increasing and the distinction between ordinary and extraordinary sessions would have to be considered in all its aspects and other more radical changes might have to be made. This the Court would be in a better position to undertake in a few years' time. (Series D., No. 2, Add., pp. 45-51.)

As regarded the confirmation of the practice adopted in 1925 and the Resolution of February 25th, 1922, concerning the undesirability of authorizing the President to postpone the opening of the ordinary session (see above), it was decided not to add any clause to the Rules to this effect, but it was recognized that this decision did not affect the Court's power to continue to follow that practice.

Extraordinary sessions.

ARTICLE 23, paragraph 3.

The President has exercised his power to summon an extraordinary session on six occasions, the first being in connection with Advisory Opinion No. 4 (Nationality Decrees in Tunis and Morocco). On every one of these occasions the Council had requested an advisory opinion which it declared to be of an urgent nature.

Withdrawal or disqualification of a judge.

ARTICLE 24.

On February 20th, 1922, the Court decided that no provision should be included in the Rules conferring on the Parties a right to suggest that a judge should not sit in a given case.

At the ordinary session in 1926, the interpretation of Article 24 of the Statute was discussed in connection with an Article 4 *bis* which it was proposed to insert in the Revised Rules. This article, which contemplated amongst other things the application of paragraphs 1 and 2 of Article 24, with a view to placing the Parties on an equal footing, was not adopted; but the Court added to Rule 13 a provision stipulating that, should the functions of President fall to be exercised by a national of a Party, they are to pass for the purpose of the particular case to the first judge, according to the seniority established by the Rules, not similarly placed. (See Rule 13 under *Statute*, Article 21: Election of President and Vice-President.)

At the same session the following conclusions were arrived at in regard to Article 24 of the Statute: that article was designed to apply to personal reasons and could not be used in order to establish the equality of the Parties. The only article applicable for that purpose was Article 31. (See Series D., No. 2, Add., pp. 193-194.)

The full Court and quorum.

ARTICLE 25.

Under this article of the Statute may be placed the Court's practice in cases where certain judges, owing to absence from the whole or part of a session, cannot take part in deliberations or hearings.

The Court decided, on February 16th, 1922, that no rule with regard to legitimate absence of a judge should be included in the rules of procedure. It was understood that in extreme cases Article 18 of the Statute might be invoked.

On July 26th, 1922, the Court decided that it would not be incompatible with its activities to authorize M. Beichmann to leave The Hague on August 1st in the evening (before the closure of the session), since the Court was able to sit with ten or even nine members.

On July 10th, 1922, it was decided that the discussion of an advisory opinion should be continued, in spite of the temporary absence of a judge. This decision, however, was not to apply as regards the administrative questions on the agenda for the session. A decision to the same effect, necessitated by the illness of a judge, was taken on January 20th, 1925; but when a similar case arose on March 3rd, 1925, during the deliberation upon the Mavrommatis case, the Court decided, on the contrary, to adjourn the discussion, but it was understood that this decision should not create a precedent.

On October 27th, 1925, a judge was unavoidably prevented from attending a public hearing in the Mosul question (Advisory Opinion No. 12). It was therefore decided to adjourn the hearing in order to enable the judge in question to attend, because if he were not present at the hearing, it was doubtful if he could be allowed to sit in the case.

The Court has invariably followed the practice of not including amongst the names of the judges composing the Court for a judgment or advisory opinion, those of the judges who have been compelled for one reason or another to leave before the final deliberation on the judgment or opinion.

On two occasions, both in connection with the case concerning certain German interests in Polish Upper Silesia during the Tenth Extraordinary Session in 1926 when a judge has fallen ill, the Court has obtained the consent of the Parties to the continuation of the hearing in his temporary absence.

On April 20th, 1926, in the same case, the Vice-President, owing to illness, became unable to take part in the deliberation on the part of this suit, known as the case of the Large Estates; the Court decided that, as the two parts of the suit were quite distinct, he might eventually take part in the deliberation on the other, or Chorzów, part.

Ultimately on April 29th, 1926, the Vice-President, who had been unable to take part in the Court's deliberations since April 15th, became unable to sit for the rest of the session. The Court decided that they must proceed with the case without him as the quorum was still assured.

RULES, ARTICLE 3, paragraph 1 (cf. pp. 176-177 above).

Deputy-judges have attended sessions of the Court as follows:		Convocation
1. Preliminary Session	3	of deputy-
		judges.
		(at this session it was decided to summon all deputy-judges for the original drafting of the Rules of Court).
2. First (Ordinary) Session	2	
3. Second (Extraordinary)	2	
4. Third (Ordinary)	1	

5. Fourth (Extraordinary)	3
6. Fifth (Ordinary)	none
7. Sixth (Extraordinary)	3
8. Seventh (Extraordinary)	4
9. Eighth (Ordinary)	1
10. Ninth (Extraordinary)	3
11. Tenth (Extraordinary)	3
12. Eleventh (Ordinary)	• none.

RULES, ARTICLE 4, paragraph 1.

Presence of judges *ad hoc*. (See note under *Statute*, Article 3, as regards amendment of this article in July 1926.)

RULES, ARTICLE 30.

Quorum and judges *ad hoc*. During the revision of the Rules at the ordinary session of 1926, the Court decided that judges *ad hoc* should not be taken into account for the calculation of the quorum of 9, and an addition was accordingly made to Rule 30. This decision also covered the case of a deputy-judge appointed as a judge *ad hoc* for a particular case.

At the same session, proposed additions to Article 30 providing, (1) for the adjournment of a hearing should a judge be temporarily unable to sit, and (2) that a private meeting need not be adjourned by reason of such temporary absence, were rejected. (Series D., No. 2, Add., p. 55.)

At the ordinary session in 1926, during the revision of the Rules, in connection with an amendment to Rule 31 making it compulsory for judges to vote upon all questions, whether in connection with judgments, advisory opinions or administrative matters, which amendment was not adopted, it was held that the *presence* of the requisite number of judges constituted the quorum and that abstention from voting did not affect it. It was also held that the existing text of Rule 31 already imposed an obligation to vote on questions for judgment or advisory opinion.

Provision for possibility of increase in number of judges by Assembly. See under *Statute*, Article 3, p. 174.

ARTICLES 26, 27, 28.

Special Chambers.

On February 13th, 1922, it was decided that if only one Party applied for recourse to a Chamber, the decision rested with the Court. (Series D., No. 2, p. 36.)

(At the ordinary session in June 1926, during the discussion of the revision of the Rules (Rule 35), it was agreed that the decision resting with the Court was the decision on the merits and not on the Chambers' jurisdiction.)

It was agreed on February 25th, 1922, that the last paragraph of Article 26 of the Statute only referred to contentious cases and not to advisory opinions. In practice, however, the principle involved has been applied by analogy in a question submitted for advisory opinion.

On June 20th, 1922, it was agreed that a certain letter (emanating from a member of the International Labour Organization and relating to a question before the Court) should not be communicated to the International Labour Office in conformity with the principle expressed in the last paragraph of Article 26 of the Statute, but only because that Organization had already been informed (through other channels) of the purport, if not of the actual contents, of the letter.

After receipt of the application in the *Wimbledon* case, the Court decided, on January 18th, 1923, that the attention of the Parties should not be drawn to the provisions of Article 27 of the Statute dealing with the competence of the Special Chamber for cases relating to transit and communications. The grounds for this decision appear to have been that it was held that only legal questions (the interpretation of a treaty), and no technical questions, were involved in the case before the Court, and that the clauses of the Statute dealing with the Special Chamber and technical assessors contemplated transit cases possessing a technical aspect.

RULES, ARTICLE 7.

At the Preliminary Session in 1922 the Court agreed

(1) that in transit cases, technical assessors should also be present in those before the full Court, and not only in those heard by the Chamber for Transit Cases;

(2) that it could always call for nominations by the Parties; that the Parties might submit nominations of their own accord but that in no case would such nominations be binding on the Court;

(3) that it need not necessarily consult a competent body before proceeding to the appointments (this decision did not refer to the International Labour Office as regards assessors for Labour cases); any such consultation would not be communicated to the Parties;

(4) that in transit cases, if the Parties did not express a desire that assessors should be attached to the Court at the outset of proceedings, the Court would be free to decide whether they should be summoned or not;

(5) that an opinion expressed by it to the effect that as concerned the appointment of assessors it should not be bound by fixed rules, disposed of the questions:

(a) must the two classes of assessors (chosen from employers and workers respectively) in Labour cases always be represented in equal numbers?

Decisions in
regard to
assessors.

and

(b) must the class of assessors appointed by governments always be represented?

(6) that if a national of one Party were chosen as assessor, the other Party would have the right to have appointed an assessor approved by the Court.

The Court decided on June 16th, 1922, that the competence conferred upon it in regard to advisory opinions by Article 14 of the Covenant rendered the presence of technical assessors inadmissible when it was deliberating on such opinions.

RULES, ARTICLE 14.

On March 23rd, 1922, the Court agreed that the order of summons of substitute judges should be according to the precedence established in Article 2 of the Rules of Court. (See also under *Statute*, Article 15, last paragraph, p. 176.)

RULES, ARTICLE 15.

RULES, ARTICLE 16.

RULES, ARTICLE 35, paragraph 3.

On January 20th, 1923, the Court approved the regulations regarding the payment of technical assessors sitting at the request of the Parties, which the Council of the League had requested it to draw up. (See under *Statute*, Article 32, p. 194.)

Chamber for
Summary
Procedure.

ARTICLE 29.

The Chamber for Summary Procedure has met twice, firstly in 1924 (during the ordinary session of that year) for the Greco-Bulgarian case concerning the interpretation of the Treaty of Neuilly, and secondly in 1925 (during the Sixth Session) to consider the application made by Greece for an interpretation of the judgment given in the same case.

At the Preliminary Session in 1922 the Court agreed that a case may not be transferred from the Chamber to the full Court against the wishes of the Parties.

RULES, ARTICLE 14.

RULES, ARTICLE 35, paragraph 3.

RULES, ARTICLE 67.

RULES, ARTICLES 68 AND 69.

In connection with the interpretation of the Treaty of Neuilly (Judgment No. 3), the following decisions were taken by the Chamber during the ordinary session in 1924 :

(1) that after the grant, upon request, of an extension of time for the filing of cases, Parties cannot claim that a suit should be dealt with urgently ;

(2) that a Party which fails, after receiving due notice, to raise any objection within a reasonable period of time to a notification of the exchange of ratifications of a special agreement made by the opposing Party, should be presumed to concur in such notification (notice of the ratification of the compromise between Greece and Bulgaria had been received from Greece only). (See also under *Statute*, Article 43, paragraphs 3 and 4.)

In this connection a discussion took place at the ordinary session in 1926 upon a proposal to embody this decision in the Revised Rules of Court in the shape of a new Article 33 *bis*. After the opinion had been expressed that it would be wrong to draw from this decision, however well-founded it might be in the case in point, a principle of such general application, the proposal was withdrawn. (See Publications of Court, Series D., No. 2, Add., p. 69.) ;

(3) that, as a derogation from the Rules, the submission of replies would be allowed in that case.

Following upon the submission of a request for the interpretation of Judgment No. 3, the Chamber decided on March 3rd, 1925, that M. Loder (former President of the Court) who had presided during the deliberation of that judgment, should also preside for the purposes of the interpretation of the judgment referred to, in spite of the presence of the President of the Court. M. Loder also read the judgment at the public sitting held on March 26th, 1925, after the President of the Court had read the Court's judgment in the Mavrommatis case.

(Cf. Term of office : Article 13 of Statute, p. 175 above.)

Rule 68 as at present drafted constitutes an amendment to the original rule, made in accordance with the experience gained by the Chamber. (See Series D., No. 1, p. 80.) It was in fact agreed that there was no reason for the Chamber to meet until the written proceedings were concluded, unless special circumstances required it.

Rule 69 is likewise an amendment to the original rule, adopted in order to provide for the possibility of the successive submission of documents of the written proceedings, since a case might be brought before the Chamber not only by a special agreement but also under a general treaty and therefore by unilateral application.

RULES, ARTICLE 70.

ARTICLE 30.

RULES, PREAMBLE.

Rules of
Court.

Prior to the Preliminary Session held for the purpose of preparing the Court's Rules in accordance with Article 30 of the Statute, three drafts had been prepared, one by the Secretariat of the League of Nations and two by judges ; on the basis of these a questionnaire was prepared by a Committee of the Court and subsequently discussed point by point. The decisions thus arrived at by the Court were embodied in draft rules which were prepared by a Drafting Committee and finally adopted after further discussion and amendment by the Court.

The Court decided on June 17th, 1925, that judges particularly interested in the question of the revision of the Rules of Court should study the question and, before the end of that year, communicate their individual views in writing to the President. The latter would ensure intercommunication between the members of the Court, so that the subject could be profitably considered at the next ordinary session.

A proposal for revision having been made during the Ninth (Extraordinary) Session (November 1925), the Court agreed that it was bound by the decision above mentioned and could not enter upon a discussion of the merits of the question without revoking that decision which, having been taken at an ordinary session, could not be revoked at an extraordinary session.

In accordance with a proposal subsequently adopted, the question of the convocation of deputy-judges for the purpose of the revision of the Rules was placed first on the agenda for the ordinary session in 1926 and was decided in the negative at that session. (See Summons of deputy-judges, *Statute*, Article 15.)

The members of the Court had before them at the ordinary session of 1926 a brochure distributed earlier in the year and embodying, in addition to the individual views above referred to, any amendments or observations relating to the 1922 Rules submitted before June 1925. The brochure was used as a basis of discussion when the work of revision was taken up. Written amendments which had been prepared by deputy-judges were accorded full consideration, in spite of the absence of their proposers, and were submitted by the President in his own name, so that the Court could vote upon them.

National
judges.

ARTICLE 31.

(See also *Article 26*, paragraph 3, and *Article 27*, paragraph 3.)

National judges have so far been present in the case of the S.S. *Wimbledon* ; the case of the Mavrommatis Palestine Concessions (jurisdiction and merits), and the case of the German interests in Polish Upper Silesia (jurisdiction and merits).

The Court agreed in the case of the S.S. *Wimbledon* that it could not consider the case in the absence of the German judge, and, on the other hand, it held that that judge could not be present until he had made the solemn declaration provided for in Rule 5 (June 15th, 1923).

It was agreed that the same practice should be followed in the Mavrommatis case as concerns the Greek judge *ad hoc*, and in the case of the German interests in Polish Upper Silesia as concerns the German and Polish judges *ad hoc*.

RULES, ARTICLE 2, paragraph 2.

RULES, ARTICLE 4.

RULES, ARTICLE 5.

See also Rule 13, paragraph 2, second sentence, p. 175: Provision for the eventuality of the Presidency being occupied by a national of a Party to a suit; and Rule 30, second sentence, p. 188: National judges not counted for purposes of quorum.

(For decision taken at the Eleventh Session regarding the non-convocation of national judges for advisory opinions, and also for precedents, see under Advisory Procedure, *Rules*, Article 71, p. 222.)

ARTICLE 32.

Assembly Resolution of December 18th, 1920.

The emoluments of judges were fixed by the Assembly at its first session (see Series D., No. 1, p. 28). Remuneration
of members of
Court and
Registrar.

On February 3rd, 1922, the Court decided to propose to the Council that the Registrar's emoluments should be fixed at a certain sum. This proposal was rejected by the Council, which subsequently however, upon a further proposal by the Court, decided that the Registrar's emoluments should in principle be fixed in accordance with the desire expressed by the latter. In 1922, the Assembly of the League of Nations adopted a report by the Supervisory Commission establishing the principle that the post of Registrar was equivalent to that of director at the General Secretariat of the League, it being understood, however, that the commencing salary of the Registrar should be higher than that of a director (*Records of the Third Assembly, Meetings of Committees, Minutes of 4th Committee*, pp. 125, 103).

The Deputy-Registrar is classed as an "official of the Registry" on a scale corresponding to that of "Chief of Section" in the Geneva Secretariat.

Pensions.

The Assembly adopted a Resolution on September 30th, 1924, the preamble of which is as follows:

“For the purpose of Article 32, paragraph 7, of the Statute of the Court, the personnel of the Court shall be taken to comprise Judges, the Registrar and the officials of the Registry.

“As the officials of the Registry participate in the benefits of the League of Nations Provident Fund, the present regulations deal only with the ordinary judges and the Registrar.”

This Resolution then proceeds to lay down in six articles regulations for pensions, a summary of which appears on page 290 of the Court's Publications, Series E., No. 1.

The members of the Registry benefit by the Provident Fund established by the League of Nations for the General Secretariat, the staff of the International Labour Office and the Registry of the Court. (See Publications of Court, Series E., No. 1, p. 85.)

Remuneration of judges *ad hoc* and assessors.

The Assembly adopted a Resolution concerning the remuneration of judges *ad hoc* and assessors on September 23rd, 1922, the chief provisions of which are given in the Court's First Annual Report (see Series E., No. 1, p. 291).

Rules for the payment of indemnities to assessors in Transit and Communications cases sitting at the request of the Parties were adopted by the Court on January 20th, 1923. A summary of these rules will be found in the same place.

Travelling expenses.

On February 17th, 1922, the Court adopted the following principles:

(a) Judges' travelling expenses would be refunded on presentation of a statement of the total amount of these expenses without details.

(b) When the Court sat elsewhere than at The Hague, the judges would be entitled to repayment of all expenses incurred, but not to the daily allowance of 50 florins.

(c) If a journey could not be completed without interruption, the additional expenses of hotels, etc., occasioned by the break in the journey, would be refunded.

(These principles still hold good, but in actual practice judges supply as much detail as possible with regard to expenses, in conformity with the desire expressed by the competent League organisms.)

Enquiry into deputy-judges' emoluments.

The Supervisory Commission of the League of Nations referred in its Report to the Seventh Assembly (1926) to the fact that, owing to the extent to which the services of deputy-judges had to be called upon, they received total emoluments amounting to a sum hardly less than that received by regular judges. The Fourth Committee of the Assembly, in a report subsequently adopted by the Assembly, held that the Supervisory Commission might use-

fully be instructed to undertake an enquiry into the question with the co-operation of one or more members of the Court. The Court, on condition that such members should sit in a purely private capacity, and that it was understood that they could not commit the Court to any opinion, agreed to allow the Financial organization of the League to profit by their experience. A meeting between certain members of the Court and certain members of the Supervisory Commission took place at The Hague on April 25th, 1927.

ARTICLE 33.

RULES. ARTICLE 26, 1st sentence. (See also Financial Regulations of League of Nations: Publications of Court, Series E., No. 1, pp. 281 *et seq.*)

On March 24th, 1922, the Court decided that the Registrar should prepare the Budget estimates for submission to the authorities of the League of Nations and fixed certain guiding principles. Expenses of Court.

Owing to the date of the ordinary annual session, the practice has been for the Budget estimates to be prepared and submitted to the Supervisory Commission by the Registrar and subsequently laid before the Court, together with any suggestions of the Supervisory Commission, at the ordinary session.

When the Court has happened to be in session at a convenient time, however, the Budget estimates have been laid before it for approval, before being submitted to the Supervisory Commission.

The practice has also been for the Registrar, by virtue of a special decision of the Court, to represent it each year at the Assembly, before the 4th (Financial) Committee of the Assembly and before the Supervisory Commission. It has not been the practice to select a judge for these purposes though in 1922, for special reasons, Mr. Moore represented the Court at the Assembly. If necessary, the President or some other member of the Court would get into touch with the Members of the Council or Assembly. Representation of Court before Assembly, Fourth Committee and Supervisory Commission.

On July 30th, 1926, the Court decided to abstain from any decision or discussion on the question of the American Reservations; and the President construed the Court's vote as implying that the Court wished to assume a purely passive attitude and not to lend itself even to indirect co-operation in the work of the Conference called to consider the American reservations.

On February 22nd, 1922, it was agreed that the Court should not claim the right to employ stamped paper involving the payment of a due. Use of stamped paper.

Question of fees.

Prior to the First Ordinary Session (June 1922), the Secretary-General of the League of Nations, under instructions from the Council, asked the Court to consider whether legal fees could not be charged to cover certain of its expenses, and, if the Court's opinion were in the affirmative, to fix a reasonable scale of charges. The Court decided that under the Statute it had not the powers necessary to establish such a scale of fees and that such a course was not expedient. A memorandum to this effect was sent to the Secretary-General for transmission to the Council.

Parties before the Court.

ARTICLE 34.

Applications from private persons.

In the course of the Preliminary Session (1922), a request was received from a certain M. Kunter for the redress of certain grievances against the Polish Government. The Court decided, on March 22nd, 1922, to transmit the application (which might possibly fall under the heading of minority questions) to the Secretary-General of the League of Nations, with an official request that it should be circulated to Members of the Council. In the reply sent to M. Kunter notifying him of this decision, it was pointed out that the Court expressed no opinion on the merits of the case and that any further correspondence should be addressed to the Secretary-General of the League.

A certain person requested the intervention of the Court with the Netherlands Government for the redress of certain alleged grievances. The reply, which was signed by the Registrar under instructions from the Court, was simply to the effect that the Court had no competence to deal with such matters.

The same course has been adopted in numerous cases of the same kind, without the Court being called upon to give a decision.

A number of applications from persons who, for one reason or another, have lost or are unable to obtain recognition of their nationality rights and who consequently are unable to obtain satisfaction of certain claims from any municipal court, have also been received on various occasions by the Court.

To these the invariable reply has been that the Court can do nothing for them, as it has only jurisdiction for disputes between States. The question of these applications has been brought to the notice of the Secretary-General of the League, who has stated that the Secretariat will make a study of the question to see what possibility there is of any action being taken in this matter. (See Series E., No. 1, pp. 155 *et seq.*; Series E., No. 2, p. 96.)

Communication received in connection with a case from a non-

On December 11th, 1926, a letter addressed to the Court was received from "The United Chambers of Commerce of China" with reference to the Sino-Belgian case concerning the denunciation of the Treaty of 1865. The Registrar, having ascertained from

the Chinese Minister at The Hague that this institution was of a purely private character in no way connected with the Government, informed him that no account whatsoever could be taken by the Court of the letter in question.

governmental institution.

ARTICLE 35,

and Council Resolution of May 17th, 1922.

Conditions under which the Court is open.

RULES, ARTICLE 35.

The Resolution of the Council of the League of Nations concerning the conditions under which the Court shall be open to States not Members of the League was considered by the Court at its First Ordinary Session (1922). Under the terms of the Council Resolution, the Court had to decide to which States it should be communicated.

On June 23rd, 1922, it was decided to communicate the Council Resolution on this subject to all recognized States, and on June 28th, 1922, a list of the States in question was prepared. This list, as amended on June 17th, 1925, contains the following :

- Afghanistan,
- Dominican Republic,
- Egypt,
- Georgia,
- Germany,
- Hungary,
- Iceland,
- Liechtenstein,
- Mexico,
- Monaco,
- Poland (for transmission to the Free City of Danzig),
- Russia,
- San Marino,
- Turkey.

In connection with the *Wimbledon* case in which Germany was the respondent Party, the Court on September 13th, 1923, adopted a report—in connection with the question whether Germany should be called on to contribute to the expenses of the Court—in which, by reference to the observations of M. Hagerup and M. Adatci before the Sub-Committee of the Third Committee of the First Assembly of the League of Nations, it was established that, generally speaking, it was not the intention of the Statute that it should be possible to require a contribution from States summoned to appear before the Court under articles of the Peace Treaties giving the Court compulsory jurisdiction, and that this applied more particularly as regards a case brought before the Court under Article 380 of the Treaty of Versailles, in which Germany was the defendant.

Declarations under Council Resolution.

On May 16th, 1925, the Court was of opinion that the relevant instruments (Geneva Convention *re* Upper Silesia—cf. Treaty of Versailles, Article 88) when correctly interpreted (more especially in the light of a report made by M. Hagerup at the First Assembly of the League of Nations) authorized it in accepting the German Government's application in the case concerning certain German interests in Polish Upper Silesia without requiring the special declaration provided for in the Council Resolution. The Respondent would always be at liberty to file a plea to the jurisdiction based on the absence of such a declaration.

On September 13th, 1923, the Court decided not to demand any contribution to the expenses of the Court from the German Government in connection with the *Wimbledon* case, in which that Government appeared as defendant.

On May 21st, 1926, the Court decided in the case concerning certain German interests in Polish Upper Silesia to fix, in accordance with paragraph 3 of Article 35 of the Statute, the sum payable by Germany as a Party (claimant) in this case at 35,000 florins. It was understood that this decision would not be deemed to affect cases which might arise in the future.

At the ordinary session in 1926, during the revision of the Rules of Court, a draft was submitted, for inclusion in Rule 35, intended to provide detailed regulations for the making of the declaration mentioned in the Council Resolution of May 17th, 1922.

This draft, however, involved a wide interpretation of the phrase "treaties in force" in Article 35 of the Statute, which was considered as not altogether justified. (According to that interpretation, "treaties in force" meant treaties in force at the time when the case came before the Court and not those in force at the same time of the adoption of the Statute. See Publications of Court, Series D., No. 2, Add., pp. 76 and 104.) The draft was not therefore approved and it was agreed that the question in what cases the declaration was necessary should be left open. The Court would decide in each case as it arose. If in a given case no declaration was made, the other Party to the case could make an objection on that ground upon which it would be for the Court to decide.

Finally, the present paragraph (2) was adopted leaving the question of the necessity of the declaration open, but fixing a time for its submission, when required.

The *Lotus*
case.

(See p. 122 of this volume.)

Notification
of institution
of proceed-
ings and of
requests for
advisory opin-
ions, etc.

RULES, ARTICLES 36, paragraph 2, 42, paragraph 2, AND 73.

The States in the list given above (p. 197), together with the States mentioned in the Annex to the Covenant but not yet Members of the League—the United States, Ecuador and the Hedjaz—comprise the States (other than Members of the League, which receive

notifications through the Secretary-General of the League) to which the Court notifies documents instituting proceedings and requests for advisory opinions received by it, and which are, in addition to Members of the League of Nations, entitled to appear before the Court. (Rules, Article 42 (2). See also Articles 36 (2) and 73 (1).)

The Court has ceased to communicate with the Hedjaz as all communications after a certain date were returned to the Registry.

ARTICLES 36, 37, 38.

Competence
of Court.

As regards Articles 36 and 37 of the Statute, see Series D., No. 5, of the Court's Publications (third edition of the *Collection of Texts governing the jurisdiction of the Court*), especially the "Synopsis" of that volume.

When the volume above mentioned was published, the Registrar on March 24th, 1927, addressed letters to all governments of Members of the League and States entitled to appear before the Court, accompanied by copies of the new publication, asking them to communicate regularly to the Registry the text of any new agreements concluded by them and containing clauses affecting the Court's jurisdiction, and, further, to assist the Court to keep the Collection up to date, by supplying it with the latest information as to any changes in connection with agreements (ratifications, adhesions, etc.). This request has met with a most favourable reception on the part of the governments.

Under Article 36 of the Statute, having regard to the terms of its last paragraph, it seems convenient to take the question of preliminary objections with which the revised Article 38 of the Rules deals. Previous to the revision in 1926 there had been no provision on this subject in the Rules. (Cf. also Article 53 of Statute.)

Objections.
(Statute, Article 36, last paragraph.)

RULES, ARTICLE 38.

The principle underlying this article inserted in 1926 is that, in cases brought before it by unilateral application, the Court should take questions regarding the jurisdiction in *limine litis*, but only when the merits of the case have been set before it ; and it is understood that the possibility of the joinder of the question of jurisdiction to the merits is reserved. (See Series D., No. 2, Add., pp. 78-94.)

Case of the Mavrommatis Palestine Concessions.—Ordinary Practice. session 1924.

The Application instituting proceedings and the Case filed by the Greek Government were respectively communicated to the British Government on May 15th and 31st, 1924. The British Government informed the Court on June 3rd, 1924 (before the Court had fixed the time for the filing of the Counter-Case), that it intended to file

a plea to the jurisdiction. The President fixed June 16th as the time for the filing of the Case in regard to this plea. On that date the Agent of the British Government filed with the Registry a Preliminary Objection supported by a "Preliminary Counter-Case". The Greek Agent, in accordance with the time limit fixed by the President, filed his Government's reply to the British Government's Preliminary Counter-Case on June 30th, 1924.

Case of certain German interests in Polish Upper Silesia.— Ordinary session 1925.

The Polish Government, on receipt of the German Government's Application in this suit, informed the Court, on June 12th and 18th, 1925 (i.e. before the date fixed by the President for the filing of the Counter-Case, namely, July 31st), that it felt obliged to make "certain preliminary objections of procedure, and, in particular, an objection to the Court's jurisdiction to entertain the suit". The Case in support of these objections was filed before the end of June and the German Counter-Case replying thereto by July 10th. The oral proceedings in connection with these objections opened on July 16th, 1925.

On August 7th, 1925, the Court decided in the case of the German interests in Polish Upper Silesia (preliminary objections) to deal forthwith with the so-called question of "litispendence" (as well as with the principal Polish objection to the Court's jurisdiction) and not to leave it until the proceedings on the merits. (See Judgment No. 6, Series A., No. 6, pp. 18 *et sqq.*)

RULES, ARTICLE 61.

Judgment by consent.

During the revision of the Rules at the ordinary session in 1926, the Court, in connection with the question of amending Rule 61, recognized that Article 38, last paragraph, of the Statute had been intended by its authors to cover the conception of judgment by consent, but it did not consider it expedient to amend Rule 61, which left it open to the Court to grant or not to grant a request by the Parties for such a judgment.

ARTICLE 39.

RULES, ARTICLE 37.

Languages employed before the Court.

In the suit concerning certain German interests in Polish Upper Silesia (merits), both Parties submitted as annexes to their Case and Counter-Case respectively a number of documents in German unaccompanied by a translation into one of the official languages of the Court. The Registrar wrote on December 30th, 1925, to the Agents of both Parties stating that the documents in question had been accepted by the Registry and that the progress of the proceedings would not be affected, but pointing out the defect of form, which should be remedied. A translation was then filed.

In the question concerning the jurisdiction of the European Commission of the Danube submitted for advisory opinion by the Council, the Registrar, as an exceptional case and in view of special circumstances mentioned by the Italian Agent for the question, consented on March 4th, 1927, to accept the Italian Government's memorandum in Italian and undertook to prepare a translation into one of the Court's official languages which the Italian Government would accept as correct (Subsequently the Italian Government abandoned its intention of submitting a memorandum in this question.)

RULES, ARTICLE 44.

In the *Wimbledon* case, the Court (June 18th, 1923) decided to grant a request by the German Government for permission to use German. On July 7th, 1923, at a public sitting, the President therefore, stated that the Court had authorized the German Agent to use the German language in Court and that his statement would be rendered into French by the interpreter of the respondent Party. The French version would be considered authoritative.

On July 28th, 1923, in connection with a request by the German representative for permission to use German in the question regarding German settlers in Poland, the Court decided that under Article 39 of the Statute a language other than French or English could only be used in Court with the previous consent of the Court, given in response to a request by the Party concerned. Arising out of the foregoing decision, it was however agreed in the same case that Article 39 of the Statute only referred to the use of a language other than French or English as an official language for the whole procedure in a particular case, whereas the question under discussion was exclusively contemplated by Article 44 of the Rules.

It was also agreed that there was no objection to the interpretation of a speech in German made by the German representative by the Court's official interpreters, since the "arrangement to be made" under the terms of Article 44 might consist in an arrangement between the Registrar and the Parties concerned for the use of the official interpreters.

On April 13th, 1926, the expert witnesses produced by the Parties in the case concerning certain German interests in Polish Upper Silesia spoke German or Polish. The Court decided that the French version of the evidence given by the Parties having produced the witnesses was to be authoritative. The rule previously adopted concerning the use of the Court's official interpreters applied.

During the revision of the Rules in 1926, it was decided, in connection with a proposed amendment of Article 44, to maintain

the existing text, construed as it has been in the various cases just quoted.

At the same time (Eleventh (Ordinary) Session—June 1926), a proposal was made in connection with Rule 44 for the substitution of a written translation, to be distributed after each hearing, for the oral translation made at the hearings. This proposal was rejected and the practice of oral translations will therefore continue. (See Series D., No. 2, Add., p. 108.)

The practice of the Court is that the President should read the judgment (or advisory opinion) in the authoritative text, that is to say, as a rule, in the language, whether French or English, in which the judgment (or advisory opinion) has been originally drawn up and approved by the Court ; as a general rule only the operative provisions of the translation into the other official language are read by the Registrar. Any dissenting opinions may be read by their authors in either French or English, the translation into the other official language not being read.

ARTICLE 40.

Institution of proceedings. RULES, ARTICLE 35, paragraph 1.
(See also under *Statute*, Article 42.)

(For 35 (2) of the Rules, see under *Statute*, Article 35 ; and for Article 35 (3) of the Rules, see under *Statute*, Articles 26, 27 and 28.)

RULES, ARTICLE 36.

The procedure normally adopted on receipt of an application is as follows :

(a) a letter to the applicant State or States acknowledging the application, noting the address selected at The Hague and name of agent appointed, and when necessary alluding to the selection of a national judge under Article 31 of Statute ;

(b) a letter to the respondent State through the channel named by that State for the purpose of direct communications, transmitting a copy of the application, and drawing its attention to the selection of an address, the appointment of an agent, and, when necessary, to the selection of a national judge under Article 31 of the Statute ; allusion is also made to Rule 38 regarding the submission of preliminary objections ;

(c) a letter to the Secretary-General of the League of Nations, informing him of the receipt of the application and requesting him to proceed to carry out the notifications provided for in Article 40, paragraph 3, of the Statute ;

(d) in cases where the construction of a treaty or international agreement is involved the Court notifies the application direct to all States or Members of the League having ratified such treaty or agreement ;

(e) it has been the practice, which is now confirmed by Article 36, paragraph 2, of the Revised Rules of Court, to transmit notifications direct to all States not Members of the League of Nations entitled to appear before the Court, i.e. States mentioned in the Annex to the Covenant and those included in the list given under *Statute*, Article 35 (Members of the League of Nations being notified through the Secretary-General : see (c) above) ;

(f) copies of the application are transmitted to members of the Court ;

(g) letters notifying time limits for the written proceedings to both agents (if appointed, otherwise to diplomatic representatives). This information may be given in letters (a) and (b) if all the necessary preliminaries have been fulfilled by the Applicant and if no proviso in regard to a possible agreement between the Parties is made (as was the case in the German Government's application in the suit concerning certain German interests in Polish Upper Silesia).

This practice, the main lines of which were fixed in connection with the *Wimbledon* case, is followed *mutatis mutandis* in the case of proceedings instituted by special agreement.

In the case of such proceedings the special agreement may be notified by *both Parties* (as in the *Lotus* case), when the procedure follows precisely the course indicated above, with the exception that (a) and (b) will be virtually identical acknowledgments, or it may be notified by one Party only, as in the case between Greece and Bulgaria concerning the interpretation of the Treaty of Neuilly, Judgment No. 3 given by the Chamber for Summary Procedure, when certain variations resulted from this circumstance and more especially from the fact that the Bulgarian Government omitted for some time to confirm the information as to ratification of the special agreement given by Greece. (See also under *Statute*, Article 29, pp. 190-191.)

By a decision dated February 5th, 1926 (Cf. *Statute*, Article 48), the Court, recording the agreement reached between the Parties in this respect, joined the causes of action mentioned in the Application of the German Government dated August 25th, 1925, to those mentioned in Conclusion No. 3 of that Government's Application of May 15th, 1925 (German interests in Polish Upper Silesia).

At the ordinary session in June 1926, Rule 35 (1) was extensively amended. The amendments mainly relate to the agents to be appointed by the Parties and are dealt with under *Statute*, Article 42.

On the same occasion the second paragraph of Article 36 of the Revised Rules was adopted to codify earlier practice as already observed.

ARTICLE 41.

RULES, ARTICLE 57.

Interim pro-
tection.
Practice.

The first occasion on which measures of this kind were indicated was that of the institution of proceedings by the Belgian Government against the Chinese Government in consequence of the latter's denunciation of the Treaty of 1865 between the two countries. The Belgian Government in its Application requested the Court to indicate such measures. The President—the Court not being in session—did not consider that, upon the documents originally filed by the Belgian Government, the indication of such measures was justified. However, after receipt of the Belgian Case and annexes, he made on January 8th, 1927, an Order indicating what the provisional measures of protection should be. (For this Order see pp. 127-128.)

In granting a request made by the Belgian Government for an extension of the times allowed (see under *Statute*, Article 43, paragraphs 3 and 4), the President observed that this involved a corresponding extension of the time for which the interim measures would apply. Subsequently, in compliance with the express desire of the Belgian Government, which had accepted a provisional régime proposed by the Chinese Government pending further negotiations for the conclusion of a new treaty, the above Order was revoked by another dated February 15th, 1927 (see pp. 129-130).

ARTICLE 42.

RULES, ARTICLE 35, paragraph 1.

Represent-
atives of
Parties.

The Court decided on February 21st, 1922, that no rule restricting the right of pleading before the Court should be included in the Rules, and that any person appointed by a State to represent it may be admitted. (See Publications of Court, Series D., No. 2, p. 78.)

The Court on June 15th, 1923, held that, in order to avoid useless repetition, the maximum number of speeches or oral statements made in the same interest should not as a general rule exceed two. It was however understood that, if necessary, several persons might share the task of stating a case.

The question
of the
residence of
agents at
The Hague.

At the ordinary session in June 1926, important discussions took place resulting in the adoption of the present text of Rule 35. (Only 35 (1) is considered here.) Previously, practical difficulties had been encountered, more particularly as regards relations with the agents appointed who were sometimes resident at places a long way from The Hague. It was agreed that, though it was most desirable that Parties should appoint agents actually resident at The Hague or at a short distance from it, with whom it would

be possible at short notice to communicate verbally or in writing, it was not possible to introduce an absolute rule to this effect which might amount to an encroachment on the liberty of the Parties. It was in these conditions that the clause forming the last sentence of 35 (1) was adopted. (See Publications of Court, Series D., No. 2, Add., pp. 72-75.)

ARTICLE 43, paragraph 1.

RULES, ARTICLE 32.

During the revision of the Rules in 1926, it was agreed in connection with this article that though the Parties might jointly propose modifications of procedure, the final decision rested with the Court. (See Publications of Court, Series D., No. 2, Add., pp. 67-68.) The practice followed, notably in the case of the Nationality Decrees in Tunis and Morocco, and in the *Lotus* case, has been in accordance with this principle.

Procedure
(oral and
written).

ARTICLE 43, paragraph 2.

RULES, ARTICLES 34, 39, 40.

On February 14th, 1925, the President stated that Counsel for both Parties had expressed a desire to withdraw certain documents and suppress certain passages in the documents of procedure and in the speeches. The Court duly noted these statements and asked the Agents to notify the Registrar of the changes to be made. (Case of the Mavrommatis Palestine Concessions (Merits).)

Composition
of written
procedure.

On February 20th, 1926, during the hearing of the Polish Upper Silesian case (merits), the Polish Agent withdrew one of the exhibits attached to the Polish Counter-Case. The Court duly noted this withdrawal.

ARTICLE 43, paragraphs 3 and 4.

RULES, ARTICLE 42, paragraph 1.

RULES, ARTICLE 33.

On March 20th, 1922, when adopting the article regarding time limits included in the Rules of Court, the Court agreed that the system of calculating times laid down in the first paragraph should always be applicable.

The following examples may be given of extensions of time:

On February 21st, 1923, the President granted an extension of 20 days in the times fixed for the filing of documents in the *Wimbledon* case. The application was made, on behalf of one of the Parties, for an extension of 30 days, but having regard to the fact that 20 days was the maximum extension which would

ensure the completion of the written proceedings, on the date of the opening of the session, the President limited the extension as stated.

On July 5th, 1924, in the Greco-Bulgarian case before the Chamber for Summary Procedure, a request made by the Greek Agent for an extension of time of 15 days for the submission of the Case was granted. This time was subsequently further extended by agreement between the members of the Chamber. It was however agreed by the Chamber that the Parties could no longer in these circumstances claim that the case should be dealt with urgently.

In the case concerning certain German interests in Polish Upper Silesia (proceedings on the merits), the Polish Government applied, before the expiration of the time allowed for the filing of the Counter-Case, for an extension of time. The President granted this request and postponed by one month the dates for the filing of subsequent documents.

In the Chino-Belgian case concerning the denunciation of the Treaty of 1865, the President, on January 1st, 1927, at the request of the Belgian Government, which was stated to be also in accordance with the wish of the Chinese Government, granted an extension of time for the filing of the Counter-Case and subsequent documents. (See also under *Statute*, Article 23, p. 183 : Ordinary sessions, adjournment of—.) A further extension until June 18th was subsequently granted.

In the question concerning the jurisdiction of the European Commission of the Danube submitted for advisory opinion, the President, in response to requests from the British and Roumanian Governments for an extension of time for the preparation of their memorials, decided to extend the time previously fixed for the filing of written statements, namely, March 9th, 1927, until April 6th, 1927. A further extension, until April 12th, was granted upon the request of the Roumanian Government. In the same case, the date fixed for the submission of replies, namely, May 31st, was postponed until June 17th. (In these two last cases the extension was only granted until a date immediately after the opening of the ordinary session, as the President did not wish to hamper the Court's freedom of action.)

At the resumption of the Eighth Session, the President announced at the first public sitting on July 16th, 1925, in connection with the case concerning certain German interests in Polish Upper Silesia (jurisdiction), that in consequence of the preliminary objections raised by Poland, it had been decided to prolong *sine die* the times fixed for the filing of documents in regard to the proceedings on the merits, if any.

It was decided, on July 1st, 1924, that a Party which failed, after receiving due notice, to raise any objection within a reasonable period of time to a notification made by the opposing Party, should

be presumed to concur in such notification. (Case of the Interpretation of the Treaty of Neuilly before the Chamber for Summary Procedure; notification by Greece of ratification of Greco-Bulgarian *compromis*.)

In connection with Advisory Opinion No. 4 (Nationality Decrees in Tunis and Morocco), the President, as a derogation from Article 43 of the Statute in the case of an advisory opinion, authorized memoranda and counter-memoranda to be exchanged directly between the Governments concerned.

ARTICLE 43, paragraph 5.

RULES, ARTICLES 33, 41 AND 45.

RULES, ARTICLE 46.

On July 15th, 1925, the Court decided, in the case of the German interests in Polish Upper Silesia, that the Polish representative should speak first, because Poland, as regards the preliminary objection, was in the position of Applicant; the Polish Government's "statement of objections" and Germany's "observations" were really equivalent to the Case and Counter-Case as regards this question.

Oral proceedings.

Order of pleading.

It was decided on January 8th, 1923, in regard to Advisory Opinion No. 4, that in the absence of an agreement between the Parties the British representative should be called upon and address the Court first. (The other interested Party was France.)

On July 23rd, 1924, at a public sitting, the President stated in regard to the Saint-Naoum question (Advisory Opinion No. 9) that, since that question was before the Court for advisory opinion and consequently the representatives of the various States did not appear as representatives of applicant and respondent Parties, he would call on them to speak in the alphabetical order of the names of their respective countries, except that representatives of States not directly concerned would speak last.

On January 15th, 1925 (Advisory Opinion No. 10), the President made a statement to the same effect.

On June 18th, 1926, the Court decided to hear the representatives of international organizations in the following order in connection with Advisory Opinion No. 13 :

- (1) representatives of employers' organizations ;
- (2) representatives of workers' organizations ;
- (3) representatives of the International Labour Office.

RULES, ARTICLE 54.

The present text of Rule 54 is the result of the revision of the Rules in 1926, taking into account the experience previously gained by the Court. In the first place, it is in accordance with the

Records.

consistent practice of four years that a verbatim record should be made of the oral proceedings. It is further in accordance with the practice adopted in the Upper Silesian case (see under *Statute*, Article 51) that this record should include evidence taken.

In this connection the Court considered the question whether it should adopt the system whereby the evidence of witnesses is recorded in writing at the hearing at which it is given, and approved and signed by them there and then during the hearing, this record being regarded as constituting the evidence; or the system whereby fundamental importance is attached to the impression received by the judge from the oral evidence of a witness, the record of his evidence being a matter of secondary importance which can be approved later. It having been observed that, at the time of the preparation of the original Rules of Court, verbatim records of the evidence had, in fact, already been contemplated, although the wording then adopted might leave room for doubt, the Court decided as stated above.

Paragraph 2 of the same article also establishes as a rule to the practice followed in the Upper Silesian case (see under *Statute*, Article 31); the present text makes it clear that the record is intended faithfully to reproduce what a witness has actually said, and that only slips may be corrected.

On January 24th, 1925, the President stated that for the future it would be specified in letters to Counsel inviting them to correct the text of their speeches, that only changes of form would be allowed, as the Court and Parties must use that which had in fact been said in Court, i.e. the uncorrected verbatim report which appeared directly after the hearing; it would also be stated that the President would reserve the right to request Counsel to withdraw corrections overstepping this limit. The corrected text would be used solely for insertion in Series C. of the Court's Publications. The Court, by its decision, approved this standpoint.

This decision is the origin of the third paragraph of Rule 54 as at present drafted, which confirms a practice consistently followed.

Direct communications
with States.

ARTICLE 44.

(For the channels of communication with governments, see Series E. of the Court's Publications, No. 1, pp. 144 *et seq.*, and No. 2, pp. 88 *et seq.*)

Hearings.

ARTICLE 45.

On June 28th, 1926, at the hearing held for the submission of statements by representatives of international organizations in connection with Advisory Opinion No. 13, the President observed

that the question submitted was one of pure law referred to the Court for advisory opinion. It was not therefore for the representatives to indicate the conclusions at which, in their opinion, the Court should arrive.

RULES, ARTICLE 29.

ARTICLE 46.

Publicity of hearings.

RULES, ARTICLE 43.

(See under *Statute*, Article 21, paragraph 2 (the Registrar) for system of communication with the Press.)

Communication with the Press.

At the time of the revision of the Rules, in 1926, and in connection with a proposed new article for the Rules of Court, designed to relieve the Court of responsibility in the event of the production of secret documents before the Court contrary to international engagements, or of the production of documents or the use of terms of an invidious character, the Court held that Article 46 of the Statute provided it with the means of dealing with such contingencies.

It was pointed out that, under Article 46, the decision to clear the Court rested entirely with the Court itself which could do so at the request of a single Party.

At the ordinary session in 1926, the Court decided to establish the principle that all documents relating to a session, except individual documents which for any reason it might decide not to include in the collection, should be printed.—Previously the Court had followed the practice of deciding at each session whether documents should be published.

Publications.

On March 19th, 1925, the Court decided to add a new Series E. to its publications. This series would contain an annual report to be published under the responsibility of the Registrar. This report would not be addressed to any particular body but would be one of the Court's series of publications. The first report contained an account of the whole period already elapsed from the establishment of the Court until June 15th, 1925; whilst the second covered the period June 15th, 1925, to June 15th, 1926.

ARTICLE 47.

RULES, ARTICLE 55.

It was decided at the First Ordinary Session that the minutes of public hearings should be printed; this decision is now embodied in the Rules. It is understood that the expression "any declarations made by the Parties" is not to be construed extensively so as to include all the oral proceedings.

Minutes of hearings.

Orders for
conduct of
cases.

ARTICLE 48.

A decision joining certain causes of action mentioned in the second Application of the German Government in the case concerning certain German interests in Polish Upper Silesia to others mentioned in that Government's original Application was not termed an Order.

(See also under *Statute*, Article 40: Institution of proceedings, p. 202.)

On January 8th, 1927, the President made an Order indicating interim measures of protection for the preservation of Belgian rights in China pending the Court's final judgment in the case concerning the denunciation by China of the Treaty of 1865.

On February 15th, 1927, the President, at the request of the Belgian Government, made a second Order rescinding the above Order. (See also under *Statute*, Article 41, p. 204.)

RULES, ARTICLE 33.

Decisions of
the President.

It was understood (February 18th, 1922) that the Court's right to make orders differing from those already made by the President would not involve a right on the part of the Parties to appeal to the Court against the orders of the President.

During the revision of the Rules at the ordinary session in 1926, an amendment to Rule 33, providing that there was no right of appeal for the Parties against decisions of the President, was proposed. This amendment was not adopted, as it was held that it was unnecessary, because the President was simply exercising powers delegated to him by the Court, and consequently, there could be no appeal against his decisions.

On July 16th, 1925, the Court, for reasons of courtesy, decided, on the request of the German representative in the case of the German interests in Polish Upper Silesia for additional time for the preparation of his oral reply to the statements of the opposing Party, to grant him until July 18th.

On February 18th, 1926, in the same case (merits), the Polish representative having asked for the postponement of the next hearing to allow him time for the preparation of his response, the Court decided to leave the fixing of the exact dates of the next hearing to the President, it being understood, however, that any extra time, if it were granted, would only be so as an exceptional measure, since the tendency of long intervals during the oral proceedings was to modify the character of these proceedings.

RULES, ARTICLE 47.

On March 24th, 1926, in the case concerning certain German interests in Polish Upper Silesia, the attention of the Parties was drawn to the fact that Article 47 of the Rules of Court applied by

analogy to the situation arising out of the order made by the Court inviting the Parties to submit further information.

In the *Wimbledon* case, the Court decided, on July 9th and 10th, 1923, that certain documents could not be used as evidence unless communicated to the Parties.

On February 10th, 1925, during the hearing of the Mavrommatis case, Counsel for the Greek Government cited a volume of *Hansard's Parliamentary Debates*. Counsel for the British Government objected that the quotation would not be admissible as evidence. The Court decided:

(1) that the reading of the document which Counsel for the Greek Government desired to quote was admissible ;

(2) that it reserved its decision as to the importance to be attached to the document.

In the case concerning certain German interests in Polish Upper Silesia (merits), during the cross-examination of a German expert witness by the Polish Agent, on April 14th, 1926, the German Agent submitted that the questions put bore no relation to the evidence given by the witness and that it rested with the Court to decide whether the questions could be put. The Court reserved its opinion as to the importance to be attached to the questions put and replies given.

RULES, ARTICLE 48.

RULES, ARTICLE 49.

RULES, ARTICLE 52.

On March 19th, 1925, the Court, when adopting the budget for 1926, approved an item to cover any expenses in connection with the summoning of witnesses. This item reappears in subsequent budgets. Payment of witnesses.

RULES, ARTICLE 54, paragraph 2.

At the sitting held on April 16th, 1926, for the reading over of the evidence given by expert witnesses in the case of the German interests in Polish Upper Silesia, one German witness was not present to sign the record of his evidence and had empowered the German Agent to do so for him. The President reserved the Court's opinion as to the value to be attached to a record of evidence neither read over to nor signed by the witness. Subsequently (April 21st, 1926), the Court set aside the evidence of the witness in question, which had been signed and approved by proxy only.

(For the principles now applied by the Court, see under *Statute*, Article 43, p. 205.)

(See under *Statute*, Article 43 (3 and 4), pp. 205-207.)

Extension of times.

ARTICLE 49.

RULES, ARTICLE 48.

Orders for
production of
documents or
explanations.

On February 22nd, 1926, the Court requested the President to ask the representative of the German Government in the case concerning certain German interests in Polish Upper Silesia (merits) to furnish, when making his oral reply, some details in support of assertions made in his first statement of his Government's case. This step was taken without prejudice to the right of the Court subsequently to put questions to the Parties.

On March 22nd, 1926, the Court made an Order calling upon the Parties, in the case concerning certain German interests in Polish Upper Silesia, to furnish, by whatever means they might think fit, further information regarding certain points reserved by the Court, subject to the Court's right, should the evidence thus furnished be regarded as inadequate, to make good such inadequacy by the means provided for in the Statute.

On March 20th, 1926, the Court took a decision to the effect that it could *not* ask the Parties in the case concerning certain German interests in Polish Upper Silesia for information as to the relative importance of the estates belonging to the Duke of Ratibor and Count Saurma-Jeltsch and divided by the frontier line, because by so doing it would be going outside the terms of the dispute and raising a question of law not referred to it by the Parties. This could not be done by a Court whose jurisdiction depended exclusively on the free will of the Parties.

ARTICLE 50.

RULES, ARTICLE 53.

Holding
enquiries, etc.

(See under *Statute*, Article 51, Procedure for taking evidence and production of experts.)

ARTICLE 51.

RULES, ARTICLE 50.

Examination
of witnesses.

On March 21st, 1922, the Court, in adopting the article of the Rules of Court containing the solemn declaration to be made by witnesses, agreed that a witness was not thereby obliged, should the contingency arise, to violate professional secrecy.

RULES, ARTICLE 51.

In connection with the hearing of the witnesses called by the German and Polish Governments in response to the Court's request for further information in the case concerning certain German interests in Polish Upper Silesia, the Court decided, on April 13th, 1926, that the evidence of witnesses should be taken down verbatim, communicated to them, on the understanding that any correc-

tions should be indicated by them at the following sitting, at which corrected passages might be read, and that summarized records would not be prepared and adopted during the hearing. (Cf. *Statute*, Article 43 above, p. 208.)

At the hearing on April 16th, 1926, the President stated that the French text, which was authoritative, of the evidence had been communicated to the Agents for transmission to the witnesses for their observations, if any. The record would now be read in order of date and witnesses might, if they so desired, make fresh observations before signing their respective depositions. This procedure was then followed. The Registrar read the evidence in the presence of the various witnesses (the absence of one of the German expert witnesses is dealt with above—p. 211—in a separate paragraph), who, having no observations to make, signed their respective depositions. (See also under *Statute*, Article 43; *Rules*, Article 54.)

At the Eleventh Ordinary Session in 1926, the Court decided, in connection with Advisory Opinion No. 13, that the International Federation of Trades Unions should be allowed to produce experts. It was further decided that (1) the experts should not be treated as witnesses and (2) they should be invited to reply to questions put by the representatives of international organizations and, if necessary, by the Court. It was also agreed that the representatives of organizations might reply orally to the arguments advanced at the first hearings. (Cf. *Rules*, Article 46.)—Ultimately these experts were not heard, as the organization concerned considered that their evidence was not required and the right of reply was not used.

ARTICLE 52.

Refusal to
receive fur-
ther evidence.

In the *Mavrommatis* case (merits), in 1925, the President, when terminating the hearing, refrained from declaring the proceedings closed in order to enable the Court, if necessary, to ask the Parties for additional information. When however the Greek Agent asked to be permitted to produce further documents and information, it was observed at the sitting held to consider this point that the Court could ask for further information, but that no new evidence could be produced without the consent of both Parties.

On May 3rd, 1926, in the case concerning certain German interests in Polish Upper Silesia, the Court, being in deliberation on this case, decided to disregard certain observations submitted by the Agent of the Polish Government and received on May 3rd, concerning documents filed by the German Government between February 23rd and 28th, on the ground that these observations had been received too late.

On June 15th, 1926, documents submitted after the date fixed by an international organization, in connection with Advisory

Opinion No. 13, were accepted by the Court, but it was understood that this decision should not create a precedent.

On August 4th, 1924, the Court decided not to re-open the proceedings, which had already been closed in regard to Advisory Opinion No. 9, for the purpose of hearing additional information which the Serb-Croat-Slovene representative desired to submit. In accordance with this decision, the Registrar was instructed to return a letter sent by the S.H.S. representative in reply to a note submitted by the Albanian representative on a particular point on which the Court had asked the Parties to furnish information. An Albanian reply to the corresponding Serbian note was also returned.

ARTICLE 53.

For *objections*, see under *Statute*, Article 36, p. 199.

ARTICLE 54.

RULES, ARTICLE 31.

Closure of
hearings :
consideration
of judgment ;
deliberations
to be secret.

The present practice of the Court as regards deliberation upon judgments and advisory opinions has been adopted as the result of the experience so far gained, but various systems have been tried and the Court is in no way committed to any particular method. The present practice, which is therefore liable to variation, may however be summarized as follows :

After the conclusion of the oral proceedings, the Court as a general rule now holds a preliminary exchange of views for the purpose of bringing out the questions of most importance from the point of view of the judgment or opinion to be delivered. Next all members of the Court prepare written notes setting out their provisional opinions ; these notes are simultaneously distributed to all members of the Court. The President then makes a summary embodying the main points of the various notes which summary is taken as a basis for the Court's discussions. When this summary has been discussed point by point, preliminary votes being taken on all essential questions, a Drafting Committee is appointed consisting of the President (*ipso facto*) and two other members selected by secret ballot ; the Registrar has also always been a member. This Committee prepares a draft based on the provisional decisions taken by the Court, which draft is circulated to all members of the Court. The latter then prepare and hand in, also for distribution, any observations or amendments, whereupon the President summons a meeting at which the Drafting Committee's draft is considered paragraph by paragraph together with amendments proposed. The latter, if adopted, are referred to the Drafting Committee for embodiment in its text and a final draft is prepared which is read

and finally approved by the Court. This final draft is then translated into the other official language and the translation is approved at a meeting of the Court.

On February 21st, 1922, the Court agreed that the Rules should contain nothing regarding the nomination of a Rapporteur. The Court might instruct one of its members, if in a particular case it appeared desirable to draw up a draft judgment. Various decisions.

At the First Ordinary Session, it was decided on July 19th, 1922, that judges should deliver their opinions in inverse order of seniority. This decision is now embodied in the Rules in so far as the final votes of judges upon a judgment or opinion are concerned.

At the ordinary session in 1923, the Court agreed, on July 21st, that a member was not committed by a preliminary vote on any point, and might change his opinion at any time before the approval of the final text of the decision.

At the ordinary session in 1926, at the time of the revision of the Rules, it was specifically agreed that doubts which had been raised concerning the compatibility with the Rules of the system of provisional notes, were unfounded.

The only person or persons, other than the judges and the Registrar, who have attended private meetings are the official interpreters and, as a general rule, the Deputy-Registrar, even when the Registrar is present. But the presence of these has been dependent on a decision of the Court. The rule as at present drafted simply provides for the presence of the Deputy-Registrar in the absence of the Registrar ; but it is understood that the presence of the Deputy-Registrar (in addition to the Registrar), or of any other person, can be generically authorized by decision of the Court, so that decisions *in casu* are not needed.

As regards the absence of judges from deliberations, see under *Statute*, Article 25: "The full Court and quorum", p. 186.

The Court's earlier practice as regards minutes is embodied in the Rules, Article 31. The only exception so far made to this rule has been the preparation of analytical minutes of the Court's deliberations in connection with the preparation of the Rules of Court at the Preliminary Session in 1922 and the revision of the Rules at the ordinary session in 1926.

In the case of the first-mentioned session also, a verbatim record was prepared of which a corrected copy was filed in the archives, but it was not made public. A proposal for the embodiment of this system in the Rules, made in 1926, was eventually withdrawn, in consideration of the fact that judges might make declarations for insertion verbatim in the minutes.

It was agreed, in connection with the adoption of the Revised Rules on July 31st, 1926, that the text of paragraph 6 covered the present

practice in regard to minutes. It had been suggested that the subject of debates should be indicated simply by the heading of each minute and that the practice hitherto followed of briefly recording ideas expressed or proposals made by members of the Court was not in accordance with the wording of the rule. It was however observed that the subject of debates could very often not be stated in a mere heading and the Court agreed as indicated.

On August 13th, 1924, the Court decided that whenever a vote was taken, the names of the judges voting for or against a motion should be given in the minutes. This decision is now embodied in the Rules.

As regards the last paragraph of Rule 31, see under *Statute*, Article 57, p. 217.

ARTICLE 55, paragraph 1.

RULES, ARTICLE 62, paragraph 10 ; 71, paragraph 1.

Decisions by a majority. (See also below under *Statute*, Article 57 : "Dissenting opinions".)

ARTICLE 55, paragraph 2.

Practice. RULES, ARTICLE 13, paragraph 2, second sentence.

The President has had to exercise his casting vote on certain occasions, notably in the course of the Ninth and Tenth Sessions.

On all occasions in which he has had to exercise it, save one, the voting has been open. On one occasion during the Ninth Session, in connection with an appointment by secret ballot, the President reserved his casting vote for further consideration.

On one occasion, the President for certain reasons exercised his casting vote in a sense contrary to his original vote. On all other occasions he has exercised it in the same sense as his first vote.

It is permissible to conclude from the foregoing practice that the casting vote is a distinct vote which may be exercised at the President's discretion and does not mean merely that a preponderating character is given to the President's original vote.

ARTICLE 56.

Judgments. RULES, ARTICLE 62, paragraph 1 (Article 71).

ARTICLE 57.

RULES, ARTICLE 62, paragraph 2 and sub-paragraph 10 of paragraph 1 (Article 71).

Dissenting opinions.

The practice has been to allow dissenting judges to confine themselves, if they so desire, to a record of the fact of their dissent or partial dissent, appended to the judgment or advisory opinion, the Court having decided that this course is in accordance with the terms of the Statute. This practice is now confirmed in the Rules.

Judges concurring in the judgment but not with the whole of the reasoning have been permitted to append observations to the judgment.

A point which was much discussed during the revision of the Rules was the question whether judges voting against the judgment (or opinion) adopted by a majority of the Court could, in the interests of the Court's authority, refrain from making public the fact of their dissent. It was also debated whether such abstention was really in the interests of the Court's authority. Sub-paragraph 10 of Article 62 of the Rules was adopted as a result of this discussion. (See Publications of Court, Series D., No. 2, Add., pp. 201-212 and 214-223.)

RULES, ARTICLE 31, last paragraph.

On some occasions certain members of the Court who disagreed with the view of the majority had adopted the course of making a statement of their opinion for attachment to the minutes of the private meeting at which the final vote was taken, whilst refraining from publicly recording their opinion. The admissibility of this practice was discussed in connection with the question of dissenting opinions and Rules 62 and 71 during the revision of the Rules at the 1926 ordinary session. It was argued that such statements constituted in fact dissenting opinions and that the Court would be in a very difficult position, if, in a subsequent case, it wished to take into account one of these opinions appended simply to the minutes which constituted a private record. Under the last paragraph of Article 31, judges are now precluded from adopting this course, once the final vote has been taken. (Series D., No. 2, Add., pp. 201-212 and 214-222.)

Unpublished separate opinions.

ARTICLE 58.

RULES, ARTICLES 63 AND 65.

Article 63 of the Rules is intended to make it clear that copies of judgments are *ex officio* transmitted to all States entitled to appear before the Court whether Members of the League of Nations or not. (Publications of Court, Series D., No. 2, Add., pp. 173-174.)

Delivery and communication of judgments.

ARTICLE 59.

RULES, ARTICLE 64.

The Court has in a number of its judgments and advisory opinions made references to or comparisons with earlier judgments or advisory opinions. Some examples of such references or comparisons are given below:

Binding force of judgments. Weight attached to precedents.

- (1) In Judgment No. 2 (Series A., No. 2, p. 16) the Court refers to Advisory Opinion No. 4 (Series B., No. 4, p. 26) in order to show the connection between its arguments in the two cases.
- (2) In the observations by a member of the Court attached to Judgment No. 6 (Series A., No. 6, p. 29) a passage in Judgment No. 2 (Series A., No. 2, p. 16) is quoted which is described as "a very accurate statement of the principles of international law which govern the Court's jurisdiction". The essential idea of this passage is restated in Judgment No. 6 (p. 15).
- (3) In Advisory Opinion No. 10 (Series B., No. 10, p. 21) a passage from Judgment No. 7 (Series A., No. 1, p. 25) is quoted and the principle therein contained is confirmed.
- (4) In Advisory Opinion No. 13 (Series B., No. 13) the Court quotes (p. 17) from Advisory Opinion No. 2 (p. 27) and (p. 20) refers to Advisory Opinion No. 3 (pp. 53-55-57) using the reasoning employed therein to support the conclusions of Advisory Opinion No. 13.
- (5) In Advisory Opinion No. 9, the Court (Series B., No. 9, pp. 14-15) cites and refers to the general legal considerations stated by it in Advisory Opinion No. 8 (Series B., No. 8, pp. 27-30) in connection with a question which is held to be similar to that dealt with in Opinion No. 9.
- (6) In Advisory Opinions Nos. 11 (Series B., No. 11, pp. 27-31) and 12 (Series B., No. 12, p. 25) the Court implicitly refers to the principles previously stated in Advisory Opinions Nos. 8 (Series B., No. 8, pp. 27-30) and 9 (pp. 14-15) with regard to the arbitral nature of a decision accepted in advance by both Parties to a dispute.

It may be concluded from the above instances that the Court has in practice been careful not to reverse precedents established by itself in previous judgments and opinions, and to explain apparent departures from such precedents. (Cf. also Advisory Opinion No. 12 as compared with Advisory Opinion No. 5; (see below, p. 226.)

ARTICLE 60.

RULES, ARTICLE 66 (heads 2, 3, 4 and 5).

Finality of
judgment.
Interpreta-
tion.

Article 66 of the Rules, which was amended at the ordinary session in 1926, contains provisions, rendered necessary by experience, regarding the procedure for obtaining an interpretation of judgments; in regard to this subject nothing was said in the original version.

Paragraph 3 of the same article is the same as that contained in the original rule except that it now covers interpretation as well as revision. (See also below: "Application of Statute, Article 13".)

In the case both of revision and interpretation the procedure in the event of objections is assimilated to that indicated in Article 38 of the Rules.

The only case of an application for the interpretation of a judgment which has so far arisen is that of the application made by Greece for the interpretation of Judgment No. 3 (case of the interpretation of the Treaty of Neuilly between Greece and Bulgaria before the Chamber for Summary Procedure). In that case the Chamber decided on March 3rd, 1925, that the decision on the request for an interpretation should take the form of a judgment. This decision is now embodied in the Rules.

In the same case, it was decided by the Chamber that M. Loder (former President of the Court and consequently also of the Chamber) who had presided during the deliberations on the original judgment, should also preside for the purposes of the interpretation to be given, in spite of the presence of the President of the Court. This principle, as embodied in the Rule now in force (paragraph 3, last sentence) is extended to all judges. (Cf. p. 175 above.)

Application of Statute, Article 13 (last paragraph).

ARTICLE 61.

Revision.

RULES, ARTICLE 66, paragraph 1 (also 3, 4 and 5).

ARTICLE 62.

RULES, ARTICLE 58.

In connection with Article 58, the Court, when revising the Rules, rejected a motion for the deletion of the second paragraph; the effect of this deletion would have been automatically to rule out any application for permission to intervene after the beginning of the oral proceedings. The governing principles emerging from the discussion were:

Intervention. Interest of a legal nature.

(1) that an intervener must take a case as it stands at the moment of intervention, and

(2) that the main proceedings must not be delayed by the intervention. (See Series D., No. 2, Add., pp. 151-157 and 163-167.)

RULES, ARTICLE 59.

Only one instance of intervention has occurred, namely, in the case of the S.S. *Wimbledon* in which Poland applied for permission to intervene. In that case, the Court had notified the original application to all States having ratified the Treaty of Versailles, in spite of the fact that they would also receive notice through the Secretary-General of the League of Nations as being Members of the League. (Cf. under *Statute*, Article 40, p. 202 above.)

Procedure for intervention.

Poland applied in the first place to intervene under Article 62 of the Statute. The Court decided :

(1) that it could not consider the application in the absence of the German national judge appointed for the principal suit ;

(2) that observations submitted by the Parties regarding Poland's application to intervene should be communicated to the Polish Government and to all Parties to the suit. It was also understood that Poland, as well as the Parties, might comment on these observations in Court.

This practice is now embodied in the Rule, Article 59, the last paragraph of which lays down the procedure in the case of an uncontested application to intervene, received when the Court is not in session. As concerns the procedure when an application to intervene is contested, it follows from the discussions during the Eleventh Ordinary Session that the procedure will be assimilated to the ordinary procedure in the case of objections, the Court deciding under the terms of paragraph 2 of Article 62 of the Statute. (See Series D., No. 2, Add., pp. 163-167.)

See under Advisory Procedure (*Rules*, Article 73), as regards the inapplicability of Articles 62 and 63 of Statute to Advisory Procedure.

On August 24th, 1923 (Advisory Opinion No. 7), in response to a request on the part of the Roumanian Government "to intervene", the Court decided to inform that Government that Articles 62 and 63 of the Statute and the corresponding articles of the Rules of Court only related to contentious procedure. Nevertheless, in accordance with Article 73 of the Rules, the Court was prepared to hear the Government's representative.

ARTICLE 63.

RULES, ARTICLE 42, paragraph 2 (same as old Article 38 of the Rules).

RULES, ARTICLE 60.

Construction
of a conven-
tion.

The procedure for intervention under Article 63 is set out in detail in the amended Article 60 of the Rules. The present text is intended to make it clear that the right of intervention is only accorded to States which are contracting Parties to a convention, the interpretation of which forms the principal object of proceedings.

The rule regarding the issue by the Court of direct notifications to the Parties to the agreement concerned (Rule 60, paragraph 1) confirms the Court's practice in this respect in the case of the S.S. *Wimbledon*.

In the *Lotus* case between France and Turkey, as one of the questions put to the Court in the Special Agreement concerned the interpretation of one of the conventions in connection with the peace with Turkey signed at Lausanne, it was ascertained

what Powers had ratified that Convention and direct notifications of the Special Agreement were sent to them.

Upon Poland's withdrawal of her application to intervene in the case of the S.S. *Wimbledon* under Article 62, the Court, in a judgment, noted this fact and recorded that Poland had intervened under Article 63 of the Statute. In the case of an original intervention under that article a judgment would not be necessary, since any State having received the notification mentioned in Article 60, paragraph 1, would be automatically entitled to intervene.

On May 4th, 1926, in connection with the deliberations upon the Polish Upper Silesian Case (merits), the Court decided by a majority that it had competence to give declaratory judgments. (Cf. Judgment No. 7, p. 19.)

ARTICLE 64.

RULES, ARTICLE 56.

The present wording of this rule has been adopted for the reason that it would be impossible to prepare a complete bill of costs until the proceedings had been concluded and that it could not be known until after judgment whether such a bill would be required. The Court was of opinion that Article 64 of the Statute only required a decision as to which Party should bear the costs and not as to the amount of the costs, and therefore held that there could be no objection to a text based on the above considerations.

On September 13th, 1923, the Court approved the reimbursement of certain expenses incurred for interpretation and verbatim reports by the German Government in supplying information regarding Advisory Opinions Nos. 6 and 7.

SECTION II.

ADVISORY PROCEDURE.

RULES, ARTICLES 71-74.

Revision of
the Rules,
July 1926.
General ob-
servations.

For the reasons underlying the present wording of Rule 71, cf. what has been said above on the subject of Article 62 of the Rules (see under *Statute*, Articles 56 and 57, Judgments and dissenting opinions). The rules adopted and practised in regard to deliberations on judgments also apply to advisory procedure.

Rule 72 sets out the procedure consistently followed for the submission of requests for opinion. So far no opinion has been sought by the Assembly.

Rule 73, paragraph 1, confirms in its present form the earlier practice of the Court as regards the notification of requests for advisory opinions to States.

In the case of Advisory Opinion No. 6 the Polish Minister at The Hague enquired on July 21st, 1923, under what article of the Statute or Rules of Court notice of the request for this Advisory Opinion had been sent to the German Government, alleging that Article 73 of the original Rules did not cover this notification. The Registrar was instructed to reply (July 23rd) that notice had been sent under instructions from the President, duly confirmed by the Court when it met, and that these instructions were based on Articles 10 and 73 of the Rules, which had been drawn up by the Court for its own use and the interpretation of which appertained to the Court. The enumeration given in (the original text of) Article 73 (See Series D., No. 1, p. 81) was not regarded by the Court as exhaustive and did not preclude the despatch of similar communications to States not included in that enumeration.

The practice of the Court as regards the admission of written or oral statements made on behalf of governments in connection with questions for advisory opinion, has been to issue (in addition to the notifications provided for in paragraph 1 of Article 73) a special notification to any States entitled to appear before the Court to whom the question before the Court is likely to be of interest, fixing a time within which written statements may be submitted. On October 26th, 1925, the President announced at a public sitting that in addition to the notice given under Article 73 (original text, see Series D., No. 1, p. 81) of the Rules of Court to Members of the League of Nations, the latter had been informed that, having regard to the nature of the questions submitted for advisory opinion (No. 12) and their possible bearing on the interpretation of the Covenant, the Court would no doubt be prepared favourably to receive an application by any Member to be allowed to furnish information calculated to throw light on the question at issue.

Certain international organizations, a list of which is given below (see p. 225), have sometimes been considered by the Court as in a position to supply useful information in connection with advisory opinions: when this has been the case the practice has been to notify these organizations of the request for an opinion and to allow them to submit written statements within a fixed time, or to furnish information orally. On January 19th, 1922, the general opinion of the Court was that Article 34 of the Statute did not automatically exclude organizations, since it only referred to the right to appear before the Court as a Party to a suit.

It has been the practice to communicate memoranda submitted by the interested governments and international organizations to other interested governments and organizations in order to enable them to comment thereon.

The foregoing practice is now codified in paragraphs 2, 3 and 4 of Article 73 of the Rules.

Article 74 applies to advisory procedure the principles of Article 58 of the Statute, substituting (in advisory procedure) for the agents of the Parties (in contentious procedure), the Secretary-General of the League of Nations and the representatives of States, Members of the League of Nations and international organizations immediately concerned. This is also in accordance with the Court's earlier practice. So is the clause to the effect that the text of an advisory opinion is to be in the hands of the Secretary-General by the time fixed for the reading of the opinion.

The second paragraph of Article 74 corresponds to the terms of Article 63 of the Rules in regard to judgments, whereby duly signed and sealed copies of judgments are forwarded to the Parties; in the case of advisory opinions the authoritative original copies are (1) kept by the Court and (2) transmitted to the League Secretariat (i.e. to be held there for the Council which has asked for the advisory opinion).

The question of the admission of national judges in advisory procedure had arisen either potentially or in concrete form on several occasions prior to the revision of the Rules in July 1926. The Court had recognized in regard to (1) the Nationality Decrees in Tunis and Morocco and (2) the question of Eastern Carelia that an advisory opinion might concern a real dispute between States. The question under consideration however did not in these cases arise in an acute form, as in the former both of the interested States had a judge and in the latter neither had one.

Other practice and decisions of the Court in connection with Article 71 of the Rules.

In the case of the Advisory Opinion concerning the exchange of Greek and Turkish Populations (No. 10) the Turkish Government telegraphed the appointment of a national judge. In reply it was stated on behalf of the President that as Article 31 did not apply to advisory procedure, no national judge could be appointed. This

decision was in accordance with the consistent practice of the Court. In this case also neither of the interested States possessed a judge upon the Court.

At the opening of the Ninth Session, in October 1925, the question arose whether, for the purpose of Advisory Opinion No. 12 (Mosul), Turkey should be invited to appoint a judge *ad hoc* in this case, the other interested Party, Great Britain, having a judge upon the Bench. The ensuing discussion showed that the Court, without prejudice to the question of amending the Rules, did not wish to modify the practice hitherto followed, especially in the case of Advisory Opinion No. 10. The Court therefore sat only with the judges present.

At the time of the revision of the Rules of Court at the Eleventh Session, proposals were made for the adoption of an addition to Article 71, applying by analogy the principles of Article 31 of the Statute in the case of an advisory opinion relating to an actually existing dispute. Some members of the Court thought that this course was both desirable and legitimate, seeing that it had been left to the Court to regulate the whole subject-matter of advisory procedure (Statute, Article 30). The view however prevailed that the question was one of the composition of the Court and, as such, outside the Court's competence (Statute, Article 25). The proposed addition was therefore rejected, the majority of the Court being of opinion that Article 31 of the Statute was not applicable to advisory procedure. (See Series D., No. 2, Add., pp. 185-193.)

Practice and
decisions in
connection
with Article
73

In the case of Advisory Opinion No. 4 (Nationality Decrees in Tunis and Morocco) the memoranda submitted by the two Governments concerned were allowed to be exchanged directly between those two Governments. In this affair, moreover, the two Governments were allowed to file two documents which were by analogy called Cases and Counter-Cases. (See also under *Statute*, Article 43.)

In the case of Advisory Opinion No. 11 (Polish Postal Service at Danzig) the Court decided that, as it had before it no request from the interested States for permission to submit oral statements, there should be no public hearing unless, subsequently, the Court desired to obtain further information from the Parties, in which case a hearing might be arranged for that purpose. It was agreed that the Parties would have the right each to submit a counter-memorandum (on the analogy of the Counter-Case filed in proceedings under a special agreement) in lieu of an oral statement. In connection with the same Advisory Opinion, on April 20th, 1925, the Court was unanimously of opinion that documents filed by one interested Government should be communicated to the other. It was also decided that each should be allowed to submit observations on documents annexed to the "counter-memorandum"

filed by the other. These observations would be in writing, but the Court (April 21st, 1925) reserved the right to consider on its merits any subsequent request for a hearing.

On August 24th, 1923 (Advisory Opinion No. 7), the Court decided to inform the Roumanian Government (which had requested a hearing, citing Articles 62 and 63 of the Statute) that Articles 62 and 63 of the Statute and the corresponding articles of the Rules only related to contentious procedure. The Court was, however, disposed to hear the Roumanian representative under the terms of Article 73 of the Rules.

The question of the international organizations permitted to furnish information (Rules, Article 73) was considered during the revision of the Rules in 1926 and it was established that the initiative always rested with the Court both in the case of a State and of an international organization. (See Series D., No. 2, Add., pp. 224-225.)

The following is a list of International Organizations so far admitted to furnish information in one or more questions:

- International Agricultural Commission.
- International Federation of Trades Unions.
- International Labour Organization.
- International Association for Legal Protection of Workers.
- International Confederation of Agricultural Trades Unions.
- International Federation of Landworkers.
- International Institute of Agriculture (Rome).
- International Federation of Christian Trades Unions of Landworkers.
- International Organization of Industrial Employers.
- International Confederation of Christian Trades Unions.

In the case of Advisory Opinion No. 13, the "Union internationale des Fédérations des Ouvriers et Ouvrières de l'Alimentation" which is established at Zurich was desirous to furnish information. The President of the Court, however, did not communicate the request for an advisory opinion to that Organization, the reason being that it was not of the same status as the organizations notified, to one of which (the International Federation of Trades Unions) it was affiliated. If it desired to submit observations it could do so through the International Federation of Trades Unions.

In connection with the revision of the Rules it was established that the question of intervention only arose in advisory procedure in the form of a request for a hearing from a State (or organization) which should have received an invitation from the Court, but had not done so.

A proposal for the enumeration of the articles of the Statute and Rules applicable by analogy to advisory procedure was rejected

It was however agreed that this decision did not imply a reversal of established practice nor that the proposed clause did not constitute the codification of that practice. The articles enumerated were: Statute, 39, 42, 44 to 51 and 54 to 58, and Rules, 33, 34, 37, 38 and 41 to 56.

On June 23rd, 1922, it was decided that, although a request from the Czechoslovak Government for a hearing in regard to Advisory Opinion No. 1 did not reach the Court until that day, it had reached The Hague within the time laid down (i.e. before June 23rd) and would therefore be granted.

On April 20th, 1925, the Court, in connection with Advisory Opinion No. 11, decided to admit an unsigned legal opinion submitted by Poland, treating it not as a memorandum filed by an interested State, but as if it had been a signed opinion by an expert not officially concerned in the case.

On November 16th, 1925, with reference to a legal opinion given in regard to the so-called Mosul question (Advisory Opinion No. 12) by a French jurist at the request of the Turkish Government and communicated direct to each member of the Court, the Registrar, after getting into touch with the Turkish Chargé d'affaires at The Hague, was able to inform the Court that the opinion was not official in character and had not yet been examined by the Turkish Government. It was agreed that in these circumstances the Court need not take it into consideration.

As regards the late submission of documents, see under *Statute*, Article 52, p. 213.

Practice and
decision in
regard to
Article 74.

On March 10th, 1922, the Court decided that no special provision regarding the right of the Court to refuse to give advisory opinions should be inserted in the Rules, it being understood that Article 78 (Article 74 of the final version) safeguarded the Court's right to refuse to reply to questions referred to it. (Advisory Opinion No. 5, etc.)

On October 22nd, 1925, at the first sitting held for the consideration of the advisory opinion in regard to the Mosul question (Advisory Opinion No. 12), the Court took the view that though the question under consideration offered some analogy with that of Eastern Carelia (Advisory Opinion No. 5), in that one of the interested Parties held aloof from the proceedings, the circumstances in the present case were distinctly different, since the question before the Court referred, not to the merits of the affair, but to the competence of the Council, which had been duly seized of the affair and could undoubtedly ask for the Court's opinion on points of law. It was further observed that the Turkish Government had officially sent certain documents and explained its attitude in a telegram communicated to the judges.

The Court, therefore, on the same date, approved the fixing of a reasonable time within which the Turkish Government might, should it see fit, file any observations consequent upon perusal of the British Memorial or oral statement.

On October 26th, 1925, at a public sitting, the President stated that the Court, in the course of the deliberations already held, had been able to satisfy itself that the circumstances did not prevent it from giving the opinion asked for.

(Cf. above under *Statute*, Article 59: "Precedents", p. 217.)

Application in advisory procedure of Article 23 of Statute: See under *Statute*, Article 23. Other
decisions.

Reopening of proceedings in regard to an advisory opinion: See under *Statute*, Article 52.

Presence of assessors: See under *Statute*, Articles 26-28.

Question of the applicability of Article 26 of Statute. Compulsory consultation of the International Labour Organization in connection with advisory opinions: See under *Statute*, Articles 26-28.

Order of hearing of representatives of States (Application by analogy of Article 46 of Rules): See under *Statute*, Article 43 (5).

Repayment of expenses incurred by a government in supplying information in connection with an advisory opinion: See under *Statute*, Article 64.

Direction by President to representatives of international organizations at hearing in connection with advisory opinions: See under *Statute*, Article 45.

The calling of experts by interested organizations: See under *Statute*, Article 43.

SECTION III.

VARIOUS ACTIVITIES.

Questions not falling strictly within the Court's sphere of activity. The Court or its President have at various times been requested to undertake certain missions not falling within the sphere of activity under the Council or Statute. The policy adopted and action taken in regard to such matters are indicated below.

On November 12th, 1923, the Court decided, although the matter was not strictly speaking a part of the Court's duties, to accede to a request, addressed to the President by the Turkish Government asking the Court to prepare a list of candidates for posts as legal counsellors in Turkey (Treaty of Lausanne: XI: Declaration of July 24th, 1923, relating to the Administration of Justice). The President was empowered to take certain action in the matter, in particular to communicate with the Presidents of the Supreme Courts of various States, with a view to obtaining candidates.

On September 1st, 1924, the President was authorized to conclude this matter in the interval between sessions, i.e. to prepare the final list of candidates for transmission to the Turkish Government. Before despatch the list should, however, be communicated to the members of the Court.

On June 17th, 1925, the Court decided that the list of candidates might be finally drawn up and sent to the Turkish Government by the President. On November 20th, 1925, the President stated that, as the Turkish Government had now made its selection of the legal counsellors to be taken into its service, the Court's mission was completed and the matter could be regarded as terminated in so far as the Court was concerned. (Cf. Publications of the Court, Series E., No. 1, pp. 151 *et seq.*; No. 2, pp. 92-93.)

On June 23rd, 1923, the *N. V. Anton Jurgens' Vereenigde Fabrieken* requested the Court to appoint an arbitrator. The Court decided that it could not undertake to do so; but the Registrar was authorized to answer that, in his opinion, the President, if approached, might be willing to consider the possibility of undertaking this task.

Requests addressed to President. Similar requests have been addressed at various times to the President. He has been, *inter alia*, asked:

1) To appoint the Presidents of Mixed Arbitral Tribunals under Article 92, paragraph 3, of the Treaty of Lausanne (Greco-Turkish tribunal and Roumano-Turkish tribunal at the request of the Greek and Roumanian Governments respectively—these two posts he arranged to combine and made the appointment on February 1st, 1925; Anglo-Turkish and Italo-Turkish tribunals, at the joint

request of the British and Italian Governments, with whom the Turkish Government associated itself—these appointments he made on March 13th, 1925). The Court confined itself to noting his action.

(2) By the German Government and the Commissioner for Controlled Revenues appointed under the Dawes Plan, in accordance with the terms of the Protocol of London of August 9th, 1924, to appoint an arbitrator to decide a dispute concerning the interpretation of that Protocol. The Court was informed of the appointment made.

(3) To appoint in certain circumstances an umpire under an arbitration clause in a contract between the Société anonyme des fours à coke de Selzaete and the firm Heinrich Koppers of Essen. He informed the Parties on November 21st, 1925, that he was prepared to accept the task should occasion arise.

(4) Under a Convention between the Greek Government and the Société commerciale de Belgique, a company whose registered offices are at Ougrée-lez-Liège, to appoint one or more experts to fix the price of certain railway material. He made the appointment on January 26th, 1926.

ANALYTICAL INDEX OF SUBJECTS
TO CHAPTER VI.

ABBREVIATIONS:

I. L. O. International Labour Office.
L. N. League of Nations.

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CHAPTER VII.

THE COURT'S PUBLICATIONS.

In the First Annual Report (p. 273) the system adopted for the publication of documents relating to the judicial, advisory and administrative work of the Court was indicated. Under a contract made between the Court and a publishing company¹, the latter undertakes, at its own cost and risk, to publish and place on sale the Court's publications, for which it is given publishing rights only, all other rights being reserved. The Court undertakes to purchase a certain number of copies of each publication (750-1500). These copies are used exclusively for gratuitous distribution, notably to governments of States Members of the League of Nations (through the Secretary-General of the League of Nations) and to States entitled to appear before the Court. A certain number of volumes are also set aside for publicity purposes.

In most countries there are general agents for the Court's publications. The Court's Printing Service has made a special point of assisting the publishers in every possible way to facilitate for the agents the work of distribution and sale, having regard to the general desirability that all persons interested should be able readily to obtain information concerning the Court's works.

It may also be noted that a catalogue of publications is periodically published in which is given a detailed summary of the contents of each volume ; these catalogues are widely circulated². Furthermore, the list of general agents for the Court's publications is inserted at the end of all volumes of Series C. (from No. 13 onwards).

¹ A. W. Sijthoff's Publishing Company, Leyden (Netherlands).

² The last catalogue issued (No. 6) appeared in June 1927.

* * *

Series of
Publications.

The Court's publications are divided into five series :

- Series A.* : Collection of Judgments.
 „ *B.* : Collection of Advisory Opinions.
 „ *C.* : Acts and Documents relating to Judgments and
 Advisory Opinions given by the Court.

The volumes of the last named series are divided into six sections. The first contains the minutes of public sittings ; the second, speeches made and documents read in Court ; the third, other documents submitted to the Court ; the fourth, correspondence relating to the case ; the fifth and sixth are devoted to analytical and alphabetical indexes respectively. The alphabetical index exists only in volume 5—I and subsequent volumes of Series C.

- Series D.* : Acts and Documents concerning the organization of
 the Court.
 „ *E.* : Annual Reports of the Court.

The present volume is the third of the latter series.

* * *

Publications
already
issued.

The following volumes have already been issued :

SERIES A.—*Collection of Judgments.*

- No. 1. The S.S. *Wimbledon*.
 No. 2. The Mavrommatis Palestine Concessions.
 No. 3. Treaty of Neuilly, Article 179, Annex, Para-
 graph 4 (Interpretation).
 No. 4. Interpretation of Judgment No. 3.
 No. 5. The Mavrommatis Jerusalem Concessions.
 No. 6. Case concerning certain German interests in
 Polish Upper Silesia (Question of jurisdiction).
 No. 7. Case concerning certain German interests in
 Polish Upper Silesia (The Merits).
 No. 8. Case concerning the denunciation of the Treaty
 of November 2nd, 1865, between China and
 Belgium.—Orders of January 8th, February
 15th and June 17th, 1927, concerning provi-
 sional measures of protection.

SERIES B.—*Collection of Advisory Opinions.*

- No. 1. Advisory Opinion relating to the designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, given by the Court on July 31st, 1922.
- Nos. 2 and 3. Advisory Opinions relating to the competence of the International Labour Organization in regard to international regulation of the conditions of labour of persons employed in agriculture, and examination of proposals for the organization and development of the methods of agricultural production and other questions of a like character, given by the Court on August 12th, 1922.
- No. 4. Advisory Opinion relating to the Nationality Decrees issued in Tunis and Morocco (French zone) on November 8th, 1921, given by the Court on February 7th, 1923.
- No. 5. Advisory Opinion relating to the Statute of Eastern Carelia, given by the Court on July 23rd, 1923.
- No. 6. Advisory Opinion on certain questions relating to settlers of German origin in the territory ceded by Germany to Poland, given by the Court on September 10th, 1923.
- No. 7. Advisory Opinion on the question concerning the acquisition of Polish nationality, given by the Court on September 15th, 1923.
- No. 8. Advisory Opinion regarding the delimitation of the Polish-Czechoslovakian Frontier (question of Jaworzina), given by the Court on December 6th, 1923.
- No. 9. Advisory Opinion relating to the question of the Monastery of Saint-Naoum (Albanian frontier), given by the Court on September 4th, 1924.
- No. 10. Advisory Opinion relating to the exchange of Greek and Turkish Populations, given by the Court on February 21st, 1925.
- No. 11. Advisory Opinion relating to the Polish Postal Service in Danzig, given by the Court on May 16th, 1925.
- No. 12. Advisory Opinion concerning the interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq), given by the Court on November 21st, 1925.

- No. 13. Advisory Opinion regarding the competence of the International Labour Organization to regulate, incidentally, the personal work of the employer, given by the Court on July 23rd, 1926¹.

SERIES C.—*Acts and Documents relating to Judgments and Advisory Opinions given by the Court.*

- No. 1. First (ordinary) Session (June 15th, 1922—August 12th, 1922).
Documents relating to Advisory Opinions Nos. 1, 2 and 3.
- No. 2. Second (extraordinary) Session (January 8th—February 7th, 1923).
Documents relating to Advisory Opinion No. 4.
Supplementary volume:
Nationality Decrees in Tunis and Morocco. Documents of the written proceedings.
- No. 3. Third (ordinary) Session (June 15th—September 15th, 1923).
Vol. I. Documents (minutes and speeches) relating to Advisory Opinions Nos. 5, 6 and 7 and Judgment No. 1.
Vol. II. Documents (other than minutes and speeches) relating to Advisory Opinion No. 5 and Judgment No. 1.
Vol. III^I. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
Vol. III^{II}. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
Supplementary volume:
Case of the S.S. *Wimbledon*. Documents of the written proceedings.
- No. 4. Fourth (extraordinary) Session (November 13th—December 6th, 1923).
Documents relating to Advisory Opinion No. 8 (Jaworzina).
- No. 5. Fifth (ordinary) Session (June 15th—September 14th, 1924).
Vol. I. Documents relating to Judgment No. 2 (Case of the Mavrommatis Palestine Concessions).

¹ See Chapter V, p. 131.

- Vol. II. Documents relating to Advisory Opinion No. 9 (Question of the Monastery of Saint-Naoum—Albanian frontier).
- No. 6. Chamber for Summary Procedure. Documents relating to Judgment No. 3 (Treaty of Neuilly, Part IX, Section IV, Annex, Paragraph 4—Interpretation).
Supplementary volume:
Documents relating to the Interpretation of Judgment No. 3.
- No. 7. Sixth (extraordinary) Session (January 15th—March 21st, 1925).
Vol. I. Documents relating to Advisory Opinion No. 10 (Exchange of Greek and Turkish Populations).
Vol. II. Documents relating to Judgment No. 5 (Case of the Mavrommatis Jerusalem Concessions).
- No. 8. Seventh (extraordinary) Session (April—May, 1925). Documents relating to Advisory Opinion No. 11 (Polish Postal Service at Danzig).
- No. 9^I. Eighth (ordinary) Session (June—August, 1925). Documents relating to Judgment No. 6 (Case concerning certain German interests in Polish Upper Silesia).
- No. 9^{II}. Eighth (ordinary) Session (June—August, 1925). Expulsion of the Œcumenical Patriarch (Request eventually withdrawn).
- No. 10. Ninth (extraordinary) Session (October—November, 1925). Documents relating to Advisory Opinion No. 12 (Treaty of Lausanne, Article 3, Paragraph 2, Frontier between Turkey and Iraq).
- No. 11. Tenth (extraordinary) Session (February—(3 vol.) May, 1926).
Documents relating to Judgment No. 7 (Case concerning certain German interests in Polish Upper Silesia—Merits).
- No. 12. Eleventh (ordinary) Session (June—July, 1926). Documents relating to Advisory Opinion No. 13 (Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer).

SERIES D.—*Acts and Documents concerning the organization of the Court.*

- No. 1. Statute of the Court.—Rules of Court (As amended on July 31st, 1926).
- No. 2. Preparation of the Rules of Court.—Minutes of meetings during the Preliminary Session of the Court, with annexes.
Addendum to No. 2 :
Revision of the Rules of Court (minutes of the sittings of the Court ; report by the President ; notes, observations and suggestions by the members of the Court ; report by the Registrar).
- No. 3. Collection of Texts governing the jurisdiction of the Court.
- No. 4. Collection of Texts governing the jurisdiction of the Court.
Second edition (June 1st, 1924).
- No. 5. Collection of Texts governing the jurisdiction of the Court.
Third edition (brought up to date, October 1st, 1926).

SERIES E.—*Annual Reports.*

- No. 1. Annual Report of the Permanent Court of International Justice (January 1st, 1922—June 15th, 1925).
- No. 2. Second Annual Report of the Permanent Court of International Justice (June 15th, 1925—June 15th, 1926).
- No. 3. Third Annual Report of the Permanent Court of International Justice (June 15th, 1926—June 15th, 1927).
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CHAPTER VIII.
THE COURT'S FINANCES.

1.

RULES FOR FINANCIAL ADMINISTRATION.

A.—BASIS AND HISTORICAL SKETCH.

(See First Annual Report, p. 279.)

B.—THE FINANCIAL REGULATIONS.

(See First Annual Report, p. 281.)

C.—OTHER REGULATIONS.

(1) MEMBERS OF THE COURT.

(See First Annual Report, p. 289.)

(2) THE REGISTRAR.

(See First Annual Report, p. 292.)

(3) OFFICIALS OF THE REGISTRY.

(See Second Annual Report, p. 201.)

(4) SICKNESS INSURANCE.

(See First Annual Report, p. 294.)

(5) TEMPORARY STAFF OF THE REGISTRY.

(See Second Annual Report, p. 202.)

2.ANNUAL ACCOUNTS ¹.

1926.

1. — BUDGET ESTIMATES.

(See Second Annual Report, p. 206.)

¹ For the details of budgets and accounts see :
(a) for the 1926 budget : *League of Nations, Official Journal*, VIIIth year, No 1 (January 1926), p. 63 ;
(b) for the 1926 accounts : *League of Nations Document* : A. 3. 1927. X ;
(c) for the 1927 budget : *League of Nations, Official Journal*, VIIIth year, No. 1 (January 1927), p. 66 ;
(d) for the draft budget for 1928 : *League of Nations Document* : A. 4 (b). 1927. X.

2 - ACCOUNTS.

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<i>Chapter III.</i>		
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<i>Chapter IV.</i>		
Contribution towards the constitution of a Fund to defray the expenses resulting from the Pensions Regula- tions for the personnel of the Court .	10.000.—	10.000.—
SECTION 2.		
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		Compounded arrears of contributions account :	
		Gold francs 1.593,24	793,14
		Contributions to be received for fifth financial period :	
		Gold francs 160.670,29	79.711,04
		Contributions to be received for sixth financial period :	
		Gold francs 168.183,83	80.652,85
		Contributions to be received for seventh financial period :	
		Gold francs 136.738,33	65.354,76
		Contributions to be received for eighth financial period :	
		Gold francs 253.409,61	121.656,18
		Cash in hand and at bank	81.354,41
Fl.	<u>492.259,43½</u>	Fl.	<u>492.259,43½</u>

1927 ¹.

I. — BUDGET ESTIMATES.

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<i>Chapter I.</i>	Dutch florins.
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SECTION 2.—CAPITAL ACCOUNT.

<i>Chapter V.</i>	
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	<u>1.039.177,83</u>
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	<u><u>1.029.177,83</u></u>

In the Second Annual Report were given, on page 207, the budget estimates prepared by the Court, the adoption of which had been recommended to the Assembly by the Supervisory Commission, but before they had been finally approved by a vote of the Assembly.

² Deduction made for "sums recoverable" : Fl. 15.400.—.

1928¹.

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¹ As the Court was not in session in the year 1927 at a time enabling it to examine the draft estimates for 1928 and to approve them before submission to the Supervisory Commission, the estimates as submitted to that body had only been approved by the President of the Court. When it met for the ordinary session in June, the Court had before it these estimates, together with certain modifications proposed by the Commission. It approved the amounts included in the estimates as thus amended, and these estimates will therefore be submitted to the Assembly at its VIIIth session as the Court's proposals. These are the estimates reproduced above. The bases are the same as those adopted in the 1927 budget. (Cf. Second Annual Report, p. 207, note 1.)

CHAPTER IX.

No. 3.

BIBLIOGRAPHICAL LIST OF OFFICIAL AND UNOFFICIAL
PUBLICATIONS CONCERNING THE PERMANENT COURT
OF INTERNATIONAL JUSTICE¹.

[The present list is a continuation of the bibliographical list which appeared in the Second Annual Report (Series E., No. 2, ch. IX, pp. 209-363). It supplements and refers to it, the system of grouping being the same.]

¹ This list has been prepared, like those of the First and Second Annual Reports, by the Assistant Librarian of the Carnegie Library of the Peace Palace, M. J. DOUMA.

NOTE.

The bibliographical references are uniform only as concerns titles prepared by the author of this list ; the others have been reproduced as they appear in national bibliographies or in the letters of casual correspondents : this explains the slight differences which will be observed in the system followed for these references or as regards the typographical composition of this Bibliography.

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(See Second Annual Report, pp. 213-216; also p. 212, footnote.)

2. DURING THE WORLD WAR.

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3. THE PEACE CONFERENCE OF VERSAILLES. PLANS OF THE
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(See Second Annual Report, pp. 226-227.)

B.—*Unofficial Documents published in 1920-1921.*

(See Second Annual Report, pp. 227-232.)

1300. BODKIN (M. M.), *Warless World*. (Fortnightly Review, vol. 116,
1921, December, pages 896-906.)1301. [CHARTERIS (A. H.)], *The Permanent Court of International
Justice*. (Weekly Notes, N. S. W.—a Law journal published in
Sydney, vol. 16, 1921, 12th July, p. 121.)1302. COHN (GEORG), *Den nye mellemfolkelige Domstol*. (Juridisk
Tidsskrift, 6. Aargang, Nr. 11-12, 1921, 31. Maj, pages 185-223.)1303. *Court (High—) of International Justice: Progress of League of
Nations project*. (Current History Magazine, New York Times, vol. 12,
1920, August, pages 772-774.)1304. *Court (A permanent—) of International Justice. Editorial*. (Law
Journal, vol. 55, 1920, June 26, page 244.)

1305. *Court (Permanent—) of International Justice*. (Canada Law Journal, vol. 57, 1921, April, pages 121-132.)
1306. *Court (Permanent—) of International Justice*. (Central Law Journal, vol. 91, 1920, October 15, pages 289-290.)
1307. *Court (Supreme —) for quarreling nations*. (Literary Digest, vol. 66, 1920, August 14, pages 17-19.)
1308. D. (D. E.), *Permanent International Court of Justice*. (Michigan Law Review, vol. 19, 1921, February, pages 413-415.)
1309. *Domstol (Den faste mellemfolkelige)*. (Tidens Kvinder, Aarg. 3, 1921, Nr. 18-19.)
1310. GREEN (ALEXANDER), *The constitutional convention of the world*. (Outlook, vol. 125, 1920, May 19, pages 116-121.)
1311. *Hague Spirit (The —)*. [*Feature of the new Court of International Justice*.] (Outlook, vol. 126, 1920, September 1, pages 7-8.)
1312. *Root plan for a World Court*. (Literary Digest, vol. 67, 1920, October 2, pages 15-17.)
1313. *Root's World Court*. (Independent, vol. 103, 1920, September 11, pages 308-309.)
1314. ROOT (ELIHU), *Permanent Court of International Justice*. (Kentucky Law Journal, vol. 9, 1921, March, pages 106-117.)
1315. SCOTT (J. B.), *A Permanent Court of International Justice*. (League of Nations (New York 1920), pages 28-39.)
1316. *Two paths to peace*. (Outlook, vol. 125, 1920, May 19, pages 108-109.)
1317. W. (J. H.), *World Court of Justice*. (Illinois Law Review, vol. 16, 1921, November, pages 207-213.)
1318. WERTHEIMER (L.), *Eine internationale Schiedsgerichtsorganisation*. (Juristische Wochenschrift, Berlin, Jahrgang 50, 1921, S. 723.)

2. TEXTS OF THE PROTOCOL OF SIGNATURE AND OF THE STATUTE.

A.—Official Texts¹.

(See Second Annual Report, p. 232.)

1319. Publications de la Cour permanente de Justice internationale. Série D. — Publications of the Permanent Court of International Justice. Series D.
1. *Actes et Documents relatifs à l'organisation de la Cour. Statut de la Cour. Règlement de la Cour (texte amendé le 31 juillet 1926)*. — *Acts and Documents concerning the organization of the Court. Statute of the Court. Rules of Court (as amended on July 31st, 1926)*. [1926.]

¹ See also Nos. 1326-1383 of this list.

B.—Unofficial Publications.

(See Second Annual Report, pp. 233-234.)

1320. *Corte permanente di Giustizia internazionale. Deliberazione approvata dall' Assemblée della Società delle Nazioni (Ginevra, 13 dicembre 1920). — Protocollo di Firma (16 dicembre 1920). — Disposizione facoltativa. — Statuto della Corte. — [textes français.]* (Rivista di Diritto internazionale, Anno XIII, pages 478-489.)
1321. *Statut des Ständigen internationalen Gerichtshofs vom 16. Dezember 1920.* (Jahrbuch des Völkerrechts, IX. Band (Sonderband), Kiel 1926, Seiten 304-312.)
1322. *Statut des Ständigen Internationalen Gerichtshofs. Gemäss Artikel 14 der Satzung des Völkerbundes.* (Völkerbundfragen. Sondernummer (6. September 1926): Materialien betreffend den Völkerbund unter besonderer Berücksichtigung der Deutschen Mitgliedschaft, Seiten 50-60.)
1323. *Statut des Ständigen Internationalen Gerichtshofs vom 13. Dezember 1920.* (Handbuch der Politik, 6. Band, Urkunden zur Politik unserer Zeit, Seiten 357-364.)
1324. *World Court ; organization and administration, with text of statute under which the Court operates.* (Congressional Digest, 1926, February 5: 47-53.)
1325. *Text of the World Court protocol.* (Current History Magazine, New York Times, vol. 23, 1926, March, pages 869-874.)

3. LEGISLATIVE INSTRUMENTS OF VARIOUS COUNTRIES.—PARLIAMENTARY DOCUMENTS AND DEBATES.—LAWS AND DECREES OF APPROVAL AND PUBLICATION.

(See Second Annual Report, pp. 235-260.)

ALLEMAGNE.—GERMANY.

1326. *Bekanntmachung über den Beitritt des Deutschen Reichs zum Ständigen Internationalen Gerichtshof im Haag. Vom 13. April 1927. Protocole de signature du Statut de la Cour . . . Protocol of signature of the Statute . . . Zeichnungsprotokoll zu dem Statut . . . Statut de la Cour . . . Statute for the Permanent Court . . . Statut des Ständigen Internationalen Gerichtshofs . . .* (Reichsgesetzblatt, Teil II, 1927, Nr. 19, 22. April 1927, Seiten 227-257.)

AUSTRALIE.—AUSTRALIA.

1327. [Extract from the Parliamentary Debates of the Commonwealth of Australia, June 1st, 1921 (page 8736). League of Nations. Permanent Court of International Justice. MR. GROOM (Darling Downs—Minister for Works and Railways

(By leave).—Article 14 of the Covenant of the League of Nations provides for the establishment of a Permanent Court of International Justice. At the first session of the Assembly of the League of Nations held in Geneva in November and December of last year a statute providing for the constitution and jurisdiction of the Court was agreed to unanimously. A protocol was drawn up providing for the acceptance by the members of the League of the statute and the jurisdiction of the Court. This protocol has already been signed by the whole of the British Dominions which are members of the League, other than Australia, and the Government have now decided to authorize the Prime Minister to sign the protocol on behalf of Australia, and to request His Majesty, after the protocol has been signed, to ratify it. The acceptance of the jurisdiction of the Court does not extend to the acceptance of the compulsory jurisdiction provided for in the second paragraph of Article 36 of the Statute.]

1328. Gazette Notice. Order.

Whereas by Article 14 of the Covenant

 And whereas plans for the establishment of a Permanent Court
 And whereas it is desirable that the said Statute and the jurisdiction of the said Court should be accepted by the Commonwealth.
 Now therefore I, HENRY WILLIAM, BARON FORSTER, Governor-General of the Commonwealth of Australia acting with the advice of the Federal Executive Council do hereby authorize the Right Honorable WILLIAM MORRIS HUGHES P. C., K. C., Prime Minister of the Commonwealth of Australia to declare the acceptance by the Commonwealth of Australia of—
 (a) the said Statute of the Permanent Court of International Justice : and
 (b) the jurisdiction of the said Court in accordance with the terms and subject to the conditions of the said Statute.
 Given . . . the sixteenth day of June, one thousand nine hundred and twenty-one. (Government Gazette, No. 55, 23 June, 1921.)

1329. Prime Minister's Department, Melbourne, 21st June, 1921. Minute for the Executive Council. Subject. Request for ratification of the Protocol of the Permanent Court of International Justice. Recommended for the approval of His Excellency the Governor-General in Council that a request be made to His Majesty for the ratification on behalf of the Commonwealth of Australia of the Protocol of the Permanent Court of International Justice. (Sgd) JOSEPH COOK, Acting Prime Minister. (Departmental No. 134. Executive Council No. 37.)

1330. [Extract from the Parliamentary Debates of the Commonwealth of Australia. 17th November, 1921. Assembly of the League of Nations. Geneva Conference: Australia's representation. MR. BRUCE (Flinders) [2.55] (By leave).—It is within the knowledge of the House that I have recently attended, as the senior Australian delegate, the second Assembly of the League of Nations, which was held at Geneva. I think it will be the pleasure of honorable members that I should report to them upon what took place there, and what my actions were. . . . (The Permanent Court of International Justice. . . . pages 12911-12912).]

1331. The Parliament of the Commonwealth of Australia. 1920-21. League of Nations. Second Assembly, held at Geneva from 5th September to 5th October, 1921. Report of the Senior representative of the Commonwealth of Australia at the Conference. (Captain S. M. BRUCE, M. C., M. P.). Ordered to be printed, 21st December, 1921. Printed and published for the Government of the Commonwealth of Australia by ALBERT J. MULLETT, Government Printer for the State of Victoria. No. 168. F. 18014. In-fº, 28 pages.
 [Permanent Court of International Justice, pages 9-10.]

BELGIQUE.—BELGIUM¹.

1332. *Loi approuvant l'accession de la Belgique à la compétence obligatoire de la Cour permanente de Justice internationale. Texte de la déclaration d'adhésion Texte de la disposition facultative Les pays suivants ont fait des déclarations analogues dont les termes sont ci-dessous reproduits* (Moniteur Belge, Journal officiel, 23 octobre 1926, n° 296, pages 5876-5880.)
1333. *Wet tot goedkeuring van de toetreding van België tot de verplichte bevoegdheid van het Bestendig Hof van Internationale Justitie. Tekst van de verklaring van toetreding Tekst van de facultatieve beschikking De navolgende landen hebben dergelijke verklaringen afgelegd, waarvan de termen hieronder weergegeven worden* (Moniteur Belge, Staatsblad, 23 October 1926, No. 296, bladzijden 5876-5880.)

CANADA.

1334. House of Commons. April 14, 1921. International Justice. Right Hon. C. J. DOHERTY (Minister of Justice) moved for leave to introduce Bill No. 73 to authorize the ratification and carrying into effect of the protocol of the sixteenth day of December 1920, accepting the statute for the Permanent Court of International Justice of the thirteenth day of December, 1920.
Mr. MACKENZIE KING, Mr. DOHERTY, Mr. CAHILL, Mr. JACOBS, Hon. H. S. BELAND, Hon. W. S. FIELDING, Mr. LEMIEUX Motion agreed to and Bill read the first time.
(Dominion of Canada, Official report of Debates, House of Commons, Vol. CXLVIII, pages 2096-2097.)
1335. House of Commons. April 28, 1921. International Justice. On motion of Right Hon. C. J. DOHERTY (Minister of Justice) Bill No. 73. was read the second time, and the House went into committee thereon. Mr. DOHERTY . . . (Dominion of Canada, Official report of Debates, House of Commons, vol. CXLVIII, p. 2708.)
1336. House of Commons. April 28, 1921. International Justice. The House again in committee on Bill No. 73, Mr. DOHERTY, Mr. BELAND, Mr. JACOBS, Mr. LEMIEUX, Mr. CANNON, Mr. POWER, Mr. MORPHY, Mr. SINCLAIR, Mr. DEMERS, Mr. ROWELL, Mr. MCKENZIE, Mr. COCKSHUTT, Mr. NICHOLSON Progress reported.
(Dominion of Canada, Official Report of Debates, House of Commons, vol. CXLVIII, pages 2708-2736.)
1337. House of Commons. May 6, 1921. International Justice. The House again in committee on Bill No. 73, to authorize the ratification Mr. DOHERTY, Mr. MCKENZIE, Bill reported.
(Dominion of Canada, Official Report of Debates, House of Commons, vol. CXLIX, pages 3013-3014.)
1338. House of Commons. May 7, 1921. International Justice. Hon. J. D. REID (Minister of Railways and Canals) for Right Hon. C. J. DOHERTY (Minister of Justice) moved the third reading of Bill No. 73 Motion agreed to, and Bill read the third time. (Dominion of Canada, Official Report of Debates, House of Commons, vol. CXLIX, p. 3055.)

¹ See Second Annual Report, pp. 236-238.

1339. An act to authorize the ratification and carrying into effect of the Protocol of the sixteenth day of December, 1920, accepting the Statute for the Permanent Court of International Justice of the thirteenth day of December, 1920. Assented to 4th June, 1921. Preamble. Power to ratify Protocol. Governor in Council may do everything necessary to carry protocol into effect. Schedule. Protocol of signature. Statute for the Permanent Court of International Justice. (11-12. George V. Chap. 46. Ottawa, printed by Thomas Mulvey, Law Printer, 1921. 16 pages.)

CHINE.—CHINA.

1340. *Statut de la Cour permanente de Justice internationale*. [Publication officielle du ministère des Affaires étrangères, Pékin, 1922.] In-8°, 121 pages.
[I: Textes français, anglais et chinois de l'acte de ratification du protocole de signature concernant le Statut de la Cour permanente de Justice internationale. II: Textes français, anglais et chinois du Protocole de signature. III: Textes français, anglais et chinois du Statut de la Cour. IV: Textes français, anglais et chinois de la Résolution de l'Assemblée de la Société des Nations relative à l'établissement d'une Cour permanente de Justice internationale. V: Textes français, anglais et chinois de la Résolution de l'Assemblée de la Société des Nations relative aux traitements des Membres de la Cour. VI: Textes français et chinois d'un échange de notes entre le Gouvernement chinois et le Secrétaire général de la Société des Nations.]

DANEMARK.—DENMARK¹.

1341. *Folketing. Anden (sidste) Behandling af Forslag til Rigsdagsbeslutning angaaende Ratifikation af en Erklæring om en Fornyelse af Danmarks Tiltræden af den valgfri Bestemmelse til Statutten for den ifølge Forbundspagtens Artikel 14 oprettede, faste mellemfolkelige Domstol for et yderligere Tidsrum af 10 Aar. (Første Behandling findes i Tidenden Sp. 4848.) Forslaget til Rigsdagsbeslutning vedtoges enstemmigt med 99 Stemmer. (Rigsdagstidende, Folketingets Forhandlinger, 16. Februar 1926, 86de Møde, Sp. 5054.)*
1342. *Landsting. Anden (sidste) Behandling af Forslag til Rigsdagsbeslutning angaaende Ratifikation af en Erklæring om en Fornyelse af Danmarks Tiltræden af den valgfri Bestemmelse til Statutten for den ifølge Forbundspagtens Artikel 14 oprettede, faste mellemfolkelige Domstol for et yderligere Tidsrum af 10 Aar. (Første Behandling findes i Tidenden Sp 1167.) Forslaget til Rigsdagsbeslutning vedtoges enstemmigt med 56 Stemmer. (Rigsdagstidende, Landstingets Forhandlinger, 5. Marts 1926, 63 de Møde, Sp. 1194.)*
1343. *Bekendtgørelse angaaende Ratifikation af en Erklæring om en Fornyelse af Danmarks Tiltræden af den valgfri Bestemmelse til Statutten for den ifølge Folkeforbundspagtens Artikel 14 oprettede faste Domstol for mellemfolkelig Retspleje for et yderligere Tidsrum af 10 Aar. (jfr. Udenrigsministeriets Bekendtgørelser Nr. 316 af 27. Maj 1921 og Nr. 33 af 17. Januar 1922). Udenrigsministeriet, den 15. Maj 1926.*

¹ See Second Annual Report, pp. 239-241.

ESPAGNE.—SPAIN.

1344. *Num. 226. — Estado. — 16 de Diciembre de 1920, publicado el 30 de Noviembre de 1921. Protocolo de la firma del Estatuto del Tribunal permanente de Justicia internacional a que se refiere el art. 14 del pacto de la Sociedad de las Naciones. — Estatuto del Tribunal permanente de Justicia internacional a que se refiere el art. 14 del pacto de la Sociedad de las Naciones. El preinserto Protocolo ha sido, hasta ahora, firmado por . . . España . . . estando depositados los respectivos instrumentos en la Secretaría general de la Sociedad de las Naciones. (Colección Legislativa de España, primera Serie, parte primera, Legislación y deposiciones de la administración central, comprende las leyes, códigos, decretos . . . Edición oficial. Tomo LXXIV, volumen 3.º de 1921, págs. 731-742.) [Voir aussi: Gaceta de Madrid, 30 de Noviembre 1921.]*

ÉTATS-UNIS D'AMÉRIQUE.—UNITED STATES OF AMERICA ¹.

DEBATES AND SPEECHES IN CONGRESS.

1345. *Senate. January 28, 1926. The World Court. Speech of Hon. JAMES A. REED of Missouri in the Senate of the United States, Tuesday, Wednesday and Thursday, January 19, 20 and 21 (legislative day of Saturday, January 16) 1926. (Congressional Record, vol. 67, No. 36, Appendix, pages 2574-2606.)*
1346. *Senate. February 8, 1926. The World Court. Speech of Mr. MCKINLEY. (Congressional Record, vol. 67, No. 45, p. 3208.)*
1347. *Senate. February 18, 1926. Address by Senator SWANSON on the World Court. Remarks of Hon. HUBERT D. STEPHENS of Mississippi in the Senate of the United States, Thursday, February 18, 1926. (Congressional Record, vol. 67, No. 54, pages 3935-3937.)*
1348. *Senate. March 1, 1926. Remarks of Hon. HENRY F. ASHURST of Arizona in the Senate of the United States, Monday, March 1, 1926. (Congressional Record, vol. 67, No. 63, pages 4523-4524.)*
1349. *House of Representatives. March 6, 1926. The World Court. Extension of remarks of Hon. WILLIAM E. HULL of Illinois in the House of Representatives, Friday, March 5, 1926. (Congressional Record, vol. 67, No. 68, Appendix, pages 4946-4947.)*
1350. *Senate. March 18, 1926. The World Court. Speech of Mr. REED of Missouri. (Congressional Record, vol. 67, No. 78, pages 5630-5638.)*

¹ See Second Annual Report, pp. 241-247; 330-346; see also Section F of this list, pp. 301-311.

1351. *House of Representatives. May 28, 1926. The World Court, National Defense and Peace. Extension of remarks of Hon. JOHN PHILIPP HILL, of Maryland, in the House of Representatives, Friday, May 28, 1926.* (Congressional Record, vol. 67, No. 141, Appendix, pages 10302-10304.)
1352. *House of Representatives. June 23, 1926. World Court. Extension of remarks of Hon. CHARLES J. THOMSON of Ohio in the House of Representatives, Thursday, June 17, 1926.* (Congressional Record, vol. 67, No. 163, p. 11883.)
1353. *Senate. February 9, 1927. The World Court. Motion of Mr. TRAMMELL. Speeches of Mr. TRAMMELL, Mr. BORAH, Mr. WATSON, Mr. ROBINSON of Arkansas, Mr. BLEASE.* (Congressional Record, vol. 68, No. 49, pages 3403-3405.)
1354. *House of Representatives. February 19, 1927. Work of the League of Nations. Extension of remarks of Hon. R. WALTON MOORE of Virginia, in the House of Representatives, Friday, February 18, 1927. Addresses by Hon. ELIHU ROOT and Dr. NICHOLAS MURRAY BUTLER on the work of the League of Nations.* (Congressional Record, vol. 68, No. 58, pages 4223-4226.)

FINLANDE.—FINLAND ¹.

1355. *Hallituksen esitys Eduskunnalle pysyväsien kansainvälisen tuomioistuimen perussääntöön kuuluvaan pöytäkirjaan liittyvän ehdonalaisten määräyksen voimassaoloajan pidentämisestä.* (1926 vuoden valtiopäivät N:o 72, Helsingissä, 22 päivänä lokakuuta 1926. 2 pages.)
1356. *Ulkoasiainvaliokunnan mietintö N:o 8 hallituksen esityksen johdosta pysyväsien kansainvälisen tuomioistuimen perussääntöön kuuluvaan pöytäkirjaan liittyvän ehdonalaisten määräyksen voimassaoloajan pidentämisestä.* (1926 Vp. — V.M. — Esitys N:o 72, Helsingissä, 19 päivänä marraskuuta 1926. 1 page.)
1357. *Eduskunnan vastaus Hallituksen esitykseen pysyväsien kansainvälisen tuomioistuimen perussääntöön kuuluvaan pöytäkirjaan liittyvän ehdonalaisten määräyksen voimassaoloajan pidentämisestä.* (1926 Vp. — Edusk. vast. — Esitys N:o 72, Helsingissä, 24 päivänä marraskuuta 1926. 1 page.)
1358. *Asetus pysyväsien kansainvälisen tuomioistuimen perussäännön 36 artiklan 2 momentissa edellytetyn selityksen voimaansaattamisesta.* *Annettu Helsingissä, 29 päivänä maaliskuuta 1927.* (Suomen Asetuskokoelma, 1927, N:o 85, siv. 232.)

¹ See Second Annual Report, pp. 247-249.

1359. *Regeringens proposition till Riksdagen om förlängning av giltighetstiden för den fakultativa bestämmelse, som är vidfogad det till statutet för den fasta mellanfolkliga domstolen hörande protokollet.* (1926 års riksdag N:o 72, Helsingfors, den 22 oktober 1926. 2 pages.)
1360. *Utskottets för utrikesärenden betänkande N:o 8 med anledning av Regeringens proposition om förlängning av giltighetstiden för den fakultativa bestämmelse, som är vidfogad det till statutet för den fasta mellanfolkliga domstolen hörande protokollet.* (1926 Rd. — U.B. — Prop. N:o 72, Helsingfors, den 19 november 1926. 1 page.)
1361. *Riksdagen svar å Regeringens proposition om förlängning av giltighetstiden för den fakultativa bestämmelse, som är vidfogad det till statutet för den fasta mellanfolkliga domstolen hörande protokollet.* (1926 Rd. — Riksd. sv. — Prop. N:o 72, Helsingfors, den 24 november 1926. 1 page.)
1362. *Förordning angående bringande i verkställighet av den i artikel 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen avsedda förklaringen. Given i Helsingfors, den 29 mars 1927.* (Finlands Författningssamling, 1927, N:o 85, sid. 232.)

GRANDE-BRETAGNE.—GREAT BRITAIN¹.

1363. Parliamentary Debates. House of Commons.
Questions to Ministers of the Crown.
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| Mr. R. SMITH, House of Commons,
24 November 1926. Answer of Sir A. CHAMBERLAIN. | } Official Report, vol. 200,
pages 382-383. |
| Mr. R. SMITH, House of Commons,
8 December 1926. Answer of Mr. LOCKER-LAMPSON. | } Official Report, vol. 200,
pages 2122-2123. |
- [Voir aussi : Journal of the Parliaments of the Empire, vol. VIII, No. 1, 1927, January, pages 20-21.]
1364. Parliamentary Debates. House of Lords.
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|---|---|
| Earl BEAUCHAMP, House of Lords,
2 February 1926. Reference in Debate.
Reply by the Lord Chancellor (Viscount CAVE). | } Official Report, vol. 63,
pages 34, 41. |
| Lord PARMOOR, House of Lords, 6 May 1926.
Motion for Papers. Reply by Viscount CECIL
OF CHELWOOD. | } Official Report, vol. 64,
pages 106-118. |
- [See also : Journal of the Parliaments of the Empire, vol. VII, No. 3, 1926, July, pages 442-444.]
1365. *Court (The Permanent—) of International Justice. Question of accession of the United States of America to the Protocol of December 16, 1920.* Presented by the Secretary of State for Foreign Affairs to Parliament by command of His Majesty. Miscellaneous No. 11 (1926). Cmd. 2776. London, H.M. Stationery Office, 1926. 1n-8°, 27 pages.

¹ See Second Annual Report, pp. 250-251; 347. See also p. 312 of this list.

IRLANDE.—IRELAND.

1366. *Irish Free State. On 30th November 1926, in the Dáil, Mr. T. JOHNSON (Leader of the opposition) asked . . . The Minister for External Affairs (Mr. D. FITZGERALD, said . . . (Journal of the Parliaments of the Empire, vol. VIII, No. 1, 1927, January, pages 189-190.)*

PAYS-BAS.—NETHERLANDS¹.

1367. *Wet van den 31sten Juli 1926, houdende goedkeuring van de hernieuwde aanvaarding van de verplichte rechtspraak overeenkomstig artikel 36 lid 2 van het Statuut van het Permanente Hof van Internationale Justitie. (Staatsblad van het Koninkrijk der Nederlanden, 1926, No. 277.)*

ROUMANIE.—ROUMANIA.

1368. [Statut de la Cour. Les lois de promulgation ont été votées le 29 juin 1921 par le Sénat et le 11 juillet 1921 par la Chambre des Députés. Il n'y a pas eu de discussion ni au Sénat ni à la Chambre des Députés.
Voir « Monitorul oficial » 1921, numéro 105 (921) et numéro 145 (922).]

SUÈDE.—SWEDEN.

1369. *Protokoll rörande godkännande av Nationernas Förbunds För-samlings beslut den 13 december 1920 angående upprättande av en fast mellanfolklig domstol. Genève den 16 december 1920. (Ratificerat av Sverige den 31 december 1920. Ratifikationerna nedlades hos Nationernas Förbunds Generalsekretariat i Genève den 21 febr. 1921.) Protocole de signature. Protocol of signature. Protokoll vid undertecknandet. — Résolution relative à l'établissement d'une Cour permanente Resolution concerning the establishment of a Permanent Court Resolution rörande upprättande av en fast mellanfolklig domstol, antagen av Nationernas Förbunds Församling i Genève den 13 december 1920.— Statut de la Cour Statute for the Permanent Court Stadga för den i art. 14 av förbundsakten för Nationernas Förbund omförmälda fasta mellanfolkliga domstolen. — (Sveriges överenskommelser med främmande makter, 1921, Nr 1. 36 pages.)*
1370. *Kungl. Maj:ts proposition till riksdagen angående avgivande av sådan förklaring, som avses i. art. 36 andra stycket av stadgan för Nationernas Förbunds fasta domstol; given Stockholms slott den 4 mars 1921. — Utdrag av protokollet över utrikesdepartementsärenden, hållet inför Hans Maj:ts Konungen i statsrådet å Stockholms slott den 4 mars 1921. (Kungl. Maj:ts proposition nr. 146. — Bihang till riksdagens protokoll 1921. 1 saml. 123 häft. (Nr 146.) 11 pages.)*

¹ See Second Annual Report, pp. 255-257.

1371. *Konstitutionsutskottets utlåtande nr. 45 i anledning av Kungl. Maj:ts proposition angående avgivande av sådan förklaring, som avses i art. 36 andra stycket av stadgan för Nationernas Förbunds högsta domstol. Ankom till riksdagens kansli den 31 maj 1921 kl. 5 e. m. (Bihang till riksdagens protokoll 1921. 5 saml. 30 häft. (Nr 45.) 7 pages.)*
1372. *Föredrogs ånyo konstitutionsutskottets utlåtande nr 45, i anledning av Kungl. Maj:ts proposition angående avgivande av sådan förklaring, som avses i art. 36 andra stycket av stadgan för Nationernas förbunds fasta domstol. Herr REUTERSKIÖLD: . . . Herr HELLBERG: . . . Herr TRYGGER: . . . Efter härmed slutad överläggning . . . vara med övervägande ja besvarad. (Riksdagens protokoll. Första kammaren. 1921. Nr. 43. s. 65-67.)*
1373. *Föredrogs vart för sig konstitutionsutskottets utlåtanden :
nr 44, . . .
nr 45, i anledning av Kungl. Maj:ts proposition angående avgivande av sådan förklaring, som avses i art. 36 andra stycket av stadgan för Nationernas Förbunds högsta domstol :
nr. 46, . . .
Kammaren biföll vad utskottet i dessa utlåtanden hemställt. (Riksdagens protokoll. Andra kammaren. 1921. Nr. 53. s. 57-58.)*
1374. *Riksdagens skrivelse till Konungen i anledning av Kungl. Maj:ts proposition angående avgivande av sådan förklaring, som avses i art. 36 andra stycket av stadgan för Nationernas Förbunds fasta domstol. Godkänd av första kammaren den 11 juni 1921. Godkänd av andra kammaren den 11 juni 1921. (Konstitutionsutskottets utlåtande nr 45.) (Riksdagens skrivelse Nr 316.)*
1375. *Förklaring, avsedd i art. 36, andra stycket av stadgan för Nationernas Förbunds fasta domstol. Avgiven i Genève den 16 augusti 1921. (Sveriges överenskommelser med främmande makter, 1921, Nr 38, s. 357-358.)*
1376. *Kungl. Maj:ts proposition till riksdagen angående avgivande av förnyad förklaring i enlighet med bestämmelserna i art. 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen; given Stockholms slott den 15 januari 1926. (Kungl. Maj:ts proposition nr 39. Bihang till riksdagens protokoll 1926. 1 saml. 32 häft. (Nr 39.) 4 pages.)*
1377. *Konstitutionsutskottets utlåtande i anledning av Kungl. Maj:ts proposition till riksdagen angående avgivande av förnyad förklaring i enlighet med bestämmelserna i art. 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen. Ankom till riksdagen kansli den 9 februari 1926 kl. 3 e. m. (Bihang till riksdagens protokoll 1926. 5 saml. 3 häft. (Nr 3-5.) 1 page.)*

1378. *Föredrogs ånyo konstitutionsutskottets utlåtande nr 3, i anledning av Kungl. Maj:ts proposition angående avgivande av förnyad förklaring i enlighet med bestämmelserna i art. 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen. Utskottets hemställda bifölls.* (Riksdagens protokoll. Första kammaren. 1926. Nr. 10. s. 26.)
1379. *Föredrogs vart för sig: konstitutionsutskottets utlåtanden: nr 3, i anledning av Kungl. Maj:ts proposition angående avgivande av förnyad förklaring i enlighet med bestämmelserna i art. 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen; nr 4,*
Kammaren biföll vad utskotten i dessa utlåtanden hemställt. (Riksdagens protokoll. Andra kammaren. 1926. Nr. 10. s. 8.)
1380. *Riksdagens skrivelse till Konungen i anledning av Kungl. Maj:ts proposition angående afgivande av förnyad förklaring i enlighet med bestämmelserna i art. 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen.*
Godkänd av första kammaren den 19 februari 1926.
Godkänd av andra kammaren den 19 februari 1926.
(Konstitutionsutskottets utlåtande nr 3.)
 (Riksdagens skrivelse Nr. 37. Bihang till riksdagens protokoll 1926. 14 saml. Nr 37-39.)
1381. *Förklaring, avsedd i artikel 36, andra stycket, av stadgan för den fasta mellanfolkliga domstolen. Avgiven i Genève den 18 mars 1926.* (Sveriges överenskommelser med främmande makter, 1926. N:o 4.)
1382. *Reglemente, antaget av den fasta mellanfolkliga domstolen. Haag den 24 mars 1922. [Textes français, anglais et suédois du Règlement de la Cour.]* (Sveriges överenskommelser med främmande makter, 1922. Nr 11. s. 49-90.)

VENEZUELA.

1383. *Decreto Numero 13.974.*
Ratificación en 7 de septiembre de 1921 del Estatuto de la Corte Permanente de Justicia Internacional prevista por el artículo 14 del Pacto de la Sociedad de las Naciones.
Resolución relativa al establecimiento de una Corte de Justicia Internacional
Estatuto de la Corte Permanente de Justicia Internacional
 (Recopilación de leyes y decretos de Venezuela, Tomo 44, Año de 1921, pages 375-382).

4. THE ELECTION OF JUDGES.—BIOGRAPHIES OF JUDGES.

(See Second Annual Report, pp. 260-261.)

1384. *Election of judges and biographical notes.* (Law Times, vol. 152. 1921, September 24, page 186).

1385. POLLAK (WALTER), *The eligibility of British subjects as judges of the Permanent Court of International Justice*. (American Journal of International Law, vol. 20, Number 4, 1926, October, pages 714-725.)
1386. *Notes (Biographical—) on the Judges and Deputy Judges of the Permanent Court of International Justice*. (League of Nations, Monthly Summary, vol. I, 1921, No. 9, pages 194-196 ; vol. II, 1922, February, page 28.)
1387. HINCKLEY (FRANK E.), JOHN BASSETT MOORE, *a member of the Permanent Court of International Justice*. (California Law Review, vol. 10, 1922, January, pages 103-110.)
1388. *Who's who in China. Containing the pictures and biographies of China's best known political, financial, business and professional men*. Third edition. 1925. Shanghai, The China Weekly Review, 1925. In-8°, 972 + 25 + 10 pages.
[*Biography of Dr. WANG CHUNG-HUI*, pages 800-801.]

5. INAUGURATION OF THE COURT.

(See Second Annual Report, pp. 261-262.)

1389. *Opening of the World Court at the Hague*. (Current History Magazine, New York Times, 1922, April, 16 : 87.)
1390. *Opening of the Permanent Court of International Justice*. (Solicitors Journal and Weekly Reporter, vol. 66, 1922, February 15, p. 275.)
1391. *Opening of the Permanent Court of International Justice at The Hague*. (Commercial and Financial Chronicle, vol. 114, 1922, March 11, p. 1022.)

6. PREPARATION OF THE RULES OF COURT.—PROCEDURE.

A.—Official Documents.

(See Second Annual Report, p. 262.)

1392. Publications de la Cour permanente de Justice internationale. Série D. — Publications of the Permanent Court of International Justice. Series D.
1. *Actes et Documents relatifs à l'organisation de la Cour. Statut de la Cour. Règlement de la Cour (texte amendé le 31 juillet 1926). — Acts and Documents concerning the organization of the Court. Statute of the Court. Rules of Court (as amended on July 31st, 1926).* [1926.]
 2. (*Addendum*.) *Idem. Revision du Règlement de la Cour. — Revision of the Rules of Court, 1926.*

B.—Unofficial Publications.

(See Second Annual Report, pp. 262-263.)

1393. *Reglement des Ständigen internationalen Gerichtshofs vom 24. März 1922.* (Jahrbuch des Völkerrechts, IX. Band (Sonderband), Kiel 1926, Seiten 312-322.)

1394. HAMMARSKJÖLD (ÅKE), *Fasta Internationella Domstolen i Haag. Några Grunddrag.* (Svensk Juristtidning, Årg. 11, 1926, November, Häft. 6, pages 405-418.)

1395. RALSTON (JACKSON H.), *The law and procedure of international tribunals. Being a résumé of the views of arbitrators upon questions arising under the Law of Nations and of the procedure and practice of International Courts. Revised edition.* Stanford University Press. Stanford University, California [1926]. In-8°, XL + 512 pages. [Permanent Court of International Justice, pages 3, 43, 266, 349, 363, 366, 370, 375. Statute : Appendix C. Rules : Appendix D.]

7. JURISDICTION OF THE COURT¹.*A.—Official Documents.*

(See Second Annual Report, p. 263.)

1396. Publications de la Cour permanente de Justice internationale. Série D. — N° 5. *Collection des Textes gouvernant la compétence de la Cour.* Troisième édition (mise à jour au 1^{er} octobre 1926). Leyde, Sijthoff [1926].

- 1396a. Publications of the Permanent Court of International Justice.—Series D.—No. 5. *Collection of Texts governing the jurisdiction of the Court.* Third edition (brought up to date, October 1st, 1926). Leyde, Sijthoff [1926].

B.—Unofficial Publications.

(See Second Annual Report, pp. 263-264.)

1397. BEUVE-MÉRY (M.), *La compétence consultative de la Cour permanente de Justice internationale.* Thèse, Université de Paris. Paris, Pedone, 1926. In-8°, 158 pages.
1398. COVA (NICOLÁS DE LA), *La Competencia y la Jurisdicción del Tribunal Permanente de Justicia Internacional.* (Sociedad Cubana de Derecho internacional, Decima reunión anual, 14 a 17 de marzo 1927.) [See : Revista de Derecho internacional, Numero 21, 31 Marzo, 1927, page 102.]

¹ See also Section D (Nos. 1489-1571) of this list.

1399. TÉNÉKIDÈS (C. G.), *La compétence de la Cour permanente de Justice internationale en matière de procédure consultative*. (Revue générale de droit international public, 33^{me} année, nos 1-2, 1926, janvier-avril, pages 120-129.)
1400. TUSKA (B.), *Jurisdiction of World Court*. (American Bar Association Journal, vol. 11, 1925, June, p. 404.)
1401. SAKAMOTO (M.), *Advisory opinions of the Permanent Court of International Justice*. [En japonais.] (Revue mensuelle de droit international et de diplomatie, Tokio, XXV, n° 5, 1926, mai, art. n° 3.)
1402. MOON (P. T.), *Advisory opinions and judgments*. (Political Science Quarterly, vol. 41, 1926, March, pages 26-27.)
1403. MACNAIR (ARNOLD D.), *The Council's request for an advisory opinion from the Permanent Court of International Justice*. (The British Year-book of international law, VII, 1926, pages 1-13.)
1404. BASDEVANT (J.), GASTON JÈZE et NICOLAS POLITIS, *Les principes juridiques sur la compétence des juridictions internationales et, en particulier, des Tribunaux arbitraux mixtes organisés par les Traités de Paix de Versailles, de Saint-Germain, de Trianon. Extrait d'une consultation donnée par les professeurs —, au Gouvernement de la République tchécoslovaque*. (Revue du droit public et de la science politique, tome XLIV, n° 1, 1927, janvier-mars, pages 45-52.)
1405. BUELL (RAYMOND LESLIE), *Power of World Court . . . precedents for our Supreme Court's acquiescence in its decisions*. (New York Times, 1923, VIII, April 15, page 8.)
1406. KOHDE (OTTO HANS), *Zuständigkeit und Verfahren des ständigen Staatengerichtshofes des Völkerbundes*. [Maschinenschrift.] Leipzig, Juristische Dissertation v. 30. Juni 1922.
1407. WEHBERG (HANS), *Die Zuständigkeit des Weltgerichtshofes nach den Mandatsverträgen*. (Völkerbundfragen, Mitteilungen der Deutschen Liga für Völkerbund, 1926, Nr. 9-10, 1. September, pages 162-165.)
1408. MUÛLS (FERNAND), *Le Traité de conciliation et de règlement judiciaire entre la Belgique et la Suède*. (Revue de droit international et de législation comparée, 1926, nos 3-4, pages 388-397.)
[Conflits déferés à la Cour permanente de Justice internationale, pages 391-394.]
1409. SCHINDLER (DIETRICH), *Les traités de conciliation et d'arbitrage conclus par la Suisse, de 1921 à 1925*. Extrait de la Revue de droit international et de législation comparée (1925, n° 6) avec les textes des Traités à l'annexe. Lausanne, etc., Librairie Payot, 1926. In-8°, 115 pages.

1410. *Streitschlichtungs-, Sicherheits- und sonstige Friedfertigungs-Verträge*. (Jahrbuch des Völkerrechts, IX. Band (Sonderband), Kiel 1926, Seiten 331-497.)
1411. SPIROPOULOS (J.), *Nicht-anerkannte Staaten und Regierungen vor dem Ständigen Internationalen Gerichtshof*. (Revue de droit international, de sciences diplomatiques et politiques, 5^{me} année, n^o 1, 1927, janvier-mars, pages 35-45.)
1412. REDSLOB (ROBERT), *Le système des mandats internationaux. Essai d'une construction juridique*. (Bulletin de l'Institut Intermédiaire International, XV : 2, 1926, octobre, pages 284-329.)
[Voir § 3 : Le droit de révocation n'est pas éliminé par la voie de justice, ouverte en matière de Mandats devant la Cour permanente.]

C.—THE JUDICIAL AND ADVISORY FUNCTIONS OF THE COURT.

I. ACTS AND DOCUMENTS RELATING TO JUDGMENTS AND OPINIONS.

(See Second Annual Report, pp. 264-266.)

1413. Publications de la Cour permanente de Justice internationale. Série C. Actes et Documents relatifs aux Arrêts et aux Avis consultatifs de la Cour. — Publications of the Permanent Court of International Justice. Series C. Acts and Documents relating to Judgments and Advisory Opinions given by the Court.
- II. (1). *Dixième session (extraordinaire) (février-mai 1926)*. — *Documents relatifs à l'Arrêt n^o 7 (25 mai 1926). Affaire relative à certains intérêts allemands en Haute-Silésie polonaise (Fond)*. Volume I. (*Procès-verbaux*. — *Discours*. — *Mémoire allemand*.) — *Tenth (extraordinary) session (February—May, 1926)*. — *Documents relating to Judgment No. 7 (May 25th, 1926). Case concerning certain German interests in Polish Upper Silesia (The Merits)*. Volume I. (*Minutes*. — *Speeches*. — *German Memorial*.) [1926.]
- II. (2). *Idem*. Volume II. (*Contre-Mémoire polonais*. — *Réplique allemande*. — *Duplique polonaise*. — Volume II. (*Polish Counter-Case*. — *German Reply*. — *Polish Rejoinder*.) [1926.]
- II. (3). *Idem*. Volume III. (*Autres documents (suite)*. — *Correspondance*. — *Index*.) — Volume III. (*Other Documents (continued)*. — *Correspondance*. — *Index*.) [1926.]
12. *Onzième Session (ordinaire) (juin-juillet 1926)*. — *Documents relatifs à l'Avis consultatif n^o 13 (23 juillet 1926). Compétence de l'Organisation internationale du Travail pour régler accessoirement le travail personnel du patron*. — *Eleventh (ordinary session) (June—July, 1926)*. — *Documents relating to Advisory Opinion No. 13 (July 23rd, 1926). Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer*. [1927.]

1414. *Cour permanente de Justice internationale. Question de la compétence de l'Organisation internationale du Travail pour régler accessoirement le travail personnel du patron. Documents. — Débats devant la Cour.* — (Bulletin officiel [du] Bureau international du Travail, vol. XI, n° 5, 1926, 30 septembre, édition révisée, pages 163-299.)
1415. *Cour permanente de Justice internationale. Question de la compétence de l'Organisation internationale du Travail pour régler accessoirement le travail personnel du patron. Note complémentaire sur la compétence de l'Organisation internationale du Travail en matière de travail personnel du patron, élaborée au nom de l'Organisation internationale des employeurs industriels par MM. HENRY BERTHÉLÉMY, LOUIS LE FUR et LÉON JULLIOT DE LA MORANDIÈRE.* (Bulletin officiel [du] Bureau international du Travail, vol. XII, n° 1, 1927, 25 mars, pages 26-33.)

2. THE TEXTS OF JUDGMENTS AND OPINIONS.

A.—Official Texts.

(See Second Annual Report, pp. 267-268.)

1416. Publications de la Cour permanente de Justice internationale. Série A. Recueil des Arrêts. — Publications of the Permanent Court of International Justice. Series A. Collection of Judgments. Leyde, Sijthoff, 1927. In-8°.
8. *Affaire relative à la dénonciation du Traité sino-belge du 2 novembre 1865. Ordonnances des 8 janvier, 15 février et 18 juin 1927. — Denunciation of the Treaty of November 2nd, 1865, between China and Belgium. Orders of January 8th. February 15th and June 18th, 1927.*
1417. *Idem.*
9. *Affaire relative à l'usine de Chorzów (Demande en indemnité) (Compétence). Le 26 juillet 1927. — Case concerning the factory at Chorzów (Claim for indemnity) (Jurisdiction). July 26th, 1927.*

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1418. *Cour permanente de Justice internationale. Avis consultatif n° 13. Compétence de l'Organisation internationale du Travail pour régler accessoirement le travail personnel du patron.* (Bulletin officiel [du] Bureau international du Travail, vol. XI, n° 5, 1926, 30 septembre, édition révisée, pages 300-315.)

B.—*Unofficial Publications (in-extenso or summarized).*

(See Second Annual Report, pp. 268-276.)

1419. *Gerichts- und Schiedsgerichtssprüche (Haager —). Sprüche des Ständigen Internationalen Gerichtshofes. 2. Avis consultatif vom 6. Dezember 1923, betr. die polnisch-tschechoslovakische Grenze („Jaworzina“).* (Niemeyer's Zeitschrift für Internationales Recht, XXXVI. Band, 2. bis 5. Heft, 1926, Seiten 263-293.)
1420. *Articolo 3, comma 2, del trattato di pace con la Turchia: natura ed effetti della decisione ivi prevista. — La regola della unanimità nelle decisioni del Consiglio della Società delle Nazioni: Sua applicazione nel caso di regolamento di controversie. Corte permanente di Giustizia internazionale, 21 novembre 1925.* (Rivista di diritto internazionale, Anno XVIII, 1926, pages 497-514.)
1421. *Giurisprudenza internazionale. Corte permanente di Giustizia internazionale, 25 maggio 1926. [Affaire relative à certains intérêts allemands en Haute-Silésie polonaise (Fond)]* (Rivista di Diritto internazionale, Anno XIX, Fasc. 1, 1917, 1° gennaio-31 marzo, pages 48-102.)
1422. KUNZ (JOSEF L.), *Völkerrechtliche Chronik. II. Der Völkerbund. I. Juli 1923 bis 1. April 1924. Cour permanente de Justice internationale.* (Zeitschrift für Völkerrecht, XIII. Band, Heft 4, Seiten 590-596.)
1423. *Gerichts- und Schiedsgerichtssprüche (Haager —). Sprüche des Ständigen Internationalen Gerichtshofes. I. Arrêt vom 25. Mai 1926 betreffend deutsche Interessen in Polnisch-Oberschlesien (betreffend den Streitgegenstand selbst).* (Niemeyer's Zeitschrift für Internationales Recht, XXXVI. Band, 2. bis 5. Heft, 1926, Seiten 197-262.)
1424. *Arrêts et Avis consultatifs de la Cour permanente de Justice internationale. Avis consultatif n° 13, concernant la compétence de l'Organisation internationale du Travail pour régler accessoirement le travail personnel du patron, donné par la Cour à la date du 23 juillet 1926.* (Bulletin de l'Institut Intermédiaire International, XV: 2, 1926, octobre, pages 393-396.)
1425. *Giurisprudenza internazionale. Organizzazione internazionale del lavoro: lavoro padronale: regolamentazione accessoria al lavoro degli operai: competenza. Corte permanente di Giustizia internazionale, 23 luglio 1926.* [Texte anglais de l'Avis consultatif n° 13.] (Rivista di Diritto internazionale, Anno XIX, 1927, Fasc. II, 1° Aprilo-30 giugno, pages 258-268.)
1426. *Faits et informations. Cour permanente de Justice internationale. I. Dixième session (session extraordinaire). II. Onzième session (session ordinaire).* (Revue de droit international, de sciences diplomatiques, politiques et sociales, publiée par ANTOINE SOTTILE, 4^{me} année, 1926, avril-septembre, pages 168-175.)

1427. *Tribunal permanente de Justicia internacional. Decima reunión (extraordinaria). Intereses alemanes en la Alta Silesia Polaca* (Revista de Derecho internacional, Año V, Numero 19, 1926, 30 septembre, pages 157-164.)
1428. *La XI^{me} session de la Cour permanente de Justice internationale.* (La Paix par le Droit, 36^{me} année, nos 9-10, 1926, septembre-octobre, pages 366-367.)
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1429. *Faits et informations. Société des Nations. Cour permanente de Justice internationale. Différend sino-belge. Requête pour avis consultatif relative à certaines questions concernant la compétence de la Commission européenne du Danube. Protocole de signature du Statut de la Cour.* (Revue de droit international, de sciences diplomatiques et politiques, publiée par M. A. SOTTILE, Genève, 4^{me} année, n° 4, 1926, oct.-déc., pages 276-277.)
1430. *Le Conflit sino-belge.* (Bulletin de l'Institut Intermédiaire International, tome XVI : 2, 1927, avril, pages 273-275.)
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1433. *Faits et informations. — Société des Nations. — Cour permanente de Justice internationale. — Différend sino-belge. — Affaire du Lotus. — Compétence de la Commission européenne du Danube.* (Revue de droit international, de sciences diplomatiques et politiques, 5^{me} année, n° 1, 1927, janvier-mars, pages 58-61.)

3. EFFECTS OF JUDGMENTS AND OPINIONS.

(See Second Annual Report, pp. 276-292.)

ADVISORY OPINION NO. 9. QUESTION OF THE MONASTERY OF SAINT-NAOUM.

(See Second Annual Report, p. 286.)

1434. *Société des Nations. Frontière albanaise dans la région de Saint-Naoum. Lettre de la Conférence des Ambassadeurs au Secrétaire général. Note sur les délibérations de la Conférence des Ambassadeurs au sujet de l'attribution du Monastère de St-Naoum.* 22 pièces annexes. [Genève, Société des Nations, 1924. C. 293. M. 94. 1924. VII. In-f°. 40 pages.]

ADVISORY OPINION NO. 12. ARTICLE 3, PARAGRAPH 2, OF TREATY
OF LAUSANNE (FRONTIER BETWEEN TURKEY AND IRAQ).

(See Second Annual Report, pp. 288-292.)

1435. *Mosul boundary dispute (Agreement with Turkey; Treaty to be registered with League of Nations; Ratification authorised).*

[On 7th June, 1926, in the House of Commons, replying to questions by various hon. Members regarding the negotiations with the Turkish Government relative to the Mosul boundary dispute, the Under-Secretary of State for Foreign Affairs (Mr. GODFREY LOCKER-LAMPSON) said Mr. H. DALTON inquired The Under-Secretary of State for Foreign Affairs

(Journal of the Parliaments of the Empire, vol. VII., No. 3, 1926, July, pages 444-445).

1436. *Iraq. Negotiations regarding Mosul Frontier. (Imperial Conference, 1926. Appendices to the summary of proceedings. Cmd. 2769 (in continuation of Cmd. 2768). Presented to Parliament by Command of His Majesty, November, 1926. London, H.M. Stationery Office, 1927, pages 132-133.)*

1437. *Irak-Vertrag (Der —) vom 5. Juni 1926. (Europäische Gespräche, IV. Jahrgang, 1926, Juli, No. VII, pages 393-397.)*

ADVISORY OPINION NO. 13. COMPETENCE OF THE INTERNATIONAL
LABOUR ORGANIZATION TO REGULATE, INCIDENTALLY, THE
PERSONAL WORK OF THE EMPLOYER.

1438. *Conseil de la Société des Nations. Quarantième session, Genève, 1926, 7 juin — 10 juin. Première séance du 7 juin 1926. 1720. Compétence de l'Organisation internationale du Travail en ce qui concerne le travail personnel du patron: Transmission au Bureau international du Travail de l'avis de la Cour permanente, après réception de celui-ci.*

Le SECRÉTAIRE GÉNÉRAL donne lecture du Mémoire suivant
Sur la proposition de M. SCIALOJA, le Conseil décide (Journal officiel de la Société des Nations, VII^{me} année, n° 7, juillet 1926, p. 857).

1439. *Council of the League of Nations. Fortieth session, Geneva, June 7th — June 10th, 1926. First Meeting, June 7th, 1926. 1720. Competence of the International Labour Organization in regard to the Personal work of the Employer: Transmission to the International Labour Office of the Permanent Court's Opinion when received. The SECRETARY-GENERAL read the following Memorandum On the suggestion of M. SCIALOJA the Council decided (Official Journal of the League of Nations, 7th year, No. 7, 1926, July, p. 857.)*

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(See Second Annual Report, pp. 292-300.)

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1442. HOWALDT (HEINZ), *Der Fall Wimbledon. Eine völkerrechtliche Studie*. [Maschinenschrift.] Würzburg, Rechts- und Staatswissenschaftliche Dissertation v. 13. Febr. 1924. In-4°, 144 Seiten.
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1444. *Jurisprudence internationale. Cour permanente de Justice internationale*. 17 août 1923. *Canal de Kiel. Refus injustifié de passage à un navire neutre chargé de munitions pour un État belligérant. Responsabilité de l'Allemagne. Navire Wimbledon*. [Texte de l'Arrêt. Observations par J. BASDEVANT.] (Revue de droit maritime comparé, tome 6, 1924, avril-juin, pages 73-102.)
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(See Second Annual Report, pp. 323-324.)

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- Acquisition of Polish Nationality* (Advisory Opinion No. 7). Text **2**: 457, 480-484, 490. Articles on— **2**: 695 *et seq.* Effects of— **2**: 566-579.
- Advisory Opinions, Acts and Documents* relating to— **2**: 451-455. **3**: 1413-1415. Texts of— **2**: 451-525. **3**: 1416-1433. Effects of— **2**: 526-626. **3**: 1434-1440. Articles on— **2**: 627-740. **3**: 1441-1488.
- Agriculture*, see *Competence of International Labour Organization*.
- Albanian Frontier*, see *Saint-Naoum*.
- Arbitration and Justice*, Works on—, containing chapters on the Court **2**: 995-1006. **3**: 1661-1670.
- Arbitration treaties* **2**: 9, 10, 11, 34, 993-994.
- Australia*, Legislative instruments **2**: 231. **3**: 1327-1331.
- Austria*, Austrian Draft Plan for an International Court **2**: 80, 111-112. Legislative instruments **2**: 232-237.
- Belgium*, Legislative instruments **2**: 238-253. **3**: 1332-1333.
- Belgium*, see *Treaty between China and Belgium*.
- Biographies of Judges* **2**: 407-424. **3**: 1384-1388.
- Brazil*, Legislative instruments **2**: 254. — and the Court **3**: 1843.
- Bryan Peace Treaties* **2**: 10-11.
- Bulgaria*, Legislative instruments **2**: 255.
- Canada*, Legislative instruments **2**: 256-257. **3**: 1334-1339.
- Carelia* (Eastern—), see *Statute of—*.
- Central American Court of Justice* **2**: 16, 17, 111-112.
- China*, "Hague" Court for— **2**: 1295. Official documents **3**: 1340.
- China*, see *Treaty between China and Belgium*.
- Chorzów*, Case concerning the factory at— (Judgment No. 9). Text **3**: 1417. Review articles on— **3**: 1479.
- Codification of International Law* **2**: 968-972. **3**: 1618-1645.
- Committee of Jurists* **2**: 72-127.
- Competence of the International Labour Organization in regard to international regulation of the conditions of labour of persons employed in agriculture* (Advisory Opinion No. 2). Acts and Documents relating to— **2**: 451. Text **2**: 457-468, 498. Review articles on— **2**: 629 *et seq.*, 739. Effects of— **2**: 530-533.

¹ The present Index, like the Alphabetical Index of Authors' Names which is to be found on page 315, is cumulative, i.e. it covers the Bibliography of the Second Annual Report (Series E., No. 2) as well as that of this volume (pages 255-314).

The **fatfaced** figures which precede the numbers of titles refer to the corresponding volume of Series E. (**2**: Series E., No. 2; **3**: Series E., No. 3). No reference has been made to the Bibliography of the First Annual Report, as that list was incorporated in the Second Report.

- Competence of the International Labour Organization to examine proposals for the organization and development of the methods of agricultural production and other questions of a like character* (Advisory Opinion No. 3). Acts and Documents relating to— **2**: 451. Text— **2**: 457-468, 498. Review articles on— **2**: 627 *et seq.*, 739. Effects of— **2**: 530-533.
- Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer* (Advisory Opinion No. 13). Acts and documents relating to— **3**: 1413-1415. Text **2**: 457. **3**: 1418, 1424, 1425, 1427. Effects of— **3**: 1438, 1439. Articles on— **3**: 1481-1484.
- Constitution of the Court* **2**: 128-450.
- Court*, see *Permanent Court, United States Supreme Court, Prize Court.*
- Court of Arbitral Justice* **2**: 1, 2, 5, 13, 33, 42.
- Court of Justice* (Central American—) **2**: 16, 17, 111-112
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- Czechoslovakia*. Legislative instruments **2**: 405-406.
- Danzig*, see *Polish Postal Service in—.*
- Debates and Documents*, see *Parliamentary—.*
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- Denmark*, Danish Draft Plan for an International Court **2**: 81, 84, 88, 91, 111-112. Legislative instruments **2**: 258-264. **3**: 1341-1343.
- Diplomacy*, Works on— containing chapters on the Court **2**: 1036-1046
- Disputes*, see *Settlement of—.*
- Documents relating to Judgments and Advisory Opinions* **2**: 451-455. **3**: 1413-1415.
- Documents*, see *Parliamentary—.*
- Draft plans for an International Court* (official and private—) **2**: 1-127.
- Effects of Judgments and Advisory Opinions* **2**: 526-626. **3**: 1434-1440.
- Election of the Judges* **2**: 407-424. **3**: 1384-1388.
- Encyclopædias* **2**: 1055-1063. **3**: 1686.
- Estonia*. Legislative instruments **2**: 265-269.
- Exchange of Greek and Turkish populations* (Advisory Opinion No. 10). Acts and Documents relating to— **2**: 451. Text **2**: 457, 510, 512, 513, 514. Articles on the Opinion **2**: 689 *et seq.*, 793. Effects of the Opinion **2**: 594-596.
- Extraterritoriality* **2**: 1847.
- Fabian Committee* **2**: 43, 44, 65.
- Finland*. Legislative instruments **2**: 330-342. **3**: 1355-1362.
- France*. Legislative instruments **2**: 343-354.
- Frontier between Turkey and Iraq* (Article 3, paragraph 2, of Treaty of Lausanne). Acts and Documents relating to the Opinion **2**: 451. Text of the Opinion **2**: 457, 518-523. **3**: 1420. Articles on— **2**: 714 *et seq.*, 739. **3**: 1459-1469, 1472. Effects of— **2**: 603-626. **3**: 1435-1437.
- Functions (Judicial and Advisory—) of the Court* **2**: 451-525. **3**: 1413-1488.
- General* **2**: 741-869. **3**: 1489-1571.
- Geneva and The Hague* **2**: 1845.
- Geneva Protocol* **2**: 1007-1023. **3**: 1671-1673.

- German Draft plan* 2: 75, 76, 78, III-III2.
- German interests in Polish Upper Silesia* (Judgment No. 6). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 515, 516, 518, 523, 525. Articles on— 2: 714 *et sqq.*, 739. 3: 1472.
- German interests in Polish Upper Silesia* (The Merits). (Judgment No. 7.) Acts and Documents relating to the Judgment 2: 1413. Text of— 2: 456. 3: 1421, 1423. Articles on— 2: 735 *et sqq.* 3: 1476-1478.
- German Settlers in Poland*, see *Settlers (German) in Poland*.
- Germany*, Legislative documents 3: 1326. — and the Court 3: 1839-1842.
- Great Britain*. Parliamentary Documents 2: 355-356 b. 3: 1363-1364.
- Great Britain and the Optional Clause* 2: 356 a-b, 1271-1278. 3: 1821-1822.
- Greek and Turkish populations*, see *Exchange of—*.
- Grotius and the Court* 2: 1294.
- Hague (The—)* 3: 1846.
- Hague (The—) and Geneva* 3: 1845.
- Hague Peace Conference* (Second— 1907) 2: 1-34.
- Haiti*, Legislative Documents 2: 357-358.
- History*, Works on—, containing chapters on the Court 2: 1055-1063. 3: 1587.
- Hungary*, Legislative instruments 2: 359-362.
- Inauguration of the Court* 2: 425-432. 3: 1389-1391.
- International Court*, see *Permanent Court; Prize Court*.
- International Law*, Treaties and Manuals on — containing chapters on the Court 2: 934-972. 3: 1618-1645.
- Internationalism* 2: 1047-1054. 3: 1678-1685.
- Interparliamentary Union* 2: 18, 19, 20, 26, 34.
- Iraq*, see *Frontier between Turkey and Iraq*.
- Ireland*, Parliamentary documents 3: 1366.
- Jaworzina (Javorina) Question of—* (Advisory Opinion No. 8). Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 492-498. 3: 1419. Articles on— 2: 681 *et sqq.*, 739. Effects of— 2: 582-591.
- Jerusalem concessions*, see *Macromatis concessions*.
- Judges*, Biographies of the— 2: 407-424. 3: 1384-1388. Election of— 2: 407-424. 3: 1384-1385.
- Judgments*, Acts and Documents relating to— 2: 451-455. 3: 1413-1415. Texts of— 2: 451-525. 3: 1416-1433.
- Jurisdiction of the Court* 2: 440-450. 3: 1396-1412.
- Jurists*, see *Committee of Jurists*.
- Justice*, see *Arbitration and Justice*.
- Labour Conference (International—)*, see *Nomination of the workers' delegate for the Netherlands*.
- Labour Organization (International—)*. Works on — containing chapters on the Court 2: 927-933. 3: 1614-1617. See also *Competence*.
- Latvia*, Legislative instruments 2: 363-364.
- Law of Nations*, see *International Law*.
- Laws and Decrees of approval and publication* 2: 231-406. 3: 1326-1383.
- League of Nations*, Drafts of covenant 2: 72-127. Official public-

- ations of— 2: 741-749. 3: 1489-1496. Preparation of the Statute of the Court by the Council and by the First Assembly 2: 128-210. 3: 1300-1318. Text of Covenant 2: 92, 93, 94. Works on— containing chapters on the Court 2: 870-926. 3: 1572-1613.
- Legislative instruments of various countries* 2: 231-406. 3: 1326-1383.
- Locarno agreements* 2: 1024-1027. 3: 1674-1676.
- Luxemburg, Legislative instruments* 2: 365.
- Mavrommatis Jerusalem concessions* (Judgment No. 5). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 499-507, 511, 513. Articles on— 2: 689 *et sqq.*
- Mavrommatis Palestine concessions* (Judgment No. 2). Acts and Documents relating to— 2: 451. Text of Judgment 2: 456, 499-507, 513. Articles on— 2: 689 *et sqq.*, 739.
- Minorities* 2: 1297-1299. 3: 1844.
- Monastery of Saint-Naoum*, see *Saint-Naoum*.
- Monographs on the Court in general* 2: 763-869. 3: 1502-1571.
- Morocco*, see *Nationality Decrees*.
- Mosul*, see *Frontier between Turkey and Iraq*.
- Nationality (Polish—)*, see *Acquisition of Polish Nationality*.
- Nationality Decrees in Tunis and Morocco* (Advisory Opinion No. 4). Acts and Documents relating to— 2: 451. Text of 2: 457, 469-474, 491, 498. Effects of— 2: 534-541. Review articles on— 2: 639 *et sqq.*, 739.
- Netherlands, Dutch Draft plan for an International Court* 2: 91, 111-112. League of Nations, Official publications on— 2: 750-753. Legislative instruments 2: 377-387. 3: 1367.
- Neutral Powers, Draft plans of the — for an International Court* 2: 72-127.
- New Zealand, Legislative instruments* 2: 376.
- Nomination of the workers' delegate for the Netherlands at the third Session of the International Labour Conference.* (Advisory Opinion No. 1.) Acts and Documents relating to— 2: 456. Text 2: 457-468, 498. Articles on 2: 629 *et sqq.* Effects of the Opinion 2: 526-529, 739.
- Norway, League of Nations, Norwegian official publications* 2: 754-758. Legislative instruments 2: 366-375. Norwegian Draft plan 2: 83, 84, 88, 91, 111-112.
- Opinions*, see *Advisory Opinions*.
- Optional Clause, Great Britain and —* 2: 356 *a-b*, 1271-1278.
- Organization of the Court* 2: 128-450. 3: 1300-1412.
- Organization (Central—) for a durable peace* 2: 49, 55, 65, 66.
- Pacifism* 2: 1047-1054. 3: 1678-1685.
- Palestine concessions*, see *Mavrommatis concessions*.
- Pamphlets on the Court in general* 2: 763-780. 3: 1502-1506.
- Parliamentary Debates and Documents on various countries* 2: 231-406. 3: 1326-1383.
- Peace Conference of Versailles* 2: 72-127.
- Peace Conference (Second Hague— 1907)* 2: 1-34.
- Permanent Court of International Criminal Justice* 2: 1279-1288. 3: 1823-1838.

- Permanent Court of International Justice*, its constitution, its organization, its procedure, its jurisdiction 2: 128-450. 3: 1300-1412. Judicial and advisory functions of— 2: 451-740. 3: 1413-1488. General 2: 741-869. 3: 1489-1571. Works containing chapters on— 2: 870-1063. 3: 1572-1687. Special questions relating to— 2: 1064-1299. 3: 1688-1847.
- Plans*, see *Draft plans*.
- Poland*, Legislative instruments 2: 388-392.
- Polish nationality*, see *Acquisition of—*.
- Polish Postal Service in Danzig* (Advisory Opinion No. 11). Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 509-514, 516. Articles on— 2: 705 *et seq.*, 739. 3: 1452-1458, 1472. Effects of— 2: 597-602.
- Politics* 2: 1036-1046. 3: 1677.
- Postal Service in Danzig*, see *Polish Postal Service in Danzig*.
- Prize Court (International—)* 2: 1, 5, 6, 7, 8.
- Procedure* 2: 433-439. 3: 1392-1395.
- Protocol*, see *Geneva Protocol*.
- Protocol of signature*, Text of— 2: 211-230. 3: 1319-1325.
- Relations between States* 2: 1031-1035. 3: 1677.
- Reports (Annual—) of the Court* 2: 759-762. 3: 1498-1501.
- Review articles on the Court in general* 2: 142-210, 781-869. 3: 1507-1571.
- Roumania*, Legislative documents 3: 1368.
- Rules of Court (Preparation of—)* 2: 433-439. 3: 1392-1395.
- Saint-Naoum*, Question of Monastery of— (Albanian Frontier). (Advisory Opinion No. 9.) Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 503, 513. Articles on— 2: 695 *et seq.*, 739. Effects of— 2: 592-593. 3: 1434.
- Settlement (Pacific—) of International Disputes*. (Works on — containing chapters on the Court) 2: 973-994. 3: 1646-1676.
- Settlers (German—) in Poland, Certain questions relating to—*. (Advisory Opinion No. 6.) Acts and Documents relating to— 2: 451. Text of— 2: 457, 477-491. Review articles on— 2: 662 *et seq.*, 739. Effects of— 2: 554-565.
- Sources (Official—)* 2: 741-762. 3: 1489-1501.
- Spain*, Legislative documents 3: 1344.
- Special questions concerning the Court* 2: 1064-1299. 3: 1688-1847.
- Status of Eastern Carelia*. (Advisory Opinion No. 5.) Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 475-491. Articles on— 2: 653 *et seq.*, 739. Effects of— 2: 542-553.
- Statute*, Preparation of the — by the Council and by the First Assembly of the League of Nations 2: 128-210. 3: 1300-1318.
- Statute of the Court*, Text of— 2: 211-230. 3: 1319-1325.
- Supreme Court*, see *United States, Supreme Court*.
- Sweden*, Legislative instruments 2: 393. 3: 1369-1382. Swedish Draft plan for an International Court 2: 84, 85, 86, 87, 88, 91, 111-112.
- Switzerland*, Legislative instruments 2: 394-404. Swiss Draft plan for an International Court 2: 89, 90, 91, 111-112.
- Treaty between China and Belgium* (Denunciation of—). Orders 3: 1416. Review articles 3: 1429-1431, 1433, 1485-1487.

- Treaty of Lausanne.* see *Frontier between Turkey and Iraq.*
- Treaty of Neuilly, Article 179, Annex, paragraph 4 (interpretation).* (Judgment No. 3.) Acts and Documents relating to the Judgment **2**: 451. Text of— **2**: 456, 503-506. Articles on— **2**: 694 *et sqq.*, 739.
- Treaty of Neuilly.* (Judgment No. 4. Interpretation of Judgment No. 3.) Acts and Documents relating to the Judgment **2**: 451. Text of— **2**: 456, 503-506, 511, 513. Articles on— **2**: 694 *et sqq.*, 739.
- Tunis.* see *Nationality Decrees in Tunis.*
- United States of America, Arbitration Treaties of 1911,* **2**: 9. *Bryan Peace Treaties* **2**: 10, 11. *Legislative instruments* **2**: 270-329. **3**: 1345-1354.
- United States of America and the Court* **2**: 1064-1270. **3**: 1365, 1688-1820.
- United States Supreme Court* **2**: 37, 38, 68, 69, 141.
- Upper Silesia,* see *German interests in Polish Upper Silesia.*
- Various* **2**: 1290-1299. **3**: 1839-1847.
- Venezuela,* Legislative documents **3**: 1383.
- Versailles,* see *Peace Conference of Versailles.*
- Wilson,* Draft plans of President— **2**: 73.
- "Wimbledon"* (The S.S.—) (Judgment No. 1). Acts and Documents relating to the Judgment **2**: 451. Text of— **2**: 456, 458, 486-491, 497, 498. Articles on— **2**: 661 *et sqq.*, 739. **3**: 1441-1446.
- Workers' delegate,* see *Nomination of — for the Netherlands at the third Session of the International Labour Conference.*
- Works of various kinds containing chapters on the Court* **2**: 870-1063. **3**: 1572-1687.
- Works on the Court in general* **2**: 763-780. **3**: 1502-1506.
- World Court,* see *Permanent Court.*
- World War,* Draft plans published during the— **2**: 35-71.
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CHAPTER X.

FIRST ADDENDUM

TO THE

THIRD EDITION OF THE COLLECTION OF TEXTS
GOVERNING THE JURISDICTION OF THE COURT.

(Series D., No. 5.)

CHAPTER X.

FIRST ADDENDUM

TO THE

THIRD EDITION OF THE COLLECTION OF TEXTS
GOVERNING THE JURISDICTION OF THE COURT¹.

The first edition of the *Collection of Texts governing the jurisdiction of the Court* appeared on May 15th, 1923. As early as 1924 the want of a new edition had made itself felt, particularly in order to take into account the remarks made by the governments in respect of the first edition, as well as the supplementary information they supplied; on the other hand, a rearrangement of the subject matter, which had considerably expanded since the issue of the first edition, was imperative in order to facilitate reference to the texts. That was the reason for the publication in June, 1924, of the second edition of the *Collection*, in which instead of the texts being grouped in categories, they were presented chronologically.

In order to keep this new volume as far as possible up to date, addenda were published from time to time; the first two had already appeared as separate pamphlets, when the Court decided that an "Annual Report" upon its activities should be published on August 15th of every year. It was then arranged that subsequent addenda should appear as Chapter X of the Report. That is what was done in the case of the First Report, Chapter X of which was in fact styled "Third Addendum to the Collection of Texts governing the jurisdiction of the Court (second edition)".

When the time came for the publication of the Second Report, the Court decided to have prepared, instead of a new addendum which would have constituted Chapter X of this Report, a third edition of the *Collection of Texts governing the jurisdiction of the Court*: that is the edition which appeared on December 15th, 1926². Its object is twofold: to combine the contents of the second edition and of its three addenda; to publish the instruments which have been executed since, the whole in order to constitute a solid basis for addenda which will constitute Chapter X of future Annual Reports.

The purpose of this present chapter is thus to supplement the third edition of the *Collection*. It is divided into two sections. The first comprises the modifications and additions which should be read into and applied to the texts given in the third edition,

¹ Publications of the Court, Series D., No. 5.

² Series D., No. 5: *Collection of Texts governing the jurisdiction of the Court*. 3rd edition, 1926.

owing to the fact, amongst others, of new signatures having been appended to treaties, of ratifications having been exchanged, etc.; the numbers are the same as those of the above-mentioned volume. The second section comprises new international instruments concluded or published since the publication of the third edition of the *Collection*. They have been arranged in chronological order and begin by No. 170 (the last instrument given in the third edition of the *Collection* being No. 169).

As it is stated in the preface to the third edition, the *Collection* does not claim to be absolutely complete or accurate. It relies, however, exclusively upon strictly official information both as regards the actual existence of clauses affecting the Court's activity and as regards the text of such clauses, and the position in regard to their signature and ratification. This information is of two different kinds : official publications either by the League of Nations or its organizations, or by the various governments ; direct communications, from the same sources.

In this respect it should be noted that on March 24th, 1927, the Registrar of the Court transmitted a note to all the governments entitled to appear before the Court (see chapter III above).

In this note, it was pointed out to each government that it would be most advantageous if it would be so good as to consent to transmit to the Registry the text of agreements concluded by it and containing clauses relating to the Court's jurisdiction (this procedure being moreover analogous to that provided for in Article 43 of the Hague Convention of 1907 for the pacific settlement of international disputes, with regard to the communication of any agreements concerning arbitration to the International Bureau of the Permanent Court of Arbitration). On the other hand, as the *Collection* also comprises the text of agreements which, being signed but not ratified, constitute inchoate international engagements, each government was also requested to be good enough to notify such agreements to the Registrar of the Court even before their coming into force, and to keep the Registrar informed of any changes which might subsequently take place, particularly as regards ratification.

To this communication replies in the following order have been received from the Governments of Spain, the Netherlands, Monaco, Austria, Germany, Russia, Norway, Italy, Turkey, Great Britain, Switzerland, Finland, Mexico, Esthonia, China, Belgium, Peru and the United States of America. They informed the Registry either that they had not executed any instruments in which the jurisdiction of the Court had been contemplated, or that they had not executed any other instruments than those already published in the third edition of the *Collection*, or, finally, that they had executed new ones and in such cases they communicated their contents to the Registry. The above information has been duly taken into account in the present chapter.

SECTION I.

9.

PROTOCOL OF SIGNATURE OF THE STATUTE OF THE COURT
AND OPTIONAL CLAUSE.

List of signatories and ratifications.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.		
	Date of ratification.		Date of signature.	Conditions.	Date of deposit of ratification (if any ¹).
Albania Australia Austria	July 13th, 1921 Aug. 4th, 1921 July 23rd, 1921		March 14th, 1922 <i>Renewed on</i> Jan. 12th, 1927	Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from the date of the deposit of the instrument of ratification).	March 13th, 1927
Belgium	Aug. 29th, 1921		Sept. 25th, 1925	Ratification. Reciprocity. 15 years. For any dispute arising after ratification with regard to situations or facts subsequent to such ratification; except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	March 10th, 1926
Bolivia					

¹ Ratification is not in fact required under the terms of the optional clause.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.			
	Date of ratification.		Date of signature.	Conditions.	Date of deposit of ratification (if any).	
Brazil	Nov. 1st,	1921	Nov. 1st,	1921	Reciprocity. 5 years. On condition that compulsory jurisdiction is accepted by at least two of the Powers permanently represented on the Council of the League of Nations ¹ .	
British Empire Bulgaria	Aug. 4th, Aug. 12th,	1921 1921	(1921) ²		Reciprocity.	Aug. 12th, 1921
Canada Chile China	Aug. 4th, May 13th,	1921 1922	May 13th,	1922	Reciprocity. 5 years.	
Colombia Costa Rica			(Before January 28th, 1921) ³		Reciprocity.	
Cuba Czechoslovakia	Jan. 12th, Sept. 2nd,	1922 1921				
Denmark	June 13th,	1921	(Before January 28th, 1921) ³ <i>Renewed on</i> Dec. 11th, 1925		Ratification Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from June 13th, 1926)	June 13th, 1921 March 28th, 1926
Dominican Republic			Sept. 30th,	1924	Ratification. Reciprocity.	

¹ Declaration contained in the deed of ratification deposited at Geneva on November 1st, 1921.

² Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

³ Declaration reproduced in the document of the League of Nations No. 21/31/6. A, dated January 28th, 1921.

States.	PROCOLOF OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Esthonia	May 2nd, 1923	May 2nd, 1923	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
Ethiopia	July 16th, 1926	July 12th, 1926	Reciprocity. 5 years. Future disputes in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement are excepted.	July 16th, 1926
Finland	April 6th, 1922	(1921) ¹ <i>Renewed on</i> March 3rd, 1927	Ratification. Reciprocity. 5 years. Reciprocity. 10 years (as from April 6th, 1927).	April 6th, 1922
France	Aug. 7th, 1921	Oct. 2nd, 1924	Ratification. Reciprocity. 15 years. Other reservations ² .	
Germany Greece Guatemala	March 11th, 1927 Oct. 3rd, 1921	Dec. 17th, 1926	Ratification. Reciprocity.	

¹ Declaration reproduced in the League of Nations *Treaty Series*, Vol. VI (1921), No. 170.

² See p. 85 and *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5, p. 77.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Haiti	Sept. 7th, 1921	(1921) ¹	(Without conditions.)	
Hungary	Nov. 20th, 1925			
India	Aug. 4th, 1921			
Irish Free State ²	(Before Aug. 27th, 1926)			
Italy	June 20th, 1921			
Japan	Nov. 16th, 1921			
Latvia	Feb. 12th, 1924	Sept. 11th, 1923	Ratification. Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
Liberia		(1921) ¹	Ratification. Reciprocity. 5 years.	
Lithuania	May 16th, 1922	Oct. 5th, 1921	Ratification. Reciprocity. 5 years.	May 16th, 1922
Luxemburg		(1921) ¹	Ratification. Reciprocity. 5 years.	

¹ Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

² In his circular letter No. 105, the Secretary-General of the League of Nations informed the governments of Members of the League that the Minister for Foreign Affairs of the Irish Free State had informed him by a letter dated August 21st, 1926, that the Irish Free State should be included amongst the Members of the League which had ratified the Protocol of signature.

On October 12th, 1926, the Secretary-General informed the Registrar of the Court that the letter of August 21st above mentioned had been handed to him on August 26th by the representative of the Irish Free State accredited to the League of Nations, and that, since that date, the Irish Free State has been included on the Secretariat's list as bound by the Protocol of the Court.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.		
	Date of ratification.		Date of signature.	Conditions.	Date of deposit of ratification (if any).
Netherlands	Aug. 6th, 1921		Aug. 6th, 1921	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement. Reciprocity. 10 years. For all future disputes excepting those in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement.	
			<i>Renewed on</i> Sept. 2nd, 1926		
New Zealand	Aug. 4th, 1921		Sept. 6th, 1921	Ratification. Reciprocity. 5 years.	Oct. 3rd, 1921
Norway	Aug. 20th, 1921		Sept. 6th, 1921	Reciprocity. 10 years (from Oct. 3rd, 1926).	
			<i>Renewed on</i> Sept. 22nd, 1926		
Panama			Oct. 25th, 1921	Reciprocity.	
Paraguay					
Persia					
Poland	Aug. 26th, 1921				
Portugal	Oct. 8th, 1921		(Before January 28th, 1921) ¹	Reciprocity.	Oct. 8th, 1921
Roumania	Aug. 8th, 1921				
Salvador			(Before January 28th, 1921) ¹	Reciprocity.	

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6. A, dated January 28th, 1921.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).	
Serbs, Croats and Slovenes (Kingdom of the—)	Aug. 12th, 1921				
Siam	Feb. 27th, 1922				
South Africa	Aug. 4th, 1921				
Spain	Aug. 30th, 1921				
Sweden	Feb. 21st, 1921	Aug. 16th, 1921	Reciprocity. 5 years.		
Switzerland	July 25th, 1921	<i>Renewed on</i> March 18th, 1926 (Before January 28th, 1921) ¹	Reciprocity. 10 years. Ratification. Reciprocity. 5 years.	July 25th, 1921	
		<i>Renewed on</i> March 1st, 1926	Ratification. Reciprocity. 10 years.	July 24th, 1926	
Uruguay	Sept. 27th, 1921	(Before January 28th, 1921) ¹	Reciprocity.	Sept. 27th, 1921	
Venezuela	Dec. 2nd, 1921				

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6. A, dated January 28th, 1921.

10.

DECLARATIONS OF ACCEPTANCE OF THE OPTIONAL
CLAUSE CONCERNING THE COURT'S COMPULSORY
JURISDICTION.*(Cont.)***Guatemala.**

On behalf of the Republic of Guatemala, I accept, subject to ratification and on the sole condition of reciprocity, the jurisdiction of the Court in all classes of legal disputes concerning :

- (a) the interpretation of a treaty ;
- (b) any question of international law ;
- (c) the existence of any fact which, if established, would constitute a breach or an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

Geneva, December 17th, 1926.

(Signed) F. A. FIGUEROA.

Austria (renewal).

On behalf of the Austrian Republic and subject to ratification, the undersigned recognizes, in relation to any other Member of the League of Nations or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without special convention, for a further period of ten years, from the date of deposit of the instrument of ratification.

Geneva, January 12th, 1927.

(Signed) EMERICH PFLÜGL.

Finland (renewal)¹.

On behalf of the Government of the Republic of Finland and as from April 6th, 1927, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without any special convention, for a period of ten years.

Geneva, March 3rd, 1927.

(Signed) R. ERICH.

¹ This declaration of renewal is not subject to ratification, the Finnish House of Representatives having approved it on November 24th, 1926.

11.

TREATY OF PEACE
BETWEEN THE ALLIED AND ASSOCIATED POWERS
AND GERMANY,
SIGNED AT
VERSAILLES
ON JUNE 28th, 1919.

(See *Collection of Texts governing the jurisdiction of the Court*,
Series D., No. 5, p. 83.)

ARTICLE 338¹.

The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a general convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognized in such convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said general convention as well as to all projects prepared in accordance with Article 343 for the revision of existing international agreements and regulations.

¹ It may be useful to add to the provisions of the Treaty of Versailles directly concerning the Court and which have been reproduced in the *Collection of Texts governing the jurisdiction of the Court* (3rd edition, 1926), the terms of Article 338 of the said Treaty, which correspond also to Articles 299 of the Treaty of Saint-Germain, 227 of the Treaty of Neuilly and 283 of the Treaty of Trianon.

20.

CONVENTION
LIMITING THE HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS
TO EIGHT IN THE DAY AND FORTY-EIGHT IN THE WEEK,
ADOPTED AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

France¹

June 2nd, 1927.

¹ This ratification was made subject to the reservation that the obligations which it implies as regards France will not come into operation until the Convention has been ratified by Germany and by Great Britain.

21.

CONVENTION
CONCERNING UNEMPLOYMENT

ADOPTED AT

WASHINGTON

ON NOVEMBER 28th, 1919,

BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

22.

CONVENTION
CONCERNING NIGHT WORK OF WOMEN,
ADOPTED ⁷AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

23.

CONVENTION
FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO INDUSTRIAL EMPLOYMENT

ADOPTED AT

WASHINGTON

ON NOVEMBER 28th, 1919,

BY THE FIRST SESSION OF THE INTERNATIONAL

LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

24.

CONVENTION
CONCERNING
THE NIGHT WORK OF YOUNG PERSONS EMPLOYED
IN INDUSTRY,
ADOPTED AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

25.

. CONVENTION
CONCERNING
EMPLOYMENT OF WOMEN BEFORE AND
AFTER CHILDBIRTH,
ADOPTED AT
WASHINGTON
ON NOVEMBER 29th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

28.

CONVENTION
FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO EMPLOYMENT AT SEA.
ADOPTED AT
GENOA
ON JULY 9th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

39.

CONVENTION AND STATUTE ON FREEDOM OF TRANSIT
CONCLUDED AT
BARCELONA
ON APRIL 20th, 1921.

Ratifications (cont.):

Belgium

May 16th, 1927.

40.

CONVENTION AND STATUTE
ON THE RÉGIME OF NAVIGABLE WATERWAYS
OF INTERNATIONAL CONCERN,
CONCLUDED AT
BARCELONA
ON APRIL 20th, 1921.

Ratifications (cont.) :

France

December 31st, 1926.

46.

CONVENTION
CONCERNING THE COMPULSORY MEDICAL
EXAMINATION OF CHILDREN AND YOUNG PERSONS
EMPLOYED AT SEA,
ADOPTED AT
GENEVA
ON NOVEMBER 11th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

47.

CONVENTION
FIXING THE MINIMUM AGE FOR THE ADMISSION
OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS
OR STOKERS,

ADOPTED AT

GENEVA

ON NOVEMBER 11th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

50.

CONVENTION
CONCERNING THE AGE FOR ADMISSION OF CHILDREN
TO EMPLOYMENT IN AGRICULTURE,
ADOPTED AT
GENEVA
ON NOVEMBER 16th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Hungary

February 2nd, 1927.

51.

CONVENTION
CONCERNING THE APPLICATION OF THE WEEKLY REST
IN INDUSTRIAL UNDERTAKINGS,
ADOPTED AT
GENEVA
ON NOVEMBER 17th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

52.

CONVENTION
CONCERNING THE USE OF WHITE LEAD
IN PAINTING,
ADOPTED AT
GENEVA
ON NOVEMBER 19th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Greece

December 22nd, 1926.

68.

PROTOCOL No. II
RELATING TO
THE RESTORATION OF AUSTRIA,
SIGNED AT
GENEVA
ON OCTOBER 4th, 1922.

Signatories (cont.) :

Netherlands

June 11th, 1923.

84.

CONVENTION
FOR THE SUPPRESSION OF THE CIRCULATION OF
AND TRAFFIC IN OBSCENE PUBLICATIONS

SIGNED AT

GENEVA

ON SEPTEMBER 12th, 1923.

Signatories (cont.):

British Empire, for :
Southern Rhodesia and
New Foundland

December 31st, 1925.

for:

Nigeria
Seychelles
British Honduras
Ceylon
Kenya
Mauritius
British Solomon Islands
Protectorate
Gilbert and Ellice Islands
Colony
Fiji
Uganda
Trinidad
Zanzibar
The Tanganyika Territory
Leeward Islands
Windward Islands
The Gambia
Nyasaland
Straits Settlements
Federated Malay States
Brunei
Johore
Kedah
Kelantan
Trengganu
Sierra Leone
Northern Rhodesia
Barbados
Gold Coast
Cyprus

Gibraltar
Malta
Somaliland
Basutoland
Bechuanaland
Swaziland
Hong Kong

November 3rd, 1926.

for:

Bermuda
Bahamas
Falkland Islands
Saint-Helena
Palestine
Transjordan

May 23rd, 1927.

Ratifications (cont.):

Poland
Czechoslovakia

March 8th, 1927.

April 11th, 1927.

87.

INTERNATIONAL CONVENTION
RELATING TO
THE SIMPLIFICATION OF CUSTOMS FORMALITIES,
CONCLUDED AT
GENEVA
ON NOVEMBER 3rd, 1923.

Ratifications (cont.):

Bulgaria	December 10th, 1926.
Czechoslovakia	February 10th, 1927.
France ¹	September 13th, 1926.
France, for :	
Morocco	November 8th, 1926.
Tunis	November 8th, 1926.
Luxemburg	June 10th, 1927.
Switzerland	January 3rd, 1927.

¹ With the exception of colonies under the sovereignty of France.

90.

CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF RAILWAYS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Ratifications (cont.):

Austria	January 20th, 1927.
Belgium	May 16th, 1927.
Switzerland	October 23rd, 1926.

91.

CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF MARITIME PORTS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Signatories (cont.):

Austria	January 20th, 1927.
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Ratifications (cont.):

Belgium	May 16th, 1927.
Greece	January 24th, 1927.
Switzerland	October 23rd, 1926.

Entry into force: The Convention came into force on July 26th, 1926, that is to say, 90 days after the receipt by the Secretary-General of the League of Nations of the fifth ratification (Article 6).

92.

CONVENTION
RELATING TO
THE TRANSMISSION IN TRANSIT OF ELECTRIC POWER
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Signatories (cont.):

British Empire, for Uganda	January 12th, 1927.
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Ratifications (cont.):

Austria	January 20th, 1927.
Czechoslovakia	November 30th, 1926.

Entry into force: The Convention came into force on July 26th, 1926, that is to say, 90 days after the receipt by the Secretary-General of the League of Nations of the third ratification (Article 18).

93.

CONVENTION
RELATING TO
THE DEVELOPMENT OF HYDRAULIC POWER
AFFECTING MORE THAN ONE STATE, CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Signatories (cont.):

British Empire, for
Uganda

January 12th, 1927.

Ratifications (cont.):

Austria

January 20th, 1927.

128.

CONCILIATION AND ARBITRATION CONVENTION
BETWEEN ESTHONIA, FINLAND, LATVIA AND POLAND,
SIGNED AT
HELSINGFORS
ON JANUARY 17th, 1925.

Ratifications : Ratifications were deposited at Helsingfors by Esthonia and Finland on August 12th, 1925, Latvia on September 7th, 1925, and by Poland on October 14th, 1925.

Entry into force : The Convention came into force on October 14th, 1925.

131.

CONVENTION CONCERNING OPIUM

CONCLUDED AT

GENEVA

ON FEBRUARY 19th, 1925.

Signatories (cont.) :

Bolivia	January 19th, 1927.
British Empire, for Bahama Islands	October 22nd, 1926.
Dominican Republic (<i>ad referendum</i>)	
Monaco	February 9th, 1927.

Ratifications (cont.) :

Bulgaria	March 9th, 1927.
Czechoslovakia	April 11th, 1927.
Salvador	December 2nd, 1926.

139.

CONVENTION
CONCERNING EQUALITY OF TREATMENT FOR NATIONAL
AND FOREIGN WORKERS AS REGARDS WORKMEN'S
COMPENSATION FOR ACCIDENTS,

ADOPTED AT

GENEVA

ON JUNE 5th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Czechoslovakia
Kingdom of the Serbs,
Croats and Slovenes

February 8th, 1927.

April 1st, 1927.

142.CONVENTION
CONCERNING WORKMEN'S COMPENSATION
FOR ACCIDENTS

ADOPTED AT

GENEVA

ON JUNE 10th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications* (cont.):Kingdom of the Serbs,
Croats and Slovenes

April 1st, 1927.

Entry into force: The Convention came into force on April 1st, 1927, the date of the deposit of the second ratification (Article 13).

143.

CONVENTION
CONCERNING WORKMEN'S COMPENSATION FOR
OCCUPATIONAL DISEASES

ADOPTED AT
GENEVA

ON JUNE 10th, 1925,
BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Kingdom of the Serbs,
Croats and Slovenes April 1st, 1927.

Entry into force: The Convention came into force on April 1st, 1927, the date of the deposit of the second ratification (Article 4).

144.

TREATY OF CONCILIATION
BETWEEN
LITHUANIA AND SWEDEN
SIGNED AT
KOVNO (KAUNAS)
ON JUNE 11th, 1925.

Ratifications: The exchange of ratifications took place at Stockholm on October 29th, 1926.

154.

CONVENTION
BETWEEN NORWAY AND SWEDEN FOR THE
PACIFIC SETTLEMENT OF DISPUTES,

SIGNED AT

OSLO

ON NOVEMBER 25th, 1925.

Ratifications : The exchange of ratifications took place at Stockholm on March 10th, 1927.

156.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN
SWEDEN AND CZECHOSLOVAKIA
SIGNED AT
PRAGUE
ON JANUARY 2nd, 1926 ¹.

Ratifications: The exchange of ratifications took place at Stockholm on April 29th, 1926.

¹ *League of Nations, Treaty Series*, Vol. XLVIII (1926), p. 173.

157.

CONVENTION FOR THE PACIFIC SETTLEMENT
OF DISPUTES
BETWEEN
FINLAND AND SWEDEN
SIGNED AT
HELSINGFORS
ON JANUARY 29th, 1926¹.

Ratifications: The exchange of ratifications took place at Stockholm on May 28th, 1926.

¹ *League of Nations. Treaty Series*, Vol XLIX (1926), p. 367

158.

TREATY OF ARBITRATION
BETWEEN
DENMARK AND FINLAND
SIGNED AT
HELSINGFORS
ON JANUARY 30th, 1926¹.

Ratifications : The exchange of ratifications took place at Copenhagen on July 26th, 1926.

ARTICLE I.

Should a dispute of a legal nature arise between Denmark and Finland, which falls in one of the categories specified in Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice and which proves incapable of settlement by diplomacy, it shall be referred for judgment to the said Court, in accordance with the provisions of its Statute.

The dispute may, however, be submitted, first of all, by agreement between the Parties, to the procedure of investigation and conciliation provided for in the Convention of June 27th, 1924, concerning the establishment of a Permanent Commission of Enquiry and Conciliation.

Disputes for the settlement of which the contracting Parties have agreed, under the conventions in force between them, to resort to some special judicial or arbitral procedure, shall be dealt with in accordance with the provisions of such conventions.

Any difference of opinion concerning the interpretation and application of the present Convention will be settled by the Permanent Court of International Justice.

¹ *League of Nations, Treaty Series*, Vol. LI (1926-1927), p. 367.

160.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN
AUSTRIA AND CZECHOSLOVAKIA
SIGNED AT
VIENNA
ON MARCH 5th, 1926¹.

Ratifications : The exchange of ratifications took place on May 31st,
1926.

¹ *League of Nations, Treaty Series*, Vol. LI (1926-1927), p. 349.

161.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN
SPAIN AND SWITZERLAND
SIGNED AT
MADRID
ON APRIL 20th, 1926.

Ratifications: The exchange of ratifications took place at Berne
on January 29th, 1927.

164.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN
AUSTRIA AND SWEDEN
SIGNED AT
STOCKHOLM
ON MAY 28th, 1926.

Ratifications: The exchange of ratifications took place at Stockholm on March 29th, 1927.

169.

TREATY OF FRIENDSHIP, CONCILIATION AND JUDICIAL
SETTLEMENT
BETWEEN ITALY AND SPAIN
SIGNED AT
MADRID
ON AUGUST 7th, 1926¹.

Ratifications: The exchange of ratifications took place at Madrid on October 16th, 1926.

¹ See *Boletín oficial del Ministerio de Estado*, October, 1926.

SECTION II.

170.

AGREEMENT FOR THE EXTENSION
OF THE ARBITRATION CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND PORTUGALSIGNED AT
WASHINGTON
ON SEPTEMBER 5th, 1923.

Ratifications: The exchange of ratifications took place at Washington on April 16th, 1926.

On September 5th, 1923, at the time of the extension for a further five years of the Arbitration Convention of April 6th, 1908, between the United States of America and Portugal¹, there took place between the Governments of these two States an exchange of notes identical in terms with those exchanged between the United States, on the one hand, and the British Empire, on the other².

¹ For the text of this Convention, see the volume: *Traité généraux d'arbitrage communiqués au Bureau de la Cour permanente d'Arbitrage*, première série, p. 259. La Haye, Van Langenhuisen frères, 1911.

² See *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5 (No. 77).

171.

PRELIMINARY TREATY FOR AN ECONOMIC AND
CUSTOMS UNION BETWEEN ESTHONIA AND LATVIA

SIGNED AT

TALLINN (REVAL)

ON NOVEMBER 1st, 1923.

Ratifications: The exchange of ratifications took place at Riga
on February 21st, 1924.

ARTICLE 13¹.

[*Translation.*]

Disputes or differences of opinion between the two contracting Parties upon the application or interpretation of the present Treaty shall be decided by a mixed arbitral tribunal. The arbitral tribunal shall be set up *ad hoc* and shall consist of an equal number of representatives of both Parties. Should these representatives not come to an agreement, they will have recourse to a third neutral arbitrator whom the President of the Permanent Court of International Justice shall be requested to nominate.

¹ Communicated to the Registry by the Esthonian Government.

172.

CONVENTION REGARDING THE HYDRAULIC SYSTEM OF
THE COTERMINOUS TERRITORIES AND THE DISSOLU-
TION OF THE FLOODS PROTECTION ASSOCIATIONS
DIVIDED BY THE FRONTIER,
BETWEEN HUNGARY AND ROUMANIA,

SIGNED AT

BUCHAREST

ON APRIL 14th, 1924 ¹.

Ratifications: The exchange of ratifications took place at Budapest
on December 3rd, 1924.

ARTICLE 14.

Any disputes which may arise when the present Convention
comes to be applied shall be settled in conformity with the provi-
sions of Articles 292 and 293 of the Treaty of Trianon ².

¹ *League of Nations, Treaty Series*, Vol. XLVI (1926), p. 41.

² For Articles 292 and 293 of the Treaty of Trianon, see Series D., No. 5,
pp. 115-116.

173.

AGREEMENT ANNEXED TO THE ARBITRATION
CONVENTION BETWEEN
THE UNITED STATES OF AMERICA AND SWEDEN
SIGNED AT
WASHINGTON
ON JUNE 24th, 1924.

Ratifications: The exchange of ratifications took place at Washington on March 18th, 1925.

On June 24th, 1924, at the time of the signing of an Arbitration Convention¹ between the United States of America and Sweden, there took place between the Governments of these two States an exchange of notes identical in terms with those exchanged between the United States, on the one hand, and the British Empire, on the other².

¹ For the terms of this Convention, see *Treaty Series*, No. 708, Washington, Government Printing Office, 1925.

² See *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5 (No. 77).

174.

CONVENTION ¹
BETWEEN FINLAND AND NORWAY
CONCERNING THE
ESTABLISHMENT OF A CONCILIATION COMMISSION
SIGNED AT
STOCKHOLM
ON JUNE 27th, 1924 ².

Ratifications: The exchange of ratifications took place at Helsingfors on August 4th, 1924. The Treaty came into operation on that date.

(See the *Collection of Texts governing the jurisdiction of the Court*—third edition, 1926 (Series D., No. 5), p. 231: the Convention between Denmark and Sweden concerning the establishment of a Conciliation Commission, signed at Stockholm on June 27th, 1924.)

¹ The Convention was concluded for five years.

² *League of Nations, Treaty Series*, Vol. XXIX (1924), p. 403.

175.

CONVENTION ¹
BETWEEN FINLAND AND SWEDEN
CONCERNING THE
ESTABLISHMENT OF A CONCILIATION COMMISSION
SIGNED AT
STOCKHOLM
ON JUNE 27th, 1924 ².

Ratifications: The exchange of ratifications took place at Helsingfors on September 13th, 1924. The Treaty came into operation on that date.

ARTICLES 1, 2 AND 3.

(See the *Collection of Texts governing the jurisdiction of the Court*—third edition, 1926 (Series D., No. 5), p. 231 : Articles 1, 2 and 3 of the Convention between Denmark and Sweden concerning the establishment of a Conciliation Commission, signed at Stockholm on June 27th, 1924.)

¹ The Convention is concluded for five years.

² *League of Nations, Treaty Series*, Vol. XXIX (1924), p. 19.

176.

CONVENTION¹
BETWEEN NORWAY AND SWEDEN
CONCERNING THE
ESTABLISHMENT OF A CONCILIATION COMMISSION
SIGNED AT
STOCKHOLM
ON JUNE 27th, 1924².

Ratifications: The exchange of ratifications took place at Oslo on August 30th, 1924. The Convention came into operation on that date.

ARTICLES 1, 2 AND 3.

(See the *Collection of Texts governing the jurisdiction of the Court*—third edition, 1926 (Series D., No. 5), p. 231: Articles 1, 2 and 3 of the Convention between Denmark and Sweden concerning the establishment of a Conciliation Commission, signed at Stockholm on June 27th, 1924.)

¹ The Convention is concluded for five years.

² *League of Nations, Treaty Series*, Vol. XXVIII (1924), p. 309.

177.

CONVENTION
BETWEEN FINLAND AND NORWAY
CONCERNING THE
INTERNATIONAL LEGAL RÉGIME OF THE WATERS OF
THE PASVIK (PATSIJOKI) AND OF THE JAKOBSELV
(VUOREMAJOKI)

SIGNED AT

OSLO

ON FEBRUARY 14th, 1925 ¹.

Ratifications: The exchange of ratifications took place at
Helsingfors on May 18th, 1926.

ARTICLE 3.

Disputes concerning the interpretation or application of this
Convention, if they cannot be settled by direct negotiations, shall
be submitted to the Permanent Court of International Justice,
unless the contracting States have, by special agreement, decided
to settle them by a different method.

¹ *League of Nations, Treaty Series*, Vol. XLIX (1926), p. 379.

178.

CONVENTION
BETWEEN FINLAND AND NORWAY
CONCERNING THE
FLOATING OF TIMBER ON THE PASVIK (PATSJOKI)
SIGNED AT
OSLO
ON FEBRUARY 14th, 1925¹.

Ratifications : The exchange of ratifications took place at Oslo
on May 18th, 1926.

ARTICLE 10.

Disputes concerning the interpretation or application of this Convention and of the annexed Statute, if they cannot be settled by direct negotiations, shall be submitted to the Permanent Court of International Justice, unless the contracting States have, by special agreement, decided to settle them by a different method.

¹ *League of Nations, Treaty Series*, Vol. XLIX (1926), p. 391.

179.TREATY OF COMMERCE AND NAVIGATION
BETWEEN THE UNITED KINGDOM AND SIAM

SIGNED IN

LONDON

ON JULY 14th, 1925¹.

Ratifications : The exchange of ratifications took place in London on March 30th, 1926.

ARTICLE 33.

The two contracting Parties agree that any dispute which may arise between them as to the proper interpretation or application of any of the provisions of the present Treaty shall, at the request of either Party, be referred to arbitration, and both Parties hereby undertake to accept as binding the arbitration award.

The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two contracting Parties agree otherwise.

¹ *League of Nations, Treaty Series*, Vol. XLIX (1926), p. 51.

180.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION
BETWEEN DENMARK AND SIAM

SIGNED AT

COPENHAGEN

ON SEPTEMBER 1st, 1925¹.

Ratifications : The exchange of ratifications took place at Copenhagen on March 13th, 1926.

ARTICLE 23.

Any dispute which may arise between the High Contracting Parties with respect to the contents, interpretation or application of the present Treaty or the protocols annexed hereto, which cannot be settled by diplomatic means, shall, at the request of either Party, be submitted, in the absence of contrary agreement, to the Permanent Court of International Justice at The Hague. Both Parties hereby undertake to accept as binding the arbitral award. The Court shall give its decisions in regard to the summary procedure mentioned in Article 29 of the Statute of the Court unless the High Contracting Parties agree that the ordinary procedure shall be applied.

¹ *League of Nations, Treaty Series*, Vol. XLVII (1926), p. 103.

181.

COMMERCIAL CONVENTION
BETWEEN ESTHONIA AND SWITZERLAND

SIGNED AT

BERNE

ON OCTOBER 14th, 1925¹.

Ratifications : The exchange of ratifications took place at Berlin on May 31st, 1926.

ARTICLE 15.

Any disputes arising between the contracting Parties concerning the interpretation or application of the present Convention which cannot be settled through diplomatic channels shall, at the request of one of the Parties, be referred to an arbitral tribunal consisting of three members.

The contracting Parties shall each appoint one member and shall jointly nominate the chief arbitrator.

These appointments shall be made as quickly as possible.

The chief arbitrator may not be a national of either of the Contracting Parties nor may he be domiciled in their territory nor engaged in their service.

Should the Parties fail to agree upon the choice of the chief arbitrator within one month from the date on which either of the Parties notifies the other of its intention to submit the dispute to arbitration, he shall be appointed by the President of the Permanent Court of International Justice at his discretion.

The arbitral tribunal shall meet at a place appointed by the chief arbitrator.

The decision of the arbitrators shall be binding.

¹ *League of Nations, Treaty Series*, Vol. XLIX (1926), p. 421.

182.ARBITRATION CONVENTION
BETWEEN THE UNITED KINGDOM AND SIAM

SIGNED AT

LONDON

ON NOVEMBER 25th, 1925¹.

Ratifications : The exchange of ratifications took place in London on February 2nd, 1927.

ARTICLE I.

Differences of a legal nature which may arise between the two contracting Parties and which it may not have been possible to settle by diplomacy shall, in the absence of contrary agreement, at the request of either Party, be referred to the Permanent Court of International Justice established by the Protocol of December 16th, 1920, in accordance with the procedure laid down in the Statute of that Court and in the Rules of Court adopted thereunder, provided, nevertheless, that such differences do not affect the vital interests, independence or the honour of the two contracting Parties and do not concern the interests of third Parties. The two contracting Parties agree to accept the decision of the Court as binding.

¹ *Treaty Series*, No. 7 (1927, Cmd. 2813), London, H.M. Stationery Office.

183.

PROTOCOL
ANNEXED TO THE
CREDIT AND CUSTOMS TREATY
BETWEEN GERMANY AND THE NETHERLANDS
SIGNED AT
BERLIN
ON NOVEMBER 26th, 1925¹.

PARAGRAPH I².

As soon as a proposal of this nature shall have been made, the Netherlands Government will open negotiations with the German Government in sufficient time before the entry into force of a new autonomous German customs tariff in order that the tariff regulations contained in the Annex to Article I may be adapted to the new customs tariff. This adaptation shall take place in such a way that the new proposal shall, as a whole, not constitute a greater burden as regards imports from the Netherlands to Germany of the products in question, than the German-Dutch tariff agreed to above.

Failing an agreement between the Parties as to whether the German proposal constitutes a heavier charge upon Dutch imports into Germany of the products in question, this point shall be submitted, at the request of one of the Parties, to an arbitral tribunal.

The arbitral tribunal shall consist of five members. It shall be constituted as follows: within one month from the date on which a matter is submitted to the arbitral tribunal, each Party shall nominate an arbitrator at its discretion; within the same period of time three other arbitrators shall be nominated by common consent by the Parties. These three arbitrators shall be experts in economic matters, nationals of other countries and not domiciled upon the territory of either of the Parties nor employed in their service. The president shall be chosen from amongst these three members by agreement between the Parties. Failing agreement within a period of one month as regards the nomination of the said three arbitrators or as regards the appointment of the president, either of the Parties may request the President of the Permanent Court of International Justice to nominate the arbitrators or to choose the president.

¹ *Staatsblad van het Koninkrijk der Nederlanden* (No. 348).

² Translation by the Registry of the Court.

184.

CONVENTION FOR THE PACIFIC SETTLEMENT
OF DISPUTES
BETWEEN DENMARK AND SWEDEN

SIGNED AT
STOCKHOLM

ON JANUARY 14th, 1926¹.

Ratifications: The exchange of ratifications took place at Copenhagen on July 20th, 1926.

ARTICLE I.

Any legal dispute arising between Sweden and Denmark which falls within one of the categories specified in Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice and which it is not possible to settle by diplomacy, shall be submitted for judgment to the said Court in accordance with the provisions of the said Statute.

Disputes for the settlement of which the contracting Parties have undertaken, under other conventions in force between them, to have recourse to a special judicial or arbitral procedure, shall be dealt with in accordance with the terms of such agreements.

Any divergence of views regarding the interpretation of the present Convention shall be settled by the Permanent Court of International Justice.

ARTICLE IO.

Any disputes arising between the Parties regarding the interpretation or execution of a judicial decision or arbitral award shall, in the absence of any agreement to the contrary, be submitted for settlement to the tribunal which rendered the decision.

¹ *League of Nations, Treaty Series*, Vol. LI (1926-1927), p. 251.

185.

CONVENTION
FOR THE PACIFIC SETTLEMENT OF DISPUTES
BETWEEN DENMARK AND NORWAY

SIGNED AT

COPENHAGEN

ON JANUARY 15th, 1926¹.

Ratifications: The exchange of ratifications took place at Oslo on March 9th, 1927.

ARTICLE I.

(See, *mutatis mutandis*, Article I of the Convention for the Pacific Settlement of Disputes between Denmark and Sweden, signed at Stockholm on January 14th, 1926, p. 383.)

¹ *Overenskomster med fremmede Stater* (Norway), No. 3, 1927, p. 77.

186.

CONVENTION
FOR THE PACIFIC SETTLEMENT OF DISPUTES
BETWEEN FINLAND AND NORWAY

SIGNED AT
HELSINGFORS
ON FEBRUARY 3rd, 1926¹.

Ratifications: The exchange of ratifications took place at Oslo on March 15th, 1927.

ARTICLE 1².

Should a dispute of a legal character arise between the contracting Parties and should it not have been found capable of settlement by diplomacy, it shall be submitted for judgment to the Permanent Court of International Justice, in accordance with the provisions of the Statute of that Court.

Disputes for the settlement of which the contracting Parties have undertaken to resort to a special judicial or arbitral procedure by other conventions in force between them, shall be dealt with in conformity with the provisions of such arrangements.

The present Convention shall apply even if the disputes which may arise should originate in facts which existed before its conclusion.

Any divergence of views as regards the interpretation or application of the present Convention shall be settled by the Permanent Court of International Justice.

ARTICLE 2.

The contracting Parties undertake to submit to arbitral procedure, in conformity with the following provisions, all disputes which are not of a legal nature and which have proved incapable of settlement by diplomacy, only however after they have been submitted to the procedure by enquiry and conciliation provided for under the Convention of June 27th, 1924, concerning the institution of a permanent commission of enquiry and conciliation and have not been found capable of settlement by that means.

¹ *Overenskomster med fremmede Stater* (Norway), No. 3, 1927, p. 98, and *Finlands Författningsamling*, Nos. 84-85, 1927, p. 226.

² Translation by the Registry of the Court.

The rules of Article 38 of the Statute of the Permanent Court of International Justice shall be correspondingly applied as regards the decisions of the arbitral tribunal.

ARTICLE 7.

As far as concerns questions which, according to the law of the country against which a claim may be formulated, come under the jurisdiction of the municipal courts, including administrative courts, the interested Party shall not be entitled to require the application of the procedure provided for under Article 1 or Article 2 until final judgment shall have been given by the competent court. In that case the submission of the dispute to judicial or arbitral procedure shall take place within one year at the latest from the date of such final judgment.

ARTICLE 8.

Should the judicial or arbitral decision declare that a decision taken on a measure adopted by a judicial tribunal or any other authority of one of the two States is entirely or partially in contradiction to international law, and should the constitutional law of the said State not allow or only allow of a partial annulment of the consequences of such decision or of such measure, the Parties agree that equitable satisfaction of some other kind shall be granted to the injured Party under the judicial or arbitral decision.

187.

AGREEMENT ANNEXED TO THE
ARBITRATION CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND LIBERIA,

SIGNED AT

MONROVIA

ON FEBRUARY 10th, 1926.

Ratifications: The exchange of ratifications took place at Monrovia on September 27th, 1926.

On February 10th, 1926, at the time of the signature of the Arbitration Convention¹ between the United States of America and Liberia, an exchange of notes took place between the Governments of these States:

THE AMERICAN CHARGÉ D'AFFAIRES AD INTERIM AT MONROVIA
TO THE SECRETARY OF STATE OF LIBERIA.

Excellency,

In connection with the signing to-day of a Convention of Arbitration between the United States of America and the Republic of Liberia, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Convention for the Pacific Settlement of International Disputes concluded in 1899 and 1907, I have the honour to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

I understand that in the event of the adhesion by the United States to the Protocol of December 16th, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, etc.

(Signed) CLIFTON R. WHARTON.

¹ For the terms of this Convention, see *Treaty Series*, No. 747, Washington, Government Printing Office, 1926.

THE SECRETARY OF STATE OF LIBERIA AT MONROVIA
TO THE AMERICAN CHARGÉ D'AFFAIRES AD INTERIM.

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date, in which you were so good as to inform me, in connection with the signing of a Convention of Arbitration between the Republic of Liberia and the United States of America, that you understand that in the event of the adhesion by the United States to the Protocol of December 16th, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

I have the honour to confirm your understanding of the attitude of the Government of Liberia on this point and to state that if the United States adheres to the Protocol, Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, etc.

(Signed) EDWIN BARCLAY.

188.

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA AND CUBA
FOR THE PREVENTION OF SMUGGLING
OF INTOXICATING LIQUORS

SIGNED AT

HAVANA

ON MARCH 4th, 1926¹.

Ratifications : The exchange of ratifications took place at Havana on June 18th, 1926.

Article IV of the Convention between the United States of America and Cuba for the prevention of smuggling of intoxicating liquors is expressed in similar terms to Article IV of the Convention between the United States of America and the Netherlands concerning the regulation of the traffic in intoxicating liquors, signed at Washington on August 21st, 1924².

At the time when the Convention was signed, an exchange of notes also took place between the American and Cuban Governments, expressed in identical terms with the notes exchanged between the American and Netherlands Governments at the time of the signature by those Governments of the Convention referred to above².

These notes stipulate that in the event of the subsequent adhesion of the United States to the Protocol of December 16th, 1920, constituting the Permanent Court of International Justice at The Hague, the Government of the United States would be disposed to consider a modification in the said Convention or the conclusion of a separate agreement to the effect that the claims contemplated in Article IV of the Convention and which have not been capable of settlement in the manner indicated in the first paragraph of the said article, shall be submitted to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

¹ *Treaty Series*, No. 738, Washington, Government Printing Office, 1926.

² See *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5 (No. 113).

189.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN
AUSTRIA AND POLAND
SIGNED AT
VIENNA
ON APRIL 16th, 1926¹.

Ratifications : The exchange of ratifications took place at Warsaw on April 2nd, 1927.

Coming into force : The Treaty came into operation on the following May 2nd, by virtue of Article 21, paragraph 2.

ARTICLE 20.

Any dispute relating to the interpretation of the present Treaty shall be submitted to the Permanent Court of International Justice.

¹ *Bundesgesetzblatt für die Republik Oesterreich*, May 7th, 1927, p. 685.

190.COMMERCIAL CONVENTION BETWEEN GREECE
AND THE NETHERLANDS

SIGNED AT

ATHENS

ON MAY 12th, 1926¹.

ARTICLE VII.

All disputes upon the interpretation, application or execution of the present Convention which have not been found capable of settlement by diplomatic means between the High Contracting Parties shall be submitted to the Permanent Court of International Justice.

¹ *Staatsblad van het Koninkrijk der Nederlanden* (No. 59).

191.

CONVENTION BETWEEN DENMARK AND GREAT BRITAIN
RENEWING THE ANGLO-DANISH ARBITRATION
CONVENTION OF OCTOBER, 25th, 1905.

SIGNED AT

LONDON

ON JUNE 4th, 1926¹.

Ratifications : The exchange of ratifications took place at London on March 15th, 1927.

ARTICLE I.

The High Contracting Parties renew, for a further period of 5 years, dating from the 4th May, 1926, the Convention signed at London on the 25th October, 1905, for the settlement by arbitration of certain classes of questions which may arise between the two Governments.

It will be understood, however, that in place of reference to the Permanent Court of Arbitration, as provided for in Articles 1 and 2 of the aforesaid Convention of the 25th October, 1905, the reference shall in any case arising be made to the Permanent Court of International Justice in accordance with the procedure laid down in the Statute of that Court and in the Rules of Court adopted thereunder.

¹ *Treaty Series*, No. 9 (1927, Cmd. 2835), London, H.M. Stationery Office.

192.

CONVENTION
BETWEEN GREAT BRITAIN AND ICELAND
RENEWING AS FAR AS ICELAND IS CONCERNED
THE ANGLO-DANISH ARBITRATION CONVENTION
OF OCTOBER 25th, 1905,
SIGNED AT
LONDON
ON JUNE 4th, 1926 ¹.

Ratifications : The exchange of ratifications took place at London
on March 15th, 1927.

ARTICLE I.

(See Article I of the Convention between Denmark and Great
Britain, p. 402.)

¹ *Treaty Series*, No. 10 (1927, Cmd. 2836), London, H.M. Stationery Office.

193.

CONVENTION
FOR THE PACIFIC SETTLEMENT OF DISPUTES
BETWEEN FRANCE AND ROUMANIA

SIGNED AT

PARIS

ON JUNE 10th, 1926¹.

Ratifications: The exchange of ratifications took place at Paris on November 8th, 1926.

ARTICLE I.

All disputes of every kind between the High Contracting Parties in which the Parties are in conflict as to their respective rights and which have not been found capable of amicable settlement by ordinary diplomatic methods, shall be submitted for judgment either to an arbitral tribunal or to the Permanent Court of International Justice, as hereinafter provided. It is understood that the disputes contemplated include those mentioned in Article 13 of the League of Nations Covenant.

This provision does not apply to disputes originating in facts antecedent to this Convention.

The disputes for the solution of which special procedure has been provided by other conventions in force between the High Contracting Parties shall be regulated in accordance with the provisions of those conventions.

The French Government and the Roumanian Government undertake respectively not to raise against each other any question which might lead to a modification of their territorial integrity or their frontiers as now fixed by the treaties to which they are both signatories.

ARTICLE 2.

Before any arbitral proceedings or any proceedings before the Permanent Court of International Justice are instituted the dispute may by mutual agreement between the Parties be submitted for purposes of conciliation to a Permanent International Commission

¹ *Journal officiel de la République française*, No. of January 20th, 1927, p. 771.

called the "Permanent Conciliation Commission", constituted in accordance with the terms of this Convention.

ARTICLE 16.

Failing conciliation before the Permanent Conciliation Commission the dispute shall be submitted by mutual consent by means of a special agreement either to the Permanent Court of International Justice, under the conditions and in accordance with the procedure provided by its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure provided by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Failing agreement between the Parties as regards the special agreement and after one month's notice, either of them shall be entitled to bring the dispute directly before the Permanent Court of International Justice by means of an application.

ARTICLE 19.

In all cases and particularly when the question with regard to which the Parties are at variance arises from acts already completed or on the point of attaining completion, the Conciliation Commission, or if the question was not before that body the arbitral tribunal or the Permanent Court of International Justice in accordance with the terms of Article 41 of its Statute, shall indicate, within the shortest possible time, what interim measures shall be taken. It rests with the Council of the League of Nations if the question is submitted to it, similarly to indicate appropriate interim measures. Both the High Contracting Parties undertake to conform to such measures, to abstain from any measure capable of having an effect prejudicial to the execution of the decision or the arrangements proposed by the Conciliation Commission and in general not to commit any act of whatever nature it may be, which might aggravate or extend the dispute.

ARTICLE 20.

This Convention shall remain in force between the High Contracting Parties even if other Powers are also interested in the dispute.

194.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN GREAT BRITAIN AND GREECE

SIGNED AT

LONDON

ON JULY 16th, 1926¹.

Ratifications: The exchange of ratifications took place at London on December 10th, 1926.

ARTICLE 29.

The two contracting Parties agree in principle that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present Treaty shall, at the request of either Party, be referred to arbitration.

The court of arbitration to which disputes should be referred shall be the Permanent Court of International Justice at The Hague unless in any particular case the two contracting Parties agree otherwise.

¹ *Treaty Series*, No. 2 (1927, Cmd. 2790), London, H.M. Stationery Office.

195.TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION
BETWEEN NORWAY AND SIAM

SIGNED AT

OSLO

ON JULY 16th, 1926¹.

Ratifications : The exchange of ratifications took place at Oslo on February 9th, 1927.

ARTICLE 2.

The High Contracting Parties agree that in case any difference shall arise between them which cannot be settled by simple agreement or by diplomatic means, they will submit the difference to one or more arbitrators chosen by them or to the Permanent Court of International Justice at The Hague. The latter will acquire jurisdiction over the matter by means of an agreement between the two Parties or, in case of a failure to agree, by the simple request of either Party.

¹ *Overenskomster med fremmede Stater* (Norway), No. 2, 1927, p. 25. The English text is authoritative.

196.

TREATY OF COMMERCE BETWEEN HAITI
AND THE NETHERLANDS

SIGNED AT

PORT-AU-PRINCE

ON SEPTEMBER 7th, 1926¹.

ARTICLE 4.

All disputes upon the interpretation, application or execution of the present Convention which have not been settled between the High Contracting Parties by diplomatic means shall be submitted to the Permanent Court of International Justice.

¹ Royal Message dated May 6th, 1927, to the Upper Chamber of the States-General of the Netherlands.

197.

SLAVERY CONVENTION

SIGNED AT

GENEVA

ON SEPTEMBER 25th, 1926¹.

Signatories : Albania
 Austria
 Belgium
 British Empire
 Canada
 Australia
 Union of South Africa
 New Zealand
 India
 Bulgaria
 China
 Colombia
 Cuba
 Czechoslovakia
 Denmark
 Esthonia
 Ethiopia
 Finland
 France
 Germany
 Greece
 Italy
 Latvia
 Liberia
 Lithuania
 Netherlands
 Norway
 Panama
 Persia
 Poland
 Portugal
 Roumania
 Serbs, Croats and Slovenes, Kingdom of the—
 Spain
 Sweden
 Uruguay

¹ *League of Nations*, Document C. 210. M. 83. 1927. VI.

Adhesion : Hungary

April 16th, 1927.

Ratifications : Bulgaria
Denmark

March 9th, 1927.
May 17th, 1927.

ARTICLE 8.

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States Parties to such a dispute should not be Parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

198.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN ESTHONIA AND THE ECONOMIC UNION
OF BELGIUM AND LUXEMBURG

SIGNED AT

BRUSSELS

ON SEPTEMBER 28th, 1926¹.

ARTICLE 23.

Disputes and differences of opinion between the two contracting Parties upon the application or the interpretation of the present Treaty shall be settled by a mixed arbitral tribunal.

The arbitral tribunal shall be constituted for each case and shall be composed of an equal number of representatives of the two Parties. If the representatives do not come to an agreement they will call upon an umpire whom the President of the Permanent Court of International Justice shall if necessary be requested to appoint.

¹ *Moniteur belge*, June 5th, 1927 (No. 156), p. 2627.—Translated by the Registry of the Court.

199.

TREATY OF CONCILIATION BETWEEN
ESTHONIA AND DENMARK

SIGNED AT

TALLINN (REVAL)

ON DECEMBER 18th, 1926¹.

ARTICLE 1.

[*Translation.*]

Esthonia and Denmark undertake to submit for purposes of enquiry and conciliation to a Permanent Commission constituted under the conditions hereinafter provided all disputes of whatsoever nature they may be which it may have proved impossible to settle by diplomatic means within a reasonable period of time and which do not, under the terms of the Statute of the Permanent Court of International Justice or of any other agreement concluded between the Parties, have to be submitted to the Permanent Court or to an arbitration tribunal.

ARTICLE 2.

When a dispute which has been brought before the Commission by one of the Parties is taken by the other Party in accordance with the stipulations contemplated in Article 1, before the Permanent Court or an arbitration tribunal, the Commission will postpone the examination of the dispute until the Court or the tribunal shall have decided the question of jurisdiction.

ARTICLE 4.

The Commission is composed of five members. Each State appoints two, one of which may be selected amongst its own nationals. The fifth who fulfils the functions of President, must belong to a nationality different from that of the other members of the Commission. The President is appointed by common agreement between the Parties. In the event of such agreement not being reached, his nomination shall be made at the request of one of the Parties by the President of the Permanent Court of International Justice or if the latter be a national of one of the contracting Parties, then by the Vice-President of the Court.

The Commission shall be constituted within the six months following the exchange of ratifications of the present Convention.

¹ The text of this Treaty was communicated by the Esthonian Government.

200.

AGREEMENT RENEWING THE ARBITRATION CONVENTION BETWEEN GREAT BRITAIN AND PORTUGAL

SIGNED AT
LONDONON JANUARY 4th, 1927¹.

The Arbitration Convention of November 16th, 1914, between Great Britain and Portugal was renewed by an exchange of notes dated January 4th, 1927, at London, and drawn up in terms identical with the notes which were exchanged between Great Britain and Sweden on November 9th, 1924².

(See *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5, page 257.)

¹ *Treaty Series*, No. 5 (1927, Cmd. 2796), London, H.M. Stationery Office.

² For the terms of this Convention, see the volume: *Traité généraux d'arbitrage communiqués au Bureau international de la Cour permanente d'Arbitrage*, Third Series, p. 22. The Hague, Van Langenhuisen frères, 1921.

201.

TREATY CARRYING INTO EFFECT THE CUSTOMS UNION
BETWEEN ESTHONIA AND LATVIA

SIGNED AT

RIGA

ON FEBRUARY 5th, 1927¹.

Ratifications: The exchange of ratifications took place at Tallinn (Reval) on May 10th, 1927.

ARTICLE 10¹.

[*Translation.*]

Disputes and differences of opinion between the two contracting Parties upon the application and interpretation of the present Treaty shall be settled by a mixed arbitral tribunal. The arbitral tribunal shall be constituted *ad hoc* and shall comprise an equal number of representatives of both Parties. Should these representatives not come to an agreement, they will call upon a neutral umpire whom, failing agreement between the two Parties, the President of the Permanent Court of International Justice shall be asked to nominate.

¹ The text of this Treaty was communicated by the Esthonian Government.

202.

TREATY OF FRIENDSHIP, CONCILIATION AND ARBITRATION
BETWEEN HUNGARY AND ITALY
AND
ANNEXED PROTOCOL REGULATING THE PROCEEDINGS
FOR CONCILIATION AND ARBITRATION

SIGNED AT

ROME

ON APRIL 5th, 1927¹.

ARTICLE 3 OF TREATY.

Failing conciliation, each of the High Contracting Parties may ask that a dispute be submitted to arbitration provided that the question is of a legal character.

ARTICLE 13 OF PROTOCOL.

The provisions embodied in Article 3 of the Treaty of Friendship, Conciliation and Arbitration shall not affect the right to submit a dispute of a legal nature by special agreement to the Permanent Court of International Justice, subject to the conditions and in accordance with the procedure provided for in its Statute.

ARTICLE 14 OF PROTOCOL.

Should the special agreement contemplated in Article 11 or 13 not be drawn up within six months after notice of a request for arbitration, either of the Parties may refer the dispute by ordinary application to the Permanent Court of International Justice.

¹ The articles set out above are given solely for information, as the text of the Treaty and Protocol have not yet been officially communicated to the Registry.

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¹ See p. 55 the complete list of international instruments governing the jurisdiction of the Court.

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Date.		Place of signature.	Record.	Contracting Parties.	Numbers.
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Date.	Place of signature.	Record.	Contracting Parties.	Numbers.
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