SERIES E.—No. 4

FOURTH ANNUAL REPORT
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1927—June 15th, 1928)

PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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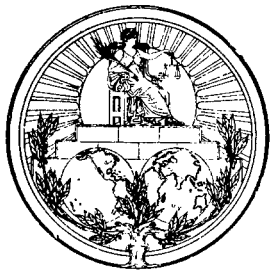

A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

INTRODUCTION.

The Court's Fourth Annual Report covers the period June 15th, 1927, to June 15th, 1928. The plan adopted is the same as that of the First, Second and Third Reports.

Amongst the matters with which it deals, the following should be noted either by reason of their novelty or because important developments have taken place in regard to them during the period 1927-1928: President Huber's speech on the occasion of the election of his successor, M. Anzilotti (p. 18), and President Anzilotti's speech on taking up his duties (p. 19); changes which have occurred in the composition of the Court (p. 26); settlement of the question of the diplomatic privileges and immunities of judges and officials of the Registry (p. 53); reconstruction and transformation of the premises in which the Court and its services are established (p. 63); admission of national judges in advisory procedure (p. 72); and channels of communication between the Court and governments (p. 129).

Chapters IV and V contain summaries of the five judgments and two advisory opinions, and also of an Order with respect to measures of interim protection, given by the Court during the period 1927-1928.

Chapter VI of the Third Annual Report contained a Digest of all decisions taken by the Court, in application of the Statute and Rules, from the time of the inauguration of the Court to June 15th, 1927. Chapter VI of the present Report completes this Digest, incorporating in it decisions taken during the period 1927-1928; it is followed by an analytical index of subjects which covers the whole of the decisions, both those mentioned in the Third Report and those first set out in the present volume.

Chapter VII gives the conclusions so far as concerns the Court of a report submitted by the Supervisory Commission of the League of Nations to the Ninth Assembly (September 1928), concerning the printing and publication services of the financially autonomous institutions and of the various organs of the League of Nations.

The bibliographical list contained in Chapter IX is, like that appearing in the Third Report, additional to the bibliographical list in the Second Annual Report. It is completed to June 15th, 1928, and also makes good certain omissions in previous lists. The two indexes to the bibliography refer to the bibliographical lists in the Second and Third Reports as well as to the new list in the present volume.

Chapter X constitutes the second addendum to the third edition of the *Collection of Texts governing the Court's jurisdiction*, which appeared on December 15th, 1926[1]. It contains, in a first section, supplementary information regarding the instruments mentioned in the *Collection* and in the first addendum; a second section contains the text of the relevant clauses of the various international instruments which have come to the knowledge of the Court during the period 1927-1928. Chapter X is followed by the list in chronological order of the new instruments referred to in Section II. The complete list, also in chronological order, of all international instruments mentioned both in the third edition of the *Collection* and in the two addenda, is to be found in Chapter III.

* * *

In the introduction to the Second Annual Report, it was stated that, at the request of the Registrar of the Court, the Secretary-General of the League of Nations had pointed out to the governments of Members of the League that the Court's Report, if it was to attain its object—which was to prepare a complete statement of essential facts connected with the organization and various activities of the Court—required their collaboration. The present Report, like its predecessors, duly takes into account information which governments have been good enough to transmit to the Registry in compliance with the above-mentioned communication.

In the same connection, it is stated in the introduction to Chapter X that the Registry of the Court has similarly approached all governments entitled to appear before the Court asking them to communicate regularly to the Registry the terms of new agreements concluded by them and containing clauses relating to the Court's jurisdiction.

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[1] The first addendum is Chapter X of the Third Annual Report.

* * *

It is to be understood that the contents of the volumes of Series E. of the Court's Publications, which are prepared and published by the Registry, in no way engage the Court. It should, in particular, be noted that the summary of judgments and advisory opinions contained in Chapters IV and V, which is intended simply to give a general view of the work of the Court, cannot be quoted against the actual text of such judgments and opinions and does not constitute an interpretation thereof.

The Hague, June 15th, 1928.

Á. HAMMARSKJÖLD,
Registrar.

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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.)

List of Judges.

Judges :

MM. Anzilotti, *President* [1],
Huber, *Former President* [2],
Weiss, *Vice-President* [1],
Lord Finlay,
MM. Loder,
Nyholm,
Moore [3],
de Bustamante,
Altamira,
Oda,
Pessôa.

Deputy-Judges :

MM. Yovanovitch,
Beichmann,
Negulesco,
Wang Chung-Hui.

[1] Until end of 1930.
[2] Until end of 1930, the rank and title of Former President being confined to the retiring President (Rules of Court, Art. 2, last paragraph).
[3] See p. 26.

When on December 6th, 1927, at the termination of M. Huber's period of office as President, M. Anzilotti was elected President of the Court, President Huber made the following speech :

With a deep and sincere joy I avail myself of the privilege of being the first to greet the newly elected President.

I congratulate you with all my heart that the Court, by this wise, generous and spontaneous act, has recognized in so striking a manner the great services which you have already rendered to international law and especially to the Permanent Court of International Justice.

From the very outset you collaborated in the preparation of the Statute, and if the judgments and opinions of the Court have in a great measure fulfilled the hopes placed by the world on this tribunal, that is to a very large—in fact, decisive—extent, due to your devoted, indefatigable, conscientious and intelligent labours.

I am certainly the last person to say that the position as President of the Court is an easy or agreeable one ; it involves special and sometimes heavy responsibilities. But there is nothing finer for a man than to be faced with responsibilities of which he is worthy and which call for the exertion of all his powers. You are the man we need to assume the responsibilities of President and for that reason above all others you are to be congratulated.

You know what support you will find in the collaboration of M. Hammarskjöld, whose distinguished qualities and exceptional capacity are and have long been well-known to you. As for your colleagues, they will all be anxious to lighten your task and, for myself, you may count on my wholehearted assistance.

This being the time for congratulations, I think that above all the Court itself is to be congratulated upon the choice which it has just made by this wise and just act.

As Judge and President of the Court you belong to the world ; by origin, language and culture, you belong to Italy. Now the bond which unites you to the traditions of your country is of happy augury for us, since Italy it is which has made the largest contributions to mankind's legal heritage. In this respect it will suffice to allude to two epoch making facts in the history of law. Two thousand years ago a law was built up in Italy which, thanks to the lucidity of its conceptions and adaptability to the requirements of social and economic life, has served throughout the centuries as a model for national systems of legislation and as inexhaustible source of legal science. And again it was in Italy at a recent period that the sun of humanity rose upon a darkness—in former times really appalling—which surrounded a certain branch of law. I refer to criminal law. We have always admired in you the lucidity of your ideas and your comprehension of the nature of inter-

national relations and we have felt that the delicacy and goodness of your heart are on a level with the distinguished gifts of your mind.

The administration of justice is also a question of character. And here again one of the earliest pages of Roman history—legendary history perhaps, but precisely for that reason, the more significant —tells us of a magistrate who, in order to remain faithful to his supreme duty as judge, sacrificed his deepest and most sacred feelings—his feelings as a father. We have full confidence that your judgment is influenced by justice alone and that it is unaffected by any other sentiment however worthy of respect in itself.

This confidence in you, in so far as I am concerned, ultimately rests upon the conviction that you feel that your acts are judged by an absolute and eternal standard which shows that our merits are as nothing and which, when man adventures upon the administration of justice, renders problematical even so lofty a task.

At this point, I feel impelled to evoke an Italian, or rather Tuscan and Florentine quotation. I refer to the magnificent passages of Canto XVIII and XIX of the *Paradiso* devoted to human and divine justice. For Dante, whose soul was wrung by the anguish of an unjust exile, justice is the highest virtue. Accordingly he places in the firmament of bright stars, the men who have exercised royal and judicial functions with true justice. He sees them describe in the heavens, in a radiant procession, the first words of wisdom:

DILIGITE IVSTITIAM QVI IVDICATIS TERRAM

and group themselves round Jupiter, the imperial star, the symbol of the State, of Law, and of Justice. To this planet the poet addresses the moving words which apply also to you:

O DOLCE STELLA, QUANTE E QUALI GEMME
MI DIMOSTRARO CHE NOSTRA GIUSTIZIA
EFFETTO SIA DEL CIEL CHE TU INGEMME.

With these words of the immortal poem I would greet you and proclaim Dionisio Anzilotti President of the Permanent Court of International Justice.

When for the first time M. Anzilotti presided at a meeting of the Court in his capacity as President (first meeting of the Thirteenth (extraordinary) Session on February 6th, 1928), he made the following speech:

At the opening of the Thirteenth Session of the Court, the first of my period office as President, may I address a few words to you.

In the first place, I would express to you my personal thanks. Though the task which you have entrusted to me by electing me to this position is a heavy one, and though the sacrifices which it

imposes upon me are severe, more severe, perhaps, than I had myself imagined, nevertheless it is a great honour that you have done me and a proof of confidence which has profoundly moved me. I should therefore really be failing in my duty were I not first of all to express my keen and profound gratitude to my dear colleagues.

In the second place, I must again express thanks, but this time not on my own behalf but on that of the Court itself whose sentiments and wishes I feel confident that I am interpreting. I am the third president, that is to say, I take up my office at a time when the task of organizing the work of the Court has for the most part been accomplished by my predecessors; it is therefore of them that I think and to them that I address our inextinguishable gratitude.

It was to M. Loder that, together with the unique honour of being the first president of the highest college of judges in the world, fell the peculiarly difficult task of, so to speak, setting in motion this very delicate and complicated machine. The results obtained, the consideration and confidence which surround the Court at the present time, are above all due to the noble and lofty manner in which he conceived the Court's great mission which conception consistently inspired his work as President. Some days ago a person who holds an important position in the world and who I do not think is inclined to overestimate the importance of the Court, said to me these words: Whatever one may think of the Court and whatever opinion one may have regarding its work, it is certain that politics play no part therein. That I think is as high praise as can be paid to our institution, and it is only right to remember how much its first President has done to deserve it.

Secondly and above all our gratitude and admiration are due to M. Huber. You all remember the difficult and—why not say the word—painful circumstances in which he was elected President. Only a lofty sentiment of duty and unlimited devotion to the great cause of international justice could have induced him to undergo the sacrifices and accept the responsibilities of a task which he was so unexpectedly called on to assume. We all know what he has done for the Court in the three years of his presidency; how his distinguished qualities as a jurist in the most lofty and noble sense of the word, his profound knowledge of international law, his practical experience of the relations between States have been placed at our services in all circumstances and with a really inexhaustible devotion. There is nothing finer than voluntarily to abandon a post with the consciousness of having nobly done one's duty at the price of heavy sacrifices and with the knowledge that these sacrifices have not been in vain. To this supreme satisfaction which M. Huber has on his retirement from the direction of the Court's work, I venture to add the assurance of our profound and enduring gratitude.

*

I now pass to the least pleasant part of my remarks ; that which concerns myself. I will be very brief.

After six years of work together, I have some reason for believing that you know me well enough; especially since amongst my qualities—perhaps I should have said my defects—is an almost constitutional impossibility of concealing my ideas and real sentiments. I will not make the deduction that on you and you only rests the responsibility for having called upon me to assume this position, for if you were wrong in electing me, I also was wrong in not opposing your choice. What I would ask you is to assume your share of responsibility and since I have no doubt that you are ready to do so, I venture at once to draw a conclusion which is to me at this moment of the greatest importance, namely, that in the accomplishment of my task, I may always count on your cordial and friendly support.

I ask you to believe that I do not conceal from myself that the duty of President is an extremely delicate one and involves heavy responsibilities. To be properly performed, it demands so many different qualities that I do not know whether they could ever be found united to a sufficiently high degree in one man, but which, at all events, are lacking to a very large extent in me. Having not served as a judge during my career, and my connection with municipal courts having only formed a somewhat secondary part of my activities, my time having been devoted mainly to study and to teaching, I do not bring to the Presidency that judicial experience which would seem to be the first of the qualities required for that post. Even my knowledge of languages is very modest ; and the part that I have taken in the diplomatic activities of my country first of all and of the League of Nations later is too limited to allow me to imagine that it will be equal to the needs.

The only qualifications which I bring you and on which you may assuredly rely are good will and an entire devotion to the idea of which the Court is the most important realization, though necessarily still very imperfect. If you add to this a consciousness—which I believe I possess to the full—of the extreme importance and almost sacred character of the task to which my efforts are devoted, you will have exhausted the catalogue of the qualities which I can place at your service.

It is therefore absolutely necessary that I should be able to count on your collaboration, your indulgence and, allow me also to say, your sympathy. Under these conditions only will the responsibility not become too heavy and we may not have to repent too much —you for having elected me and me for not having prevented it.

I ask for the cordial and friendly support of all my colleagues because I really believe that close collaboration between all members is indispensable for the satisfactory functioning of a Court

like ours in which different legal systems are represented and in which, by the very nature of things, each judge must make his individuality felt in a manner unknown in municipal courts. But in speaking of the actual functions of the President, it is hardly possible for me not to address a particularly urgent appeal to those members of the Court which their position designates to collaborate daily with me. To the Vice-President, who will, I hope, share with me the weight, the responsibility and—why not—the satisfaction of directing the work of the Court. To the former President, whose learned and useful work, which has been so beneficial to our organization, I would continue, and whose advice will therefore be of especial value to me.

If I do not make special reference to the collaboration of the Registry, it is because we are so accustomed to see that organization unsparingly devoting itself to our assistance that an appeal to it by the President would really be superfluous. But this does not dispense me from the agreeable duty of thanking the Registry once more for the inestimable services which it renders me and to which great merit is due. If the task which you have entrusted to me is not too ill performed, allow me in this connection to refer particularly to M. Hammarskjöld: it is now nearly eight years since we have been working together, first of all for the constitution of this Court and then in the Court; I well know therefore the value of his assistance and I assure you that it would be difficult for me to overestimate it.

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I should be unjust towards my predecessors if I did not recognize that my task is lightened by the fact that it begins at a time when the organization of the Court's work has already been effected. You will not however mind my adding that this organization, though fundamentally good, is far from perfect and that we must strain every effort to improve it still further. Allow me to lay before you certain considerations in regard to this: they are not proposals, not even clearly defined ideas; they are simply suggestions evolved from my personal experience and which I would bring to your notice.

The work of the Court centres around two moments of time: first of all there is the stage of individual work which each of us undertakes separately; then there is the stage when we all work together. In reality, the only aim of the individual work is to prepare the way for and make possible the work in common, which is the real *punctum crucis* of the Court's activity. Owing to its very nature, the individual work cannot be subjected to regulation and I have nothing to say in regard to that matter: for the rest, it will suffice to observe that the system of separate notes[1]

[1] See Chapter VI (*Statute*, Article 54) for an account of the system at present adopted by the Court for the deliberation upon judgments and opinions.

which we have now adopted for some time past, solves in the most satisfactory manner the question of linking up the work done individually with that done in collaboration, since it affords each judge the best means of expressing the whole of his ideas and gives the others every opportunity of understanding and considering them.

The work done in collaboration, as opposed to that done separately, may, and even should, be governed by certain rules establishing a certain method. These rules we have in our Statute and Rules of Court; a very important part of them has also been established by the practice of the Court. In themselves these rules are, it may be said, very satisfactory; nevertheless, it would be difficult for me to say that they have always achieved their real object: that is to say, the formation of the Court's opinion, as opposed to the opinions of members of the Court. The opinion of the Court is not, to my mind, a collection of individual opinions coinciding as regards their conclusions; rather is it the result of the opposition and interpretation of different opinions. But this result can only be attained by means of a decision in the course of which each of us makes the others understand the whole of his ideas, and himself is able to appreciate the ideas of all the others: to make possible this mutual understanding, in spite of the many serious difficulties which militate against it in a Court composed as ours is, that is what the constant aim of our efforts should be. For myself, what I desire above all is to assist you in this difficult collaboration.

From this point of view, it will perhaps be well to ask ourselves whether our method of work in collaboration could not be applied or amended so as to make it easier to achieve the object which we must set before us.

I am thinking in the first place of that preliminary discussion[1] which we have introduced of late and which precedes the writing of the separate notes. It would be difficult to deny that in several cases it has been practically useless; nevertheless I believe that, if it were rightly understood, it might be of great importance. In my opinion, its chief object and effect should be to indicate what are the questions which each member of the Court feels that he must ask himself, the points of view from which he regards them, the method which he feels that he should adopt to resolve them, etc. If it be considered that one of the greatest difficulties encountered by us, and one which is inseparable from the very nature of our Court, is precisely the question of finding common ground for decisions, the advantage will at once be seen of an absolutely confidential conversation enabling us to see the various standpoints and to reflect thereon before giving concrete expression to our ideas. The preliminary discussion might then form the link connecting together the individual opinions: the latter would probably remain within a certain compass instead of

[1] See note on previous page.

being, as sometimes happened, so far apart from each other as to have hardly a point in common.

If it were possible to attain this result, the preparation would be very much facilitated of the *plan for discussion* [1], which at present is a veritable nightmare for the President, for, with the best will in the world, it is almost impossible for him to prepare a plan which, without being illogical, duly brings out all the points of view contained in the individual notes.

Apart from that, I venture to draw your attention to two other points. A plan of discussion must necessarily be a logical plan, for it must prepare the way for and make possible the expression of the Court's opinion, that is to say a series of arguments logically connected. It may therefore be accepted or rejected, but it is very dangerous to modify or delete essential parts thereof or to introduce new points, etc. Again it is not merely the right but the duty of each member of the Court to require that every question which he regards as important for the decision to be given should be considered by the Court and decided with a full knowledge of the facts. Here we have an obvious antithesis and one which, in my opinion, has very often complicated and burdened our discussions without our having perhaps fully realized it. How is this problem to be solved? It is a sufficiently difficult one and I am very far from having any clearly defined opinion upon it, but I wonder whether the best solution would not be to confine the President's plan to really essential questions which must in any case be decided, leaving to the Drafting Committee the task of formulating a logical argument, upon which of course the Court would pronounce its opinion when discussing the draft judgment or advisory opinion. This system would, however, have to be completed by a much more extensive use of the right of judges themselves to put questions to the Court in accordance with paragraph 5 of Rule 31 [2].

The deliberation in private, which is the most important and most delicate part of our duties, encounters difficulties of a very special character, in a Court composed as ours is. We are too numerous for the discussion to assume that confidential and almost familiar character which, however, very much facilitates mutual understanding. How often an exchange of questions and replies, such as is possible amongst a small number of persons, enables a question to be closely analyzed and its essential features to be seen far better than lengthy speeches. These difficulties, which may become still more acute, if the time comes when the number of judges is still further increased, necessitate perhaps some more radical reforms in our procedure ; but for the moment, I think that only a whole-hearted effort on our part to understand each other

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[1] See note on page 22.

[2] This system was adopted in the case of the jurisdiction of the Danzig Courts and in that of the minority schools in Upper Silesia.

can help us to surmount them. There is, however, one means which is even now at our disposal, and the great merits of which I have always experienced, but which I do not think has been used to the extent which it deserves amongst us. I mean private conversations between judges. In conversations of this kind it is easier to put questions to each other, to raise objections, to ascertain points in common and points on which there is disagreement; finally, and above all, to crystallize one's own ideas in immediate and continual contact with the ideas of others. I cannot too strongly recommend such conversations between members of the Court; so far as I am concerned. I shall always be glad if you will give me the opportunity of a conversation of this kind and I hope that you will forgive me if I seek such opportunities myself.

*

The suggestions I have made to you are extremely modest; so modest that you will perhaps think that it was not worth while to say them and still less to ask you to devote your time to listening to them. But even small things acquire great importance and become worthy of our consideration if they can contribute to a more complete and more perfect fulfilment of a mission as noble and lofty as that of the administration of international justice. Considered from this point of view, and from that of the overwhelming responsibility which lies upon us, any idea however modest that we adopt in our method of work has an almost inestimable value. You will therefore pardon me if I have taken the opportunity of the commencement of my period of office as President to draw your attention for a moment to questions of this kind.

In three years time the first Permanent Court of International Justice will have terminated its task; other judges will replace us in this Palace. It is our most earnest hope that it may be given to them continually to raise the Court higher in the esteem and confidence of the world; but to this lofty hope I would add another more modest one which concerns us: may the members of the new Court say, upon taking up our task, that which I now say with reference to my predecessors: "The best that I can do is to continue to go forward along the path which they have marked out.

The speech made by President Loder, who was the first to assume the duties of President of the Court, at the public inaugural meeting of the Permanent Court of International Justice (ninth meeting of the Preliminary Session, February 15th, 1922) in the presence of H.M. the Queen of the Netherlands, H.M. the Queen Mother and H.R.H. the Prince Consort, their

Excellencies M. da Cunha and Sir Eric Drummond representing the League of Nations, the members of the Netherlands Government, the members of the Diplomatic Corps accredited to The Hague, etc., is reproduced in the volume: *Acts and Documents concerning the organization of the Court* (Series D., No. 2, p. 325).

The speech made by President Huber at the beginning of the second presidential period (1925-1927) is reproduced in volume No. 7—I of Series C. (*Exchange of Greek and Turkish populations*)[1].

* * *

On April 11th, 1928, Mr. Moore sent the following letter to the Secretary-General of the League of Nations:

"My dear Mr. Secretary-General,

With much regret, I find myself obliged to resign from the Permanent Court of International Justice, of which I had the honor to be elected a Judge seven years ago. The main reason for this step is the necessity of giving definite and continuous personal attention to the publication, now beginning, of a voluminous collection of all international arbitrations, ancient and modern, for which I began to gather material forty-two years ago. I present my resignation at this present moment in order that there may be ample opportunity to give the three months' notice, prescribed by the Statute, for the election of my successor at the annual meeting of the Council and Assembly of the League in September next; but I desire my resignation to take effect as soon as the presence of the statutory full Court, without my attendance, at the opening of the regular session, on June 15th next, is reasonably assured.

I renounce all claim to the pension provided for retiring members of the Court, and am, with warmest wishes for the Court's continued success and prosperity,

Very faithfully yours,
(*Signed*) J. B. MOORE."

On April 24th (37th meeting of the Thirteenth Session), the Court, having been informed of the contents of this letter, in

[1] This speech was made at a public sitting at the opening of the Sixth (extraordinary) Session of the Court.

the first place decided to ask the President to convey to Mr. Moore by telegram the Court's regrets and to urge him if possible not to deprive the Court of the support of his authority, and in the second place, expressed a desire that the competent authorities of the League of Nations should be asked, through the Secretary-General of the League, to approach Mr. Moore and to urge him, if possible, to reconsider his decision.

In reply to the telegram sent to him by the President of the Court in accordance with the above decision, Mr. Moore informed the President that he was unable to alter his decision, the necessity for which became more and more urgent.

The Secretary-General of the League of Nations for his part telegraphed to Mr. Moore informing him that the Council felt it ought to accept his resignation conditionally, subject to concurrent action by the Assembly; he explained at the same time that it rested with Mr. Moore to arrange with the President of the Court as regards his attendance at the Ordinary Session of June, 1928 [1]. The Secretary-General also took all steps required to make possible, if necessary, the election of a successor to Mr. Moore at the Ninth Session of the Assembly.

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES:

(For biographies of MM. Altamira, Anzilotti, Beichmann, de Bustamante, Lord Finlay, MM. Huber, Loder, Moore, Negulesco, Nyholm, Oda, Pessôa, Wang Chung-Hui, Weiss and Yovanovitch, 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

[1] Mr. Moore has since telegraphed to the President that he regretted that he could not attend the annual session.

Report, pp. 9-10, is given in the form of notes. The names printed in **fatfaced 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
ARENDT, Ernest	Luxemburg
Barbosa, 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
Bourgeois, 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

[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.

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
Gonzales, Joaquin V.	Argentine
GRAM, G.	Norway
GUERRERO, Dr. J. Gustavo	Salvador
HALBAN, Dr. Alfred	Poland
HAMMARSKJÖLD, Knut-Hjalmar-Leonard 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
Klein, Dr. Franz	Austria
KRAMARZ, Dr. Charles	Czechoslovakia
KRITIKANUKORNKITCH, Chowphya Bijaiyati	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
MARKS DE WURTEMBERG, baron Erik Teodor	Sweden
MASTNY, Vojtèch	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	Argentine
OCTAVIO DE LANGAARD MENEZES, Rodrigo	Brazil
Oda, Dr. Yorozu	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
Richards, 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
Struycken, 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

[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.

Yovanovitch, Michel	Serb-Croat-Slovene State
Zeballos, Estanislas	Argentine
Zolger, Ivan	Serb-Croat-Slovene State

As stated in the Third Annual Report, judges *ad hoc* sat on the Court in the *Wimbledon* case [1], in the Mavrommatis case [2] (jurisdiction and merits), and in the case concerning certain German interests in Polish Upper Silesia (jurisdiction and merits) [3]. Since June 15th, 1927, the Court has heard four contested cases which have necessitated the appointment of *judges ad hoc*. These cases are as follows :

(1) The suit concerning the claim for indemnities in connection with the Factory of Chorzów (jurisdiction) [4] ; in this suit the following sat as judges *ad hoc:* for the German Government, the Applicant, M. Rabel, Professor of law at the University of Berlin (who had already sat in the case concerning certain German interests in Polish Upper Silesia (jurisdiction and merits) ; for the Polish Government, the Respondent, M. Louis Ehrlich, Professor of international law at the University of Lwów. A biographical sketch of M. Rabel (Germany) will be found in the Second Annual Report [5] and one of M. Ehrlich (Poland) in this volume [6].

(2) The *Lotus* case [7] ; as the Court included amongst its ordinary judges a judge of French nationality, only the Turkish Government, co-signatory with the French Government of the Special Agreement submitting the case to the Court, had to appoint a judge *ad hoc:* Feïzi Daïm Bey, first President of the Civil Tribunal of Stamboul, was selected to act in this capacity. A biographical note concerning Feïzi Daïm Bey (Turkey) will be found in this volume [8].

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[1] See First Annual Report, p. 163.
[2] ,, ,, ,, ,, , ,, 169.
[3] ,, Second ,, ,, , ,, 99.
[4] ,, p. 155.
[5] ,, Second Annual Report, p. 19.
[6] ,, p. 34.
[7] ,, ,, 166.
[8] ,, ,, 34.

(3) The case of the readaptation of the Mavrommatis Jerusalem concessions [1] brought by the Greek Government by unilateral application against the British Government. As the respondent Government had a judge of its nationality upon the Bench, only the applicant Government had to appoint a judge *ad hoc*. It chose M. Caloyanni (Greece) who had already sat in the first Mavrommatis case, and a biographical note of whom will be found in the First Annual Report [2].

(4) The case concerning certain rights of minorities in Polish Upper Silesia (minority schools) [3] submitted by the German Government by unilateral application on January 2nd, 1928. The applicant Government appointed as judge *ad hoc* M. Walter Schücking, who had already sat in the *Wimbledon* case, and the Polish Government, the Respondent, appointed Count Rostworowski, who had already sat in the case concerning certain German interests in Polish Upper Silesia (jurisdiction and merits). A biographical note concerning Professor Walter Schücking (Germany) will be found in the First Annual Report [4], and one concerning Count Rostworowski (Poland) in the Second Annual Report [5].

Furthermore, the Court, by means of an amendment to Article 71 of the Rules, which was adopted on September 7th, 1927, decided to extend to advisory procedure the clause in the Statute regarding the appointment of judges *ad hoc* in contested cases [6]. The first request for an advisory opinion in connection with which this new rule was applied was that submitted to the Court by the Council of the League of Nations, in pursuance of a Resolution of September 22nd, 1927, and relating to the jurisdiction of the Danzig Courts [7]. The Polish Government and the Free City of Danzig, which were both directly interested and had no judge of their nationality upon the Bench, appointed respectively M. Ehrlich, who had already sat in the case concerning the claim for

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[1] See p. 176.
[2] ,, First Annual Report, p. 54.
[3] ,, p. 191.
[4] ,, First Annual Report, p. 53.
[5] ,, Second ,, ,, , ,, 18.
[6] ,, p. 72.
[7] ,, ,, 213.

indemnities in connection with the Factory at Chorzów (jurisdiction) and M. Bruns, Professor at the University of Berlin and Director of the Institute of Public and International Law. Biographical notes concerning both M. Ehrlich and M. Bruns will be found in this volume [1]. Article 71 of the Revised Rules was applied a second time in connection with a request for an advisory opinion submitted to the Court by the Council of the League of Nations under a Resolution dated June 5th, 1928, concerning the interpretation of Article IV of the Final Protocol of the Greco-Turkish Agreement of December 1st, 1926. The Greek and Turkish Governments, on being notified of their right to appoint a national judge, both informed the Registry, through their respective diplomatic agents at The Hague, that they did not intend to avail themselves of this right.

In the case concerning the denunciation by China of the Chinese-Belgian Treaty of November 2nd, 1865, as the Court includes no judge either of the nationality of the Applicant—the Belgian Government—or of the Respondent— the Chinese Government—the provisions of the Statute regarding the appointment of judges *ad hoc* have been called to the attention of these Governments by letters from the Registrar dated February 26th, 1926. The Court however has so far received no notice of any appointment; moreover, the time-limits in this case having been repeatedly extended [2], the written proceedings, according to the Order made on February 21st, 1928, will not be concluded until November 15th, 1928.

Lastly, in the case concerning the payment of various Serbian loans submitted to the Court under a Special Agreement between the French and Serb-Croat-Slovene Governments dated April 19th, 1928, as the Court included on the bench a judge of the nationality of one of the Parties only—namely France—the other Party—the Serb-Croat-Slovene State—which had a deputy-judge of its nationality, was informed of its right to appoint that deputy-judge to sit in the case.

[1] See p. 33 for the biography of M. Ehrlich, and p. 35 for that of M. Bruns.

[2] See p. 151.

M. Ludwik Ehrlich.

Professor Ludwik Ehrlich was born at Tarnopol (Poland) in 1889. He studied law and philosophy at the University of Lwów and there obtained the degree of doctor of law. He continued his legal studies at the Universities of Halle and Berlin, and subsequently at the University of Oxford, where he took his degree in Law. In 1916 he was invited to the University of California (Faculty of Political Science) where he lectured until 1920. He then resigned to return to Poland, which had obtained her freedom, and became docent at the Faculty of Law of the University of Lwów. Subsequently the Polish Government created for him a professorship at the Faculty of Law of that University. He organized in the University an institute of constitutional and international law of which he is director.

Professor Ehrlich has published in Polish and English (in England and America) a number of works and many articles mainly devoted to international law, public municipal law and the history of law. Amongst others may be mentioned: *The Law of Nations* (in Polish); *Danzig, Problems of Public Law* (in Polish); *Proceedings against the Crown—1216—1377* (in English); *Comparative Public Law and the Fundamentals of its Study* (an article in English); *The present time in the evolution of the Law of Nations* (an article in Polish); *The War and the English Constitution* (an article in English). He has also published, in collaboration with the late Sir Paul Vinogradoff, two volumes of a series of Year Books (Sources of the history of English Law).

Feïzi Daïm Bey.

Feïzi Daïm Bey was born at Kastamonia (Turkey in Asia), on February 17th, 1886. Having matriculated as Bachelier ès lettres and ès sciences at the Lycée of Galata-Seraï (Stamboul), he studied law at the Faculties of Stamboul and Paris. He graduated as licencié en droit of those Faculties and also followed at Paris the technical and practical course of the judicial identification service instituted by the arrêté of March 6th,

1895 (the Bertillon course) and obtained a certificate as having qualified in the system of descriptive indication (verbal portraiture).

In 1914 he entered the magistracy. Subsequently he became successively Judge of the Maritime Prize Court, Judge of the Civil and Commercial Courts of First Instance of Stamboul, and Member of the Court of Appeal of the same city, in 1920; in 1923, he went to the Court of First Instance as First President, and later in the same year he was appointed President of the Court of Appeal for commercial cases.

After the abolition on March 14th, 1924, of courts of appeal in Turkey, he became First President of the Civil Tribunal of Stamboul. He was a member of the Commission for the preparation of the new Turkish Civil Code which came into force in 1926, and has taken part in the work of several committees for the study of legal questions.

Dr. VIKTOR BRUNS.

Dr. Viktor Bruns was born at Tubingen on December 30th, 1884. He was educated at the public school of that town and from 1903 onwards studied law, first at Tubingen and later at Leipzig. In 1908 he passed the State examination and served for two years with the Tribunal of Tubingen. In 1910 he took his degree of doctor of law at Tubingen. In the summer of the same year he was appointed extraordinary professor of the history of Roman Law at the University of Geneva; then, in 1912, extraordinary professor of Roman Law and German Civil Law at the University of Berlin. In 1920 he was appointed titular professor of International Law and Public Law at the University of Berlin and from 1920 to 1922 he was legal adviser to the Ministry of Public Education, where he was specially entrusted with the preparation of new Statutes for the Prussian Universities.

In December, 1924, Dr. Viktor Bruns prepared a plan for a Research Institute in the domain of international law and of foreign public law, and, in 1925, he was appointed Director of the Institute of Foreign Public Law and International Law which had just been created with the support of the "Kaiser Wilhelm Society for the development of science".

In 1927 he was appointed German judge on the Germano-Polish Mixed Arbitral Tribunal. He has published several scientific works, amongst others, one on private law entitled *Besitzerwerb durch die Interessenvertreter;* and on public law: *Über die Würtembergische Verfassung,* and *Sondervertretung deutscher Bundesstaaten bei den Friedensverhandlungen.* He is the founder and editor of the *Beiträge zum ausländischen öffentlichen Recht und Völkerrecht* as also of a review which will appear in October, 1928, entitled *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht.* He is also co-editor of the *Jahrbuch für öffentliches Recht.* He is a member of a large number of learned societies and institutions.

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(5) SPECIAL CHAMBERS.

(See First Annual Report, p. 55.)

Chamber for Labour cases.

Composition of the Chamber for Labour cases.

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

Members:

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

Substitute Members:

MM. Nyholm,
Moore.

Chamber for Transit cases.

Composition of the Chamber for Communications and Transit cases.

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

Members:

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

Substitute Members :

MM. Anzilotti,
Huber.

Composition of the Chamber for Summary Procedure.

Chamber for Summary Procedure.

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

Members :

MM. Anzilotti, *President*,
Huber,
Loder.

Substitute Members :

Lord Finlay,
M. Altamira.

From June 15th, 1927, to June 15th, 1928, no case has been brought before a Chamber of the Court.

(6) ASSESSORS.

(See First Annual Report, p. 57.)

A.—LIST OF ASSESSORS FOR LABOUR CASES[1].

(CLASSIFICATION BY COUNTRIES.)

Assessors for Labour cases.

Country.	Name.	Nominated by:	Representing:
Austria.	ADLER, Emmanuel,	Government.	
	MAYER-MALLENAU, Felix,	Government.	
	KAISER, Dr. M.,	I.L.O.	Employers.
	HUEBER, Antoine,	I.L.O.	Workers.
Belgium.	JULIN, Armand,	Government.	
	MAHAIM, Ernest,	Government.	
	DALLEMAGNE, G.,	I.L.O.	Employers.
	MERTENS, Corneille,	I.L.O.	Workers.
Bolivia.	—	—	—
	—	—	—
	GARCIA, E.,	I.L.O.	Employers.
	IBANEZ, Juan,	I.L.O.	Workers.
Brazil.	PELLES, Godefredo Silva,	Government.	
	PEREIRA, Manoel Carlos Goncalves,	Government.	
	DUTRA, Ildefonso,	I.L.O.	Employers.
	BEZERRA, Andrade,	I.L.O.	Workers.
Bulgaria.	NICOLOFF, A.,	Government.	
	NICOITCHOFF, V.,	Government.	
	BOUROFF, Ivan D.,	I.L.O.	Employers.
	DANOFF, Grigor,	I.L.O.	Workers.
Canada.	—	—	—
	—	—	—
	PARSONS, S. R.,	I.L.O.	Employers.
	GIBBONS, Joseph,	I.L.O.	Workers.

[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:
Chile.	VICUÑA, Manuel Rivas,	Government.	
	—	—	—
	—	—	—
	—	—	—
China.	HOO-CHI-TSAI,	Government.	
	TCHOU YIN,	Government.	
	—	—	—
	—	—	—
Colombia.	RESTREPO, Antonio José,	Government.	
	URRUTIA, Dr. Francisco,	Government.	
	—	—	—
	—	—	—
Czecho-slovakia.	FRANCKE, Emil,	Government.	
	HOROWSKY, Zdenek,	Government.	
	WALDES, Henri,	I.L.O.	Employers.
	TAYERLE, Rudolf,	I.L.O.	Workers.
Denmark.	BERGSOE, J. Fr.,	Government.	
	HANSEN, J. A.,	Government.	
	VESTESEN, H.,	I.L.O.	Employers.
	HEDEBOL,	I.L.O.	Workers.
Finland.	MANNIO, Niilo Anton,	Government.	
	HALLSTEN, Gustaf Onni Immanuel,	Government.	
	PALMGREN, Axel,	I.L.O.	Employers.
	PAASIVUORI, Matti,	I.L.O.	Workers.
France.	—	—	—
	—	—	—
	LEMARCHAND, M.,	I.L.O.	Employers.
	MILAN, Pierre,	I.L.O.	Workers.

Country.	Name.	Nominated by:	Representing:
Germany.	—	—	—
	—	—	—
	POENSGEN, M.,	I.L.O.	Employers.
	GRASSMANN, P.,	I.L.O.	Workers.
Great Britain.	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.
Greece.	CHOIDAS,	Government.	
	TOTOMIS, M. D.,	Government.	
	ZANNOS, M.,	I.L.O.	Employers.
	LAMBRINOPOULOS, Timoléon,	I.L.O.	Workers.
Haiti.	DENNIS, Fernand,	Government.	
	—	—	—
	—	—	—
	—	—	—
Hungary.	—	—	—
	—	—	—
	TOLNAY, Kornel de,	I.L.O.	Employers.
	JASZAI, Samu,	I.L.O.	Workers.
India.	CHOUDHURI,	Government.	
	LOW, Sir Charles Ernest,	Government.	
	KAY, J. A.,	I.L.O.	Employers.
	JOSHI, N. M.,	I.L.O.	Workers.
Italy.	BENEDUCE, Giuseppe,	Government.	
	GRIZIOTTI, Benvenuto,	Government.	
	BALELLA, Dr. Giovanno,	I.L.O.	Employers.
	BUOZZI, Bruno,	I.L.O.	Workers.

Country.	Name.	Nominated by:	Representing:
Japan.	KAWANISHI, Jitsuzo,	Government.	
	YOSHIZAKA, Shunzo,	Government.	
	MUTO, Sanji,	I.L.O.	Employers.
	MATSUMOTO, Uhei,	I.L.O.	Workers.
Latvia.	SCHUMANS, V.,	Government.	
	ROZE, Fr. [1],	Government.	
	—	—	—
	—	—	—
Lithuania.	SLIZYS, François,	Government.	
	RAULINAITIS, François,	Government.	
	—	—	—
	—	—	—
Luxemburg.	—	—	—
	—	—	—
	MAYRISCH, Emile,	I.L.O.	Employers.
	SCHETTLE, Michel,	I.L.O.	Workers.
Netherlands.	NOLENS, Mgr. [2],	Government.	
	VOOYS, J. P. de,	Government.	
	VERKADE, A. E.,	I.L.O.	Employers.
	FIMMEN, E.,	I.L.O.	Workers.
Norway.	BACKER, M. C.,	Government.	
	BERG, Paal,	Government.	
	PAUS, G.,	I.L.O.	Employers.
	LIAN, Ole O.,	I.L.O.	Workers.

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

[2] Late professor extraordinary for Labour legislation at the University of Amsterdam.

Country.	Name.	Nominated by:	Representing:
Panama.	—	—	—
	—	—	—
	ZUBIETA, José Antonio,	I.L.O.	Employers.
	ADAMES, Enoch,	I.L.O.	Workers.
Poland.	KUMANIECKI, Dr. Casimir Ladislas,	Government.	
	MLYNARSKI, Dr. Felix,	Government.	
	ZAGLENICZNY, Jan,	I.L.O.	Employers.
	ZULAWSKI, Sigismund,	I.L.O.	Workers.
Roumania.	JANCOVICI, Dimitrie,	Government.	
	VOINESCU, Barvu,	Government.	
	CERCHEZ, Stefan,	I.L.O.	Employers.
	MAYER, Josif,	I.L.O.	Workers.
Serb-Croat-Slovene State.	—	—	—
	—	—	—
	YOVANOVITCH, Vasa V.,	I.L.O.	Employers.
	KRISTAN, Etbin,	I.L.O.	Workers.
South Africa.	—	—	—
	—	—	—
	GEMMIL, W.,	I.L.O.	Employers.
	CRAWFORD, A.,	I.L.O.	Workers.
Spain.	ORMAECHEA, Rafael Garcia,	Government.	
	OYUELOS, Ricardo,	Government.	
	SALA, A.,	I.L.O.	Employers.
	CABALLERO, Francisco Largo,	I.L.O.	Workers.
Sweden.	ELMQUIST, Gustaf Henning,	Government.	
	RIBBING, Sigurd,	Government.	
	HAY, B.,	I.L.O.	Employers.
	JOHANSSON, E.,	I.L.O.	Workers.

Country.	Name.	Nominated by:	Representing:
Switzerland.	MERZ, Leo,	Government.	
	RENAUD, Edgar,	Government.	
	SAVOYE, Baptiste,	I.L.O.	Employers.
	SCHURCH,	I.L.O.	Workers.
Uruguay.	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.
Austria.	SCHEIKL, Gustav RINALDINI, Théodore
Belgium.	LAMALLE, V. U. [2] PIERRARD, A. [3]
Brazil.	PERRETI, Medeiros Joao RIBEIRO, Edgard
Bulgaria.	BOCHKOFF, Lubomir DINTCHEFF, Urdan
Chile.	ALVAREZ, Alejandro AMUNATEGUI, Francisco Lira
China.	SHU-CHE LIN-KAI
Colombia.	—
Czechoslovakia.	MUELLER, Bohuslav FIALA, Ctibor [4]
Denmark.	ANDERSEN, N. J. U. LILLELUND, C. F.
Finland.	SNELLMAN, Karl WREDE, Gustav Oskar Axel (Baron)
France.	SIBILLE, M. FONTANEILLES, P.
Great Britain.	DENT, Sir Francis MANCE, Lieut.-Col. H. O.
Greece.	PHOCAS, Démétrius VLANGHALI, Alexandre
Haiti.	ADDOR, M.

[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.
Hungary.	MÁTRAY, Elemer [1] NEUMANN, Charles [2]
India.	BARNES, Sir George Stapylton LOW, Sir Charles Ernest
Italy.	CIAPPI, Anselmo MAURO, Francesco
Japan.	IZAWA, Michio TAKATORI, Yasutaro
Latvia.	ALBAT, G. PAULUKS, J. [3]
Lithuania.	SIDZIKAUSKAS, Vanceslas SIMOLIUNAS, Jean
Norway.	RUUD, N. SMITH, G.
Netherlands.	ELIAS, Jonkheer P. EYSINGA, Jonkheer W. J. M. van
Poland.	TYSZYNSKI, M. Casimir WINIARSKI, Dr. Bohdan
Roumania.	PERIETZEANU, Alexandre POPESCU, Georges
Spain.	MACHIMBARRENA, Vicente PUIG DE LA BELLACASA, Narcise
Sweden.	HANSEN, Fredrik Vilhelm PEGELOW, FredrikVilhelm Henrik
Switzerland.	NIQUILLE SCHRAFL [4]
Uruguay.	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.

List in alphabetical order of assessors for Labour and Transit cases.

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
CHOUDHURI	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.	Czechoslovakia	,,	Nov. 27th, 1925
FIMMEN, E.	Netherlands	Labour	Nov. 11th, 1921
FONTANEILLES, E.	France	Transit	Nov. 7th, 1921
FRANCKE, E.	Czechoslovakia	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.	Czechoslovakia	,,	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.	Czechoslovakia	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. G.	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 BELLACASA, 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.	Czechoslovakia	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
VESTESEN, 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.	Czechoslovakia	,,	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.
Deputy-Registrar :		
M. P. Ruegger	January 1st, 1926	Swiss
Editing Secretaries .		
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
Mr. G. de Janasz	January 1st, 1928	British
Private Secretaries :		
Miss M. Recaño	March 1st, 1922	British
Mme F. Beelaerts van Blokland [1]	March 1st, 1922	Dutch
Establishment :		
M. D. J. Bruinsma, Accountant-Establishment Officer, Head of Department	August 1st, 1922	Dutch
Printing Department :		
M. M. J. Tercier, Head of Department	May 19th, 1924	Swiss
Archives :		
. . . . . [2] Head of Department		
Mlle L. Loeff	January 1st, 1925	Dutch
Miss A. Welsby	January 1st, 1927	British
Shorthand, typewriting and roneographing Department :		
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
Miss I. Watson	January 23rd, 1928	British
Messenger :		
M. G. A. van Moort	March 1st, 1922	Dutch

[1] Mrs. C. La Touche (see lists of First, Second and Third Annual Reports) in 1927 married M. F. Beelaerts van Blokland, a Dutch national.

[2] The former holder of this post, Miss E. M. Cram, has resigned as from June 1st, 1928.

Adjustment of salaries.

The last paragraph of Article 5 of the Staff Regulations lays down that the salary of officials, as fixed in their letters of engagement, may be divided into two parts, one fixed and the other variable in accordance with the cost of living. In order to determine the amount of the variation and following the procedure adopted in this respect at Geneva for the officials of the General Secretariat and of the International Labour Office, a Salaries' Adjustment Committee has been established specially for The Hague, which met for the first time on December 17th, 1923. This Committee is composed as follows: one representative of the Court, one representative of the Court's staff, one resident of The Hague and one representative of the League of Nations Supervisory Commission. The Committee reports to the Permanent Court of International Justice in November of each year; this report is at the same time communicated to the Supervisory Commission, through the member of the Committee appointed by that body.

In its last report, dated November 7th, 1927[1], the Committee found that from June 30th, 1926, to June 30th, 1927, the cost of living had fallen by 11.78 % as compared with the cost of living during the basic period, namely, the last three months of 1921 and the first three of 1922. Consequently, in accordance with the relevant provisions, the Court decided on November 9th, 1927, that as from January 1st, 1928, a percentage of 11.78 %—equivalent to 2.36 % of the whole of each salary—should be deducted from the variable part of the salaries of officials of the Court's Registry.

* * *

(See Third Annual Report, p. 33.)

Institution of an Administrative Tribunal.

On September 26th, 1927, the Assembly of the League of Nations adopted the Statute establishing the Administrative Tribunal of the League of Nations. The members of this Tribunal were appointed by the Council of the League of Nations at the sixth meeting of its Forty-Eighth Session (December 9th, 1927). They are as follows:

[1] See in Chapter VIII the text of this report.

Judges :

M. Raffaele Montagna (Italian),
M. Devèze (Belgian),
M. Froelich (German).

Deputy-Judges :

M. de Tomcsanyi (Hungarian),
M. Eide (Danish),
M. van Ryckevorsel (Dutch).

This Tribunal sat for the first time on February 1st, 1928.

According to the report of the Supervisory Commission of the League of Nations, dated April 29th, 1927, concerning the draft Statute for the Tribunal, the jurisdiction of the Tribunal is to be confined in the first instance to cases concerning the General Secretariat of the League of Nations and the International Labour Office. The staff of the Permanent Court comprises a very limited number of officials, and questions as to their rights are dealt with by the Court itself. Should the Court so desire, there would however be no objection to giving the Tribunal jurisdiction over complaints made by officials of the Court.

IV.

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

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

On April 6th, 1927, the President of the Court handed to the Netherlands Minister for Foreign Affairs an aide-mémoire in which he laid stress on the desirability of definitely settling certain points in regard to the external situation of Members of the Court. A note which, according to the terms of the covering letter, contained the Minister's reply to this aide-mémoire was transmitted to the Registrar of the Court on November 25th, 1927 ; the Registrar, in his answer dated November 26th, pointed out that the note left in suspense several important questions dealt with in the aide-mémoire ; that he

could not reply on the merits; and that he must submit it to the President. This submission eventually led to the adoption by the Court on December 5th, 1927 (83rd meeting of the Twelfth Session), of the following Resolution :

> "The Court,
>
> (*a*) notes the contents of the note of the Netherlands Ministry for Foreign Affairs ;
>
> (*b*) records the impossibility of accepting the settlement contemplated in this note, more especially owing to the tendency observable therein to classify the Court as a Dutch institution and to the inadequate position—scarcely compatible with the Court's dignity—which would be accorded to Members of the Court under the proposed arrangements ;
>
> *c*) informs the Ministry that the League of Nations will be requested to settle the matter from an international point of view and that meantime, Members of the Court will maintain an attitude of complete reserve as regards invitations addressed to them which might have the effect of prejudicing in any way the settlement of the question."

In accordance with this Resolution, which was officially brought to the notice of the Netherlands Minister for Foreign Affairs by a letter dated December 7th, 1927, the whole question of the external situation of the Court and of its Members was submitted to the Council by a letter from the Registrar to the Secretary-General of the League of Nations dated December 13th, 1927. The Registrar's letter recalled the history of the question : already in the early months of 1922, the Court, which had met to prepare its Rules of Court, devoted attention, amongst other matters, to the external situation of its Members who were, according to the Statute, to enjoy "diplomatic privileges and immunities" when engaged on the business of the Court. On that occasion the Court, considering that it might rest with the Council of the League of Nations to make proposals on the subject, instructed its Registrar to transmit to the Secretary-General of the League of Nations an aide-mémoire for submission to the Council of the League.

The Council's reply was that the question should in the first place be settled in agreement with the local authorities and that, since for the moment the question seemed only to arise as concerned The Hague, it would be for the Court and the Government of H.M. the Queen of the Netherlands to come to an arrangement. In 1922, however, it proved impossible to arrive at a settlement, and since then a state of uncertainty has prevailed which has led to difficulties, and not only for the Members of the Court themselves. The Registrar in his letter went on to indicate the position of the negotiations and informed the Secretary-General of the Court's decision submitting the question to the Council; he added that, in requesting the Council once more to consider this problem, the Court had been actuated by the consideration that, being an institution established by the League of Nations, it was justified in seeking the aid of the League with a view to the settlement of a question which possessed an international aspect, just as the whole question of the legal position of agents of the League of Nations at Geneva had formed the subject of detailed arrangements concluded under the auspices of the League.

The subsequent history of the matter is succinctly given in a letter sent by the Registrar to the Secretary-General of the League of Nations on May 22nd, 1928, the terms of which are reproduced below, together with those of the documents annexed thereto [1].

[*See following page.*]

[1] These documents are:

Annex 1: General Principles.
,, 2: Regulations for the Application of these Principles.
,, 3: Letter from the President of the Court to the Netherlands Minister for Foreign Affairs dated May 22nd, 1928.
Annex 4: Letter from the Netherlands Minister for Foreign Affairs to the President of the Court dated May 22nd, 1928.

THE REGISTRAR OF THE COURT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

The Hague, May 22nd, 1928.

Sir,

On December 13th, 1927, I had the honour to send you a letter in which I requested you, in accordance with the instructions of the Court, to be so good as to submit to the Council of the League of Nations for consideration the question of the external situation of Members of the Permanent Court of International Justice.

Having, like his colleagues upon the Council, received the documents which I ventured to send you on that occasion, H.E. M. Scialoja, the rapporteur to the Council, came to the conclusion that the question had not reached a stage excluding the possibility of a settlement by means of direct negotiations between the Permanent Court of International Justice and the Netherlands Government, which might be resumed at The Hague, if possible before the Forty-Ninth Session of the Council, which would then be in a position to confirm the solution adopted. He was good enough to write to me in this connection on February 8th, 1928, asking me whether the Court would accept the idea of a resumption of direct discussions with the Netherlands Government for the purpose contemplated if that Government were likewise favourably disposed.

On February 11th, on behalf of the Court, I informed H.E. M. Scialoja that the Court, provided that the Netherlands Government felt able to adopt the same attitude, was prepared to make the necessary arrangements with a view to a resumption of conversations with that Government in order, if possible, to arrive at an agreement on the whole question which had been referred to the Council, or, at all events, on a certain number of points in regard to that question.

The question referred to was placed on the Agenda for the Forty-Ninth Session of the Council, and the latter, on March 9th, 1928, adopted a report on the subject submitted to it by H.E. M. Scialoja, and the last two paragraphs of which were as follows:

"Our colleague the Netherlands Minister for Foreign Affairs has assured me of his willingness to discuss the matter directly with the President of the Court in the hope of arriving at an agreed solution. I think the President of the Court will also be prepared to reopen negotiations.

"I accordingly propose that the question be held over till the next session of the Council."

This resolution was officially communicated to me by your letter of March 12th, 1928, whereupon, beginning on March 28th, conversations took place, more especially from May 10th to May 22nd, 1928, between the Netherlands Minister for Foreign Affairs and the President of the Court, the latter acting in virtue of full powers conferred upon him for the purpose by the Court.

These conversations having resulted in agreement upon a certain number of the points at issue, this agreement was drawn up in the form of four "General Principles" followed by "Regulations for their Application" divided into three headings. The formal conclusion of the agreement has been effected by means of an exchange of notes bearing to-day's date.

I have the honour to send you herewith a certified true copy of the above-mentioned "General Principles" and of the "Regulations for their Application", and also of the notes exchanged between the President, M. Anzilotti, and H.E. Jonkheer Beelaerts van Blokland, with the request that you will be so good as to submit them to the Council, in conformity both with the procedure hitherto followed in this matter and with the suggestion made by H.E. M. Scialoja in the letter which he sent me on February 8th.

The Council will thus be in a position, should it see fit, to confirm at its 50th Session the agreement reached between the Court and the Netherlands Government regarding the question which I had the honour to submit to it by my letter of December 13th, 1927.

I have, etc.

(*Signed*) Å. HAMMARSKJÖLD.

Annex 1.

GENERAL PRINCIPLES.

I.

The diplomatic privileges and immunities which in view of the terms of Article 19 of the Statute of the Permanent Court of International Justice, the Dutch authorities accord to Members of the Court, are the same as those which they grant in general to heads of missions accredited to H.M. the Queen of the Netherlands.

The special facilities and prerogatives which the Dutch authorities grant in general to heads of missions accredited to H.M. the Queen of the Netherlands shall be extended to Members of the Court.

For the purpose of the diplomatic privileges and immunities and special facilities above mentioned, the Registrar of the Court is assimilated to Members of the Court.

II.

In view of the terms of Article 7, paragraph 4, of the Covenant of the League of Nations, the higher officials of the Court shall in principle enjoy the same position as regards diplomatic privileges and immunities as diplomatic officials attached to legations at The Hague.

III.

The Permanent Court of International Justice shall occupy, in relation to the Dutch authorities, a position analogous to that of the Diplomatic Corps.

When the Diplomatic Corps and the Court are invited simultaneously to attend Dutch official ceremonies, the Court shall take precedence immediately after the Diplomatic Corps.

IV.

The precedence of a Member of the Court of nationality other than Dutch in relation to the Dutch authorities shall be fixed as though he were an Envoy extraordinary and Minister plenipotentiary accredited to H.M. the Queen of the Netherlands.

The position of the Registrar of the Court, in this respect, shall be the same as that of the Secretary-General of the Permanent Court of Arbitration as established by practice.

V.

The principles set out above shall be supplemented and defined by regulations for their application.

Annex 2.

REGULATIONS FOR THE APPLICATION OF THE FOREGOING PRINCIPLES.

I.

The following provisions complete and define, without prejudice to rules previously established by communications emanating from the Netherlands Ministry for Foreign Affairs and

addressed to the authorities of the Court prior to the month of November, 1927 [1], the principles governing the external situation of the Members and officials of the Court.

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[1] The Netherlands Ministry for Foreign Affairs has approved the following list prepared by the Registry of the communications in question :

Letter from the Minister for Foreign Affairs of April 11th, 1922 :

Importation free of duty of goods destined for the Court.

Letter from the Ministry for Foreign Affairs of June 6th, 1922 :

Exemption from income tax of officials of the Registry.

Letter from the Minister for Foreign Affairs of June 10th, 1922 :

Importation free of duty of goods destined for the personal use of Members of the Court, the Registrar and officials of the Registry, except Dutch subjects.

Letter from the Minister for Foreign Affairs of October 14th, 1922 :

Exemption for Dutch subjects from certain taxation on the portion of their income obtained by reason of their functions with the Court.

Letter from the Minister for Foreign Affairs of August 20th, 1923 :

Exemption from stamp duty of documents connected with the judicial functions of the Court or with its strictly internal business.

Letter from the Minister for Foreign Affairs of June 25th, 1924 :

Exemption from the bicycle tax of Members of the Court, the Registrar and officials of the Registry.

Letter from the Minister for Foreign Affairs of August 18th, 1924 :

Extension of the exemption from stamp duty to receipts concerning the internal business of the Court signed by Members of the Court.

Letter from the Ministry for Foreign Affairs of June 18th, 1925 :

Exemption from direct taxation of members of the establishment, of nationality other than Dutch, of persons themselves covered by Article 7 of the Covenant of the League of Nations.

Letter from the Minister for Foreign Affairs of January 12th, 1926 :

Exemption from the bicycle tax of members of a judge's family.

Letter from the Ministry for Foreign Affairs of February 24th, 1926 :

Action to be taken by persons covered by Article 7 of the Covenant of the League of Nations when summonsed for breaches of the police regulations.

Letter from the Ministry for Foreign Affairs of March 28th, 1927 :

Exemption from certain taxes of temporary officials of the Registry.

Letter from the Ministry for Foreign Affairs of March 28th, 1927 :

Exemption from the tax payable at The Hague for the right to leave automobiles standing unattended, for Members of the Court, the Registrar and officials of the Registry.

Letter from the Ministry for Foreign Affairs of May 19th, 1927 :

Exemption from the road tax (*Wegen Belasting*) on automobiles and motor bicycles belonging to Members of the Court, the Registrar and officials of the Registry.

A. Members of the Court and the Registrar.

II.

1.—*General.*

The Dutch authorities shall observe, as regards the precedence of Members of the Court between themselves, the rules laid down in the Rules of Court.

2.—*Of nationality other than Dutch.*

(*a*) Members and the Registrar of the Court shall enjoy when in Dutch territory, the privileges and immunities granted in general to heads of diplomatic missions accredited to H.M. the Queen of the Netherlands.

(*b*) The wife and unmarried children of Members and of the Registrar of the Court shall share the position of the head of the family if they reside with him and have no profession.

(*c*) The private establishment (teachers, governesses, private secretaries, servants, etc.) of Members and of the Registrar of the Court shall enjoy the same situation as that accorded to the private establishment of heads of diplomatic missions accredited to H.M. the Queen of the Netherlands.

3.—*Of Dutch nationality.*

The Members and the Registrar of the Court shall not be answerable before the local courts for acts which they perform in their official capacity and within the limits of their functions. The salaries accorded them from the Court's budget are exempt from direct taxation.

B. The Deputy-Registrar and the Officials of the Court.

III.

1.—*General.*

(*a*) The higher officials of the Court comprise at the present time, in addition to the Deputy-Registrar, the Editing Secretaries.

(*b*) Any question concerning the external situation of officials of the Court of any category shall, in case of doubt, be decided having regard, as far as possible, to the provisions duly approved by the competent authorities of the League of Nations in so far as the corresponding officials of the institutions of the League established at Geneva are concerned.

(*c*) The Dutch authorities will make no objection to the issue by the competent authorities of the Court to officials of the Court of the various categories of identity cards enabling

them, when necessary, immediately to make known what their external situation is, in accordance with the present principles and regulations.

2.—*Of nationality other than Dutch.*

(*a*) The higher officials of the Court shall enjoy, when in Dutch territory, the diplomatic privileges and immunities granted in general to diplomatic officials attached to legations at The Hague.

(*b*) The wife and unmarried children of higher officials of the Court shall share the status of the head of the family if they reside with him and have no profession.

(*c*) The private establishment of higher officials of the Court shall enjoy the same situation as that accorded to the private establishment of diplomatic officials attached to legations at The Hague.

(*d*) In the event of the breach of some law or regulation by an official of the Court, the Registrar of the Court may, with the approval of the President, and following upon the investigation of the case by the competent authorities and a circumstantial report which shall be transmitted to the Registrar, waive the immunity covering the official in question.

(*e*) The higher officials of the Court shall enjoy the following situation from the point of view of precedence: the Deputy-Registrar shall rank as a Councillor attached to a legation at The Hague and the Editing Secretaries as Secretaries attached to legations at The Hague.

3.—*Of Dutch nationality.*

The higher officials shall not be answerable before the local courts for acts performed in their official capacity and within the limits of their functions. The salaries accorded them from the Court's budget shall be exempt from direct taxation.

Annex 3.

THE PRESIDENT OF THE COURT
TO THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS.

The Hague, May 22nd, 1928.

Monsieur le Ministre,

On December 13th, 1927, the Permanent Court of International Justice felt itself obliged to submit to the Council of the

League of Nations for consideration the question of the external situation of its Members at The Hague.

This question having been placed on the Agenda for the Forty-Ninth Session of the Council held in March last, the rapporteur to the Council officially asked the Court whether it would accept the idea of a renewal of discussions with the Netherlands Government with a view to settling the question under consideration by means of direct negotiations between the Court and that Government and in order in this way to enable the Council to confirm the solution thus adopted. H.E. M. Scialoja added that he had written to the same effect to the Government of the Netherlands. The Court's reply to the question asked was in the affirmative and I have reason to believe that the reply of the Netherlands Government was to the same effect.

On March 9th, 1928, the Council approved a proposal made by its rapporteur to the effect that, as the Netherlands Minister for Foreign Affairs and the President of the Court were alike prepared to resume direct negotiations in regard to the question of the external situation of Members of the Court, that question should be adjourned until the Council's next session.

Subsequently, beginning on March 26th, 1928, a series of conversations took place between Your Excellency and myself, which led to agreement upon a number of the questions at issue. The agreement thus reached was set out in the form of four "General Principles" to which were appended "Regulations for their Application".

I have the honour to send Your Excellency herewith copies of the documents in question and to request you to be so good as to confirm that their tenor is indeed in accordance with the agreement reached by us.

As regards point No. IV, paragraph 2, of the "General Principles", I believe that I am right in assuming, on the basis of the conversation to which I have referred, that "the position .... of the Secretary-General of the Court of Arbitration as established by practice" is undoubtedly that of an international official.

As soon as I have received the confirmation for which I have ventured to request Your Excellency, the Registry of the Court will cause the text of the agreement reached between us to be transmitted through the official channels to the Council of the League of Nations in accordance with the suggestion of the rapporteur.

I have, etc.

(*Signed*) D. ANZILOTTI,
President of the Court.

Annex 4.

THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS TO THE PRESIDENT OF THE COURT.

The Hague, May 22nd, 1928.

Monsieur le Président,

In acknowledging receipt of the note of to-day's date which Your Excellency has been good enough to send me and of the four "General Principles" and "Regulations for their Application" annexed thereto concerning the external situation of Members of the Permanent Court of International Justice, I hasten to confirm that the tenor of these documents is entirely in accordance with the agreement reached by us.

As regards point IV, paragraph 2, of the "General Principles", I have the honour to inform Your Excellency that the position of the Secretary-General of the Permanent Court of Arbitration as established by practice is undoubtedly that of an international official.

I have, etc.

(*Signed*) BEELAERTS VAN BLOKLAND.

V.

PREMISES.

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

The premises placed at the Court's disposal, under the arrangement of 1924 between the League of Nations and the Carnegie Foundation, did not enable a separate office to be allocated to each judge upon the bench. This circumstance having given rise to difficulties, the possibilities of adding to the premises at the Court's disposal were discussed purely unofficially, as early as 1925.

The Carnegie Foundation at first contemplated relatively extensive building operations, to be financed by funds to be obtained from private sources.

On that occasion and at the request of the Carnegie Foundation, the Registrar indicated in a letter dated March 20th,

1926, what the requirements of the Court would be. About twenty-five rooms would be necessary, of which fifteen would serve as offices for the judges and ten others would be devoted to the Registry, the requirements of which are continually increasing. These premises were to be in addition to those of which the Court then had permanent use.

As the funds upon which the Foundation had reckoned did not become available and as the need for providing judges with separate offices became more and more keenly felt, owing to the increase in the Court's work, the Foundation suggested a partial solution, the main points of which were as follows:

(*a*) the transfer of the Court's central services to new premises to be constructed in the roof of the Palace;
(*b*) the transfer of the book store of the Peace Palace Library to a special building to be constructed in the garden;
(*c*) the construction in the space thus liberated of fourteen offices and a waiting room to be placed at the Court's disposal;
(*d*) the financing of the undertaking by means of a loan to be contracted by the Foundation with the Netherlands Government and which the League of Nations would enable the Foundation to pay off by means of an increase in the contribution of the Court to the Foundation.

The Court's authorities being in principle in agreement with this arrangement, although it did not involve an increase in the premises available for the Registry, the Foundation, on September 2nd, 1927, addressed the following letter to the Secretary-General of the League of Nations:

"You will be aware that on several occasions the Permanent Court of International Justice has expressed a desire that each judge should have at his disposal in the Peace Palace an office of his own. As the space available in the Peace Palace did not make it possible to comply with this request, the Committee of directors has considered means of meeting it by the enlargement of the Palace. After considering various schemes submitted to it by Professor van der Steur, the architect of the Palace, the Committee has come to the conclusion that the least costly solution would be to carry out certain changes within the Palace and to construct outside the building a new

book store. In this way it would be possible to place at the Court's disposal a dozen suitable offices. The expenses involved by these changes and the fitting up of the offices have been estimated at 240,000 Dutch florins. Since the budget of the Carnegie Foundation is unequal to meeting such an expenditure, that institution has approached the Netherlands Government with a request for an advance free of interest corresponding to this amount. The Minister of Finance has stated that he is in principle prepared to submit a bill to this effect to the States-General. In order however to be able to guarantee the paying off of this advance, it would be indispensable to increase the annual contribution of the Permanent Court of International Justice. This contribution, which was at first fixed at 50,000 florins per annum, was subsequently reduced to 40,000. In order to be able to carry out the proposed scheme, the Carnegie Foundation would have to be able to obtain from the League of Nations an assurance that, in the event of the offices in question being placed at the Court's disposal, it could count for a period of twenty-four years as from the year 1929 upon a contribution from the Court which, other things being equal, would amount to 50,000 florins per annum."

The Secretary-General having submitted the question to the Assembly at its Eighth Session and the Assembly having given its consent, the Secretary-General informed the Foundation of the result obtained in a letter dated October 21st, 1927:

"I have the honour to inform you that, after consideration of a report by the Supervisory Commission, the text of which is attached, the Assembly of the League of Nations by a Resolution dated September 27th, 1927, adopted the report of its Fourth Committee concerning the enlargement of the premises of the Palace to meet the needs of the Permanent Court of International Justice.

The report of the Fourth Committee referred to is as follows:

> 'The Fourth Committee desires to pay a tribute to the generous act of the Netherlands Government, which, by the loan of 240,000 florins without interest to the Carnegie Foundation at The Hague, made it possible to enlarge the premises at the disposal of the Permanent Court of International Justice without appreciably adding to the Court's budget. To enable the Foundation to reimburse this sum to the Netherlands Government, the Committee recommends the Assembly to approve the insertion in the Court's budget, yearly from 1929 to 1952, of an additional sum

of 10,000 florins as a further contribution of the Court to the Foundation for these services, it being understood that the necessary alterations in the building will be terminated before June 10th, 1928. The arrangement concluded between the Secretary-General and the Carnegie Foundation at The Hague in 1924 should be modified accordingly.'

The Resolution above mentioned fulfils the conditions set out in the letter of September 2nd, 1927, which you sent me upon the question.

This Resolution also confers upon me the powers necessary for the acceptance of any proposals which, when the time comes, the Carnegie Foundation may make with a view to the amendment in the respect under contemplation of the agreement governing the use of the Peace Palace by the Permanent Court of International Justice. It is of course understood that the works in question must be carried out within the time laid down and in a manner satisfactory to the Court."

It will be well also to reproduce the terms of the report which was submitted by the Supervisory Commission to the Assembly and the conclusions of which were duly approved by that body:

"4.—*Enlargement of the Accommodation for the Permanent Court of International Justice.*

The Secretary-General communicated to the Supervisory Commission a letter from the Carnegie Foundation at The Hague containing proposals concerning the rearrangement of the accommodation in the Peace Palace at The Hague, in order to provide for individual offices for the Judges of the Court and further space for the Registry. It is proposed that this rearrangement, which is entirely satisfactory to the competent authorities of the Court, should be financed in the following manner:

(1) The Netherlands Government would lend the Foundation the sum of 240,000 florins without interest.

(2) The League of Nations would make it possible for the Foundation to reimburse this sum in twenty-four instalments by increasing the annual contribution of the Court to the Foundation from 40,000 to 50,000 florins, that is to say up to the same amount as the sum shown in the budgets of the Court for the years 1922-1924.

(3) The additional sum of 10,000 florins would be payable as from 1929. The Foundation would obtain the assurance of the Assembly that the same sum would, other conditions remaining equal, be paid for the years 1930 to 1952.

The Supervisory Commission, having ascertained the insufficiency of the accommodation placed at the disposal of the Judges, several of whom are for the moment obliged to share a room, is of opinion that it is desirable to proceed with the proposed rearrangement of the accommodation placed at the disposal of the Court. It is also of opinion that the system proposed for financing the scheme is satisfactory.

In these circumstances, the Commission recommends the Assembly to approve, subject to the provisions of Article XVII (see below) of the Agreement concluded between the Secretary-General and the Carnegie Foundation, the insertion in the Budget of the Court, yearly from 1929 of 1952, of an additional sum of 10,000 florins as a further contribution of the Court to the Foundation for these years, it being understood that the necessary alterations in the building will be terminated before June 10th, 1928. The Commission understands that the above declaration, if it is adopted by the Assembly at its eighth ordinary session, will give satisfaction to the desire of the Foundation to obtain a definite assurance regarding the financing of the operation.

The Supervisory Commission is of opinion that the following consequential modifications should be made in the Agreement concluded between the Secretary-General and the Carnegie Foundation on February 12th and March 8th, 1924:

(1) *Additional clause to be added to Article VI:*

'Finally, the Secretary-General undertakes to request the Assembly of the League of Nations to vote annually an additional credit of 10,000 florins to be inserted in each Budget of the Court from 1929 till 1952. This sum is intended to permit the Carnegie Foundation to reimburse to the Netherlands Government the loan of 240,000 florins contracted in 1927 in order that the Foundation may make certain arrangements in the accommodation placed at the disposal of the Court.'

(2) *Article VIII:*

The numbers of the rooms placed at the disposal of the Court (see paragraphs 2 and 3) will have to be modified.

Article XVII of the Arrangement between the Carnegie Foundation and the League of Nations regarding the establishment of the Permanent Court of International Justice at the Peace Palace reads as follows:

"The present arrangement shall lapse at the expiration of three months after:

(1) the dissolution of the Court;

(2) the transfer of the Court from the Peace Palace.

Subject to the provisions of the first paragraph, this arrangement is concluded for one year and will be automatically renewed for further periods of one year, failing notice of denunciation given by one of the Parties three months before the end of each period.

If, at the end of a period, negotiations for the conclusion of a new arrangement have not been concluded, the present arrangement shall remain in force until such new arrangement has been concluded."

(3) *Addition to the second paragraph of Article XVII:*

'The provisions of paragraph 3 of Article VI will, however, become null and void at the expiration of the financial year 1952.'"

On November 29th, the Second Chamber of the Dutch Parliament consented to the loan and on January 30th, 1928, the plans for the reconstruction of the Palace were submitted for approval to the Court's competent authorities [1]. At the same time it became clear that part of the projected work could not be completed within the time fixed by the Assembly.

The financial consequences of this situation were set out as follows in a letter sent on May 3rd, 1928, by the Deputy-Registrar of the Court to the Carnegie Foundation:

"Further to M. Hammarskjöld's letter of February 21st, 1928 (12335/11167) [2], I have pleasure to inform you that the Court on April 10th last approved the insertion in the budget estimates for 1929, of the additional sum of 10,000 florins as an additional contribution of the Court to the Foundation, in accordance with the arrangement of September 2nd/October 21st, 1927, between the latter and the League of Nations. This approval was given, subject to a declaration recorded in the minutes to the effect that the additional contribution could not have the effect of depriving the Court of the rooms at present at its disposal, except of course by way of modifications in the contract of 1924 which might be accepted by the Secretary-General of the League of Nations on the proposal of the Foundation, in accordance with the last paragraph of the letter sent on October 21st, 1927, by Sir Eric Drummond to H.E. M. Cort van der Linden.

The Supervisory Commission of the League of Nations, at its session which has just terminated, also approved the above-mentioned insertion in the budget estimates which are to be submitted to the Assembly. As the Secretary-General had predicted in the communication, the contents of which were conveyed to you in the letter of February 21st above mentioned, the Commission felt called upon to draw the Assembly's attention to the fact—which is confirmed more particularly by your letter of February 29th last—that the work done before the ordinary session of this year will not entirely correspond to the expectations of the last Assembly. The passage inserted by the Commission in regard to this point

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[1] The First Chamber gave its approval on April 2nd, 1928.
[2] Not reproduced.

in its report on the work of the session which it has just concluded is as follows :

'(c) The additional provisions required to meet the expenses involved by re-arrangement of the accommodation placed at the disposal of the Court in the Peace Palace, as approved by the Assembly in 1927.

'In this connection, the Commission regrets that the Carnegie Foundation did not find it possible to arrange for the integral execution of the agreement at the date provided for by the Assembly. It feels it to be its duty to call the attention of the Assembly to this fact, and it confidently hopes that in all other respects there will be no difficulty in the execution of the agreement.'

I should doubtless add that it is expressly understood that the additional contribution to be inserted in the Court's Budget for 1929 cannot be actually paid over to the Foundation until it has been duly established that the works contemplated by the arrangement of September 2nd/October 21st, 1927, have been carried out in their entirety, to the satisfaction of the Court, in accordance with the Secretary-General's letter of October 21st, 1927. It is also understood, in accordance with the terms of your letter of February 29th, 1928, that the portion of these works which will not be completed before June 10th, 1928, as expected by the Assembly in 1927, will be so in good time before the ordinary session of the Court in 1929.

I have, etc."

At the session held in London on June 15th and 16th, 1928, the Supervisory Commission was informed of the state of advancement of these works at that date. The report of the Supervisory Commission on this question contains in this connection the following passage :

"12.—With reference to Section 9 of paragraph 40 of the report of the Commission on the work of its 27th session (A. 5. 1928. X, page 8), the Commission was informed that the greater part of the work of reconstructing and adapting—in accordance with the decision taken by the Assembly at its 8th session—the accommodation placed at the disposal of the Permanent Court in the Peace Palace at The Hague had been terminated by the date fixed by the Assembly for the completion of the whole programme. The remaining part, comprising six rooms, a lift, etc., would be completed in February or March, 1929, and in any case in sufficient time before the opening of the Court's ordinary session of that year.

"The Commission duly noted that, save as concerns the time stipulated for the completion of the whole of the programme of work, the agreement approved by the Assembly at its 8th session would doubtless integrally be executed."

VI.

TELEGRAPHIC AND TELEPHONIC COMMUNICATIONS OF THE COURT.

(See Second Annual Report, p. 43, and Third Annual Report, p. 33.)

CHAPTER II.

THE STATUTE AND RULES OF COURT.

I.

THE STATUTE.

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

Signatories of the Protocol.

On June 15th, 1928, 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 :

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

Paraguay	Siam
Persia	South Africa
Poland	Spain
Portugal	Sweden
Roumania	Switzerland
Salvador	Uruguay
Serb, Croats and Slovenes (Kingdom of the—)	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 Rules of Court.*

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

(2) *Revision of Rules of Court.*

On pages 36 and 37 of the Third Annual Report an account was given of the revision of the Rules of Court by the Court at its ordinary session in 1926. The Revised Rules are published in Series D., No. 1. The records, with annexes, of the meetings of the preliminary session of the Court devoted to the preparation of the original Rules (January 30th—March 24th, 1922) have been published in Series D., No. 2. Those relating to the revision of the Rules have been published in the form of an Addendum to Volume No. 2 of Series D.; this volume also contains notes, observations and suggestions submitted on the subject by members of the Court.

(3) *Modification of the Revised Rules.*

On September 1st, 1927, M. Anzilotti, judge of the Court, proposed the addition to the Rules of a provision allowing national judges in advisory proceedings when the question sub-

mitted to the Court related to an actual dispute between two or more States. This proposal was adopted after discussions held on September 2nd and 7th (42nd and 43rd meetings of the Twelfth ordinary Session) and following upon a report made by MM. Loder, Moore and Anzilotti, who were appointed by the Court for the purpose.

In accordance with a decision of the Court—based on the fact that the records and annexed documents of meetings of the Court devoted to the preparation of the original Rules and of the Revised Rules have been made public—the text of M. Anzilotti's proposal, which has since become paragraph 2 of Article 71 of the Revised Rules of Court, the extracts from the minutes of the Court containing a summary of the discussions on the subject, and the text of the report on which the Court's decision was based, are reproduced below.

M. Anzilotti's proposal.

"Add after paragraph 1 of Article 71 of the Rules, the following paragraph :

'On a question relating to an existing dispute between two or more States or Members of the League of the Nations, Article 31 of the Statute shall apply. In case of doubt, the Court shall decide.'"

Extract from the minutes of the 42nd meeting of the Twelfth (ordinary) Session—The Hague, September 2nd, 1927, the President, M. Huber, presiding.

120.—*Participation of national judges in preparation of advisory opinions.*

The PRESIDENT opened the discussion on M. Anzilotti's motion on this subject (see above).

M. ANZILOTTI said that it was desirable to raise this question at a time when no affair for advisory opinion was actually pending before the Court.

M. WEISS, Vice-President, agreed with the suggestion put forward by M. Anzilotti in his note. The practice of the Court had been to establish a great similarity in procedure between affairs for judgment and for advisory opinion. He admitted, at the same time, that he was not very favourable to the system of national judges which the Statute had instituted.

M. ODA was unable to agree with the suggestion of M. Anzilotti. Even if the composition of the Court provided for in Article 31 of the Statute should be regarded as a rule rather than an exception—of this he was not sure—he thought that from the point of view of expediency it was undesirable that national judges should be summoned for advisory opinion. The financial aspect of the situation as regards the expense involved, also merited consideration.

Mr. MOORE warmly supported M. Anzilotti's proposal. From the very beginning the Court had assimilated procedure in advisory opinions to that in contested cases. The Statute also left the Court full powers to determine advisory procedure as it thought fit. It was impossible to say that requests for opinions could not be regarded as involving actual disputes between States. He thought it vital that in such cases provision should be made for the same representation of the Parties as that to which they were entitled in contested cases.

President LODER doubted whether the Court had the right under the Statute to make any such change. The provision of Article 31 of the Statute, which was an exception to the rule providing that the full Court should consist of eleven judges, must be strictly construed.

Lord FINLAY was in favour of M. Anzilotti's proposal. The development of the Court's advisory work had been greater than had ever been foreseen, and the Court should take action accordingly. He thought, however, that a small Committee should be appointed to report to the Court whether the technical objection raised by M. Loder really formed an obstacle to any change. He proposed the names of MM. Loder, Moore and Anzilotti for this purpose.

The PRESIDENT reminded the Court that a proposal similar to the present had been put forward, besides by M. Anzilotti, both by himself and by M. Beichmann last year. He considered that the terms of the Statute itself demanded that the change should be made, for the whole of Chapter I of that document, relating, as it did, to the "organization of the Court", no doubt was intended to provide for this organization in all contingencies ; but Article 31 was included in that Chapter. This identical proposal had actually been made by the Committee of Jurists of 1920 and was only rejected by the Assembly when that body decided to omit from the Statute all provisions regarding advisory opinions.

M. DE BUSTAMANTE desired that a vote should be taken on the question of the Committee proposed by Lord Finlay. As the proposal now made had already been amply discussed

and twice rejected in the past six years, he personally thought that no further consideration was required.

The PRESIDENT put to the vote Lord Finlay's proposal that a Committee should be appointed to consider the whole question proposed by M. Anzilotti, especially as regards the legality of the change suggested.

The Court by nine votes to two (MM. Oda and de Bustamante) decided in favour of Lord Finlay's proposal.

It was agreed that the Committee should consist of three members.

The Court then proceeded to elect by secret ballot the members of the Committee as proposed.

(MM. Loder, Moore and Anzilotti were elected.)

Report of the Committee appointed on September 2nd, 1927.

The proposal to assure to the parties to international differences, which may form the subject of advisory opinions, equality as regards national representation in the Court, is based upon principles incorporated in the Statute and in the existing Rules. The argument may be fully admitted that a judge of the nationality of one of the parties, if he be appointed *ad hoc*, is in a more trying position than a regular judge similarly connected by the tie of allegiance, but this consideration is not decisive of the present question, if indeed it is strictly relevant.

In the attempt to establish international courts of justice, the fundamental problem always has been, and probably always will be, that of the representation of the litigants in the constitution of the tribunal. Of all influences to which men are subject, none is more powerful, more pervasive, or more subtle, than the tie of allegiance that binds them to the land of their homes and kindred and to the great sources of the honors and preferments for which they are so ready to spend their fortunes and to risk their lives. This fact, known to all the world, the Statute frankly recognizes and deals with.

It being conceded that equality in the matter was essential, there were two ways of assuring it. These were, either by making allegiance a disqualification, or by placing the parties on an even footing. The Statute (Article 31) chose the latter, by providing (1) that judges of the nationality of each of the parties should retain their right to sit; (2) that, if the bench included a judge of only one of the parties, the others might name a judge of its nationality; and (3) that, if neither

party had on the bench a judge of its own nationality, each might designate such a judge. Thus, the Statute provided for national representation, even where none existed, as well as for equality in such representation.

In securing such equality, the Statute merely recognized a principle that is enforced in municipal courts. In a municipal court a judge is disqualified, not only by an interest of his own in the result of the suit, but also by his relationship to a party having such an interest: and while, in the municipal court, the judge so affected loses his right to sit, the Statute, following the practice in international courts, adopted the rule of giving to the parties equal representation.

The Statute does not mention advisory opinions, but leaves to the Court the entire regulation of its procedure in the matter. The Court, in the exercise of this power, deliberately and advisedly assimilated its advisory procedure to its contentious procedure; and the results have abundantly justified its action. Such prestige as the Court to-day enjoys as a judicial tribunal is largely due to the amount of its advisory business and the judicial way in which it has dealt with such business. In reality, where there are in fact contending parties, the difference between contentious cases and advisory cases is only nominal. The main difference is the way in which the case comes before the Court, and even this difference may virtually disappear, as it did in the Tunisian case. So the view that advisory opinions are not binding is more theoretical than real.

At this point, it is important to refer to Article 25 of the Statute, which provides that the full Court shall sit except when the Statute otherwise provides. The Court has applied this article to advisory procedure, and has accordingly, in advisory cases, summoned deputy-judges to take the places of judges who could not attend. It has done this on the principle that, although advisory opinions are not expressly mentioned in the Statute, the Court, as impliedly empowered by the Statute to give such opinions, is the Court as constituted under the Statute to deal with contentious cases. Certainly there is no warrant in the Statute for any other view; and, this being so, it is evident that there is a vital connection between Article 25 and Article 31. For, if the Court that deals with contentious cases is also the Court that deals with requests for advisory opinions, then this Court must violate Article 31, if, seeing before it, in an advisory proceeding, contesting parties, one of which has on the Court a judge of its nationality, it refuses the request of the other party to be similarly represented.

The Court is now approaching the hearing of the Danube case, a highly important international dispute which has come

to the Court under the guise of a request for an advisory opinion. There are three Governments on one side and one on the other, and each of the three Governments on one side has a judge of its nationality on the Court, while the single Government on the other side had none. In these circumstances, the Court seemed at one time to be confronted with the necessity of taking a decision on the question involved in the present proposal, but chance has since solved the difficulty through the absence of a regular judge and the summoning of a deputy-judge from the country that was previously unrepresented. The solution of a matter of such farreaching importance should not, however, be left to chance. A similar predicament is likely to arise at any time, and the Rules should provide a permanent solution of it in conformity with the Statute and the principles underlying the procedure which the Court has heretofore established and followed.

For these reasons, we recommend the adoption of the proposal committed to us for our consideration.

Extract from the minutes of the 43rd meeting of the Twelfth (ordinary) Session—The Hague, September 7th, 1927, the President, M. Huber, presiding.

123.—*Participation of judges* ad hoc *in the giving of advisory opinions.* (See Minute No. 120 of Meeting No. 42.)

The PRESIDENT called upon the members of the Committee whose report had been communicated to Members of the Court.

President LODER, Chairman of this Committee, said that he had nothing to add to the arguments and conclusions of that report in which he fully concurred.

M. WEISS, the Vice-President, said that he completely agreed with the Committee : its conclusions were in accordance with the provisions of the Statute which established the existence of national judges.

M. ODA recalled that, at the preceding meeting, he had said that he was opposed to national judges taking part in the preparation of the advisory opinions ; however, after perusing the Committee's report, he now accepted the Committee's opinion and abandoned the view he had previously held.

M. ALTAMIRA, without entering upon a discussion of the arguments set out in the Committee's report, regretted that he could not vote in favour of the Committee's recommendations. He reminded the Court that he had always opposed the institution of judges *ad hoc* as also the assimilation of

advisory cases to contentious cases. Those were the two reasons which made it impossible for him to accept the Committee's opinion.

Lord FINLAY, observing that international disputes might be referred to the Court either for judgment or for advisory opinion, considered that in practice there was a tendency for the distinction between advisory opinions and judgments considerably to diminish. He was, therefore, entirely in favour of the proposed amendment.

The PRESIDENT took a vote on M. Anzilotti's proposal.

This proposal was adopted by nine votes to two (MM. Altamira and de Bustamante).

The PRESIDENT stated that the amendment to the Rules just adopted would come into force forthwith. The text thereof would be communicated to all States entitled to appear before the Court and, in pursuance of the precedent established at the time of the revision of the Rules, the text of the analytical minutes of the discussion upon this point might be inserted, as also the report of the Committee of three, in the Chapter "Statute and Rules" of the Fourth Report of the Court, Series E., No. 4.

The Court approved this procedure.

CHAPTER III.

THE COURT'S JURISDICTION.

I.

JURISDICTION IN CONTESTED CASES.

(1) *Jurisdiction* ratione materiæ.

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 order that a case may be validly brought before the Court, notice of the special agreement must be given by all the Parties, unless it is expressly laid down in one of the clauses of the special agreement that the Court may take cognizance of the case upon notice being given by one Party only.

Jurisdiction in virtue of a special agreement.

In 1924, the case concerning the interpretation of certain clauses of the Treaty of Neuilly between the Bulgarian and Greek Governments [1] was brought before the Court by special agreement. In 1926 the French and Turkish Governments signed at Geneva a special agreement referring to the Court the so-called *Lotus* case [2]. On October 30th, 1924, the French and Swiss Governments concluded at Paris a special agreement submitting to the Court the question of the Free Zones of Upper Savoy and the Pays de Gex; this special agreement, which was ratified on March 21st, 1928, was notified to the Registry by the French and Swiss Ministers at The Hague on March 29th, 1928. On August 27th, 1927, a special agreement

[1] See First Annual Report, p. 180.
[2] „ Third „ „ „ 122.

was signed at Rio de Janeiro between the Brazilian and French Governments submitting to the Court the dispute which has arisen between these two Governments concerning the payment in gold of the Brazilian Federal Loans contracted in France ; this special agreement was ratified on February 23rd, 1928, and notified to the Registry on April 26th and 27th, 1928, by the French and Brazilian Ministers at The Hague. Lastly, on April 19th, 1928, a special agreement was signed between the French and Serb-Croat-Slovene Governments submitting to the Court a dispute concerning the payment of various Serbian loans. This special agreement was ratified on May 16th, 1928, and notified to the Registry by letters, dated May 24th, 1928, emanating from the French Minister at The Hague and the Minister of the Serb, Croat and Slovene Kingdom in London.

Jurisdiction under treaties and conventions.

As regards treaties and conventions in force, there is a special publication of the Court, periodically brought up to date and completed, which enumerates them and gives extracts from the relevant portions [1]. These instruments may be divided into several categories :

A.—*Peace Treaties.*

(For the list, see Third Annual Report, p. 40.)

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

(For the list, see Third Annual Report, pp. 40 and 41.)

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

(For the list, see Third Annual Report, pp. 42 and 43.)

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[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 two addenda : the first forming Chapter X of the Third Annual Report and the second forming Chapter X of this volume.

D.—*General International Agreements.*

General International Agreements.

The table of general international agreements which had come to the knowledge of the Registry up to June 15th, 1927, is reproduced in the Third Annual Report, pp. 44-45. To this list are to be appended, on June 15th, 1928, the following agreements:

International Convention establishing an international Relief Union.—Geneva, July 12th, 1927.

International Convention for the abolition of Import and Export Prohibitions and Restrictions.—Geneva, November 8th, 1927.

Draft Protocol bestowing on the Court jurisdiction to construe conventions of private international law.—The Hague, January 28th, 1928.

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 Members of the International Labour Organization. Those of these conventions which were adopted by the first nine Labour Conferences are enumerated in the Third Annual Report, pp. 45 and 46; the conventions adopted at the Tenth Conference (Geneva, 1927) are as follows:

Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

Convention concerning sickness insurance for agricultural workers.

E.—*Political Treaties (of alliance, commerce, navigation) and others* [1].

Treaties of alliance, commerce, etc.

These instruments, which affect thirty-six Powers, are as follows:

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

[1] Having regard to the very considerable increase in this category of agreements in the course of the last twelve months, the present Annual Report gives a complete list, including therefore those already enumerated on pp. 46-49 of the Third Annual Report.

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.

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

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

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[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.

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 Austria and Latvia.—Riga, August 9th, 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 Economic Union of Belgium and Luxemburg and Latvia.—Brussels, July 7th, 1925.

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

Treaty of Friendship, Commerce and Navigation between Spain and Siam.—Madrid, August 3rd, 1925.

Treaty of Friendship, Commerce and Navigation between Portugal and Siam.—Lisbon, August 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.

Treaty of Friendship, Commerce and Navigation between Siam and Sweden.—Stockholm, December 19th, 1925.

Agreement between Palestine, Syria and the Lebanon to facilitate good neighbourly relations in connection with frontier questions.—Jerusalem, February 2nd, 1926.

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

Convention concerning the execution of contracts for life insurance and life annuities between Italy and Czechoslovakia.—Prague, May 4th, 1926.

Treaty of Friendship, Commerce and Navigation between Italy and Siam.—Rome, May 9th, 1926.

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

Convention of Friendship and good neighbourly relations between France and Turkey.—Angora, May 30th, 1926.

Agreement regarding the sanitary control over Mecca Pilgrims at Kamaran Island between the United Kingdom and the Netherlands.—Paris, June 19th, 1926.

Treaty concerning the establishment of economic relations between Germany and Latvia.—Riga, June 28th, 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 and Navigation between the United Kingdom and Hungary.—London, July 23rd, 1926.

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

Commercial Convention between Greece and Sweden.—Athens, September 10th, 1926.

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

Provisional Commercial Convention between Greece and Switzerland.—Athens, November 29th, 1926.

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

Convention of Commerce and Navigation between Greece and Latvia.—Riga, February 25th, 1927.

Convention regarding the application of maritime health regulations between Belgium and the Netherlands.—Brussels, March 24th, 1927.

Treaty of Friendship, Conciliation and Arbitration (and annexed Protocol) between Hungary and Italy.—Rome, April 5th, 1927.

Treaty of Commerce between Guatemala and the Netherlands.—Guatemala, May 12th, 1927.

Convention regarding Air Navigation between Germany and Italy.—Berlin, May 20th, 1927.

Convention of Commerce and Navigation between Denmark and Spain.—Madrid, January 2nd, 1928.

Commercial Agreement between Austria and France.—Paris, May 16th, 1928.

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

Communications and Transit, etc.

A list of the various instruments and conventions concerning transit, navigable waterways and communications in general, which had come to the knowledge of the Registry on June 15th, 1927, is given in the Third Annual Report, pp. 49 and 50. To this table the following is to be appended on June 15th, 1928:

Convention concerning aerial navigation between Germany and Great Britain.—Berlin, June 29th, 1927.

G.—*Treaties of Arbitration and Conciliation.*

Treaties of Arbitration.

These treaties, which affect thirty-two Powers, are as follows[1]:

Convention concerning the establishment of a conciliation commission between Chile and Sweden.—Stockholm, March 26th, 1920.

[1] Having regard to the very considerable increase in the number of agreements of this category in the last twelve months, the present Report reproduces the whole list, including therefore agreements already enumerated in the Third Annual Report, on pages 51-54.

Convention concerning the establishment of a permanent conciliation commission between Sweden and Uruguay.—Montevideo, February 24th, 1923.

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 Switzerland.—Copenhagen, June 6th, 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.

Arbitration Convention between the United States of America and Sweden.—Exchange of Notes.—Washington, June 24th, 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.

Treaty of Conciliation and Arbitration between Poland and Sweden.—Stockholm, November 3rd, 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.

Treaty of Conciliation and Arbitration between Belgium and Sweden.—Brussels, April 30th, 1926.

Convention for 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.

Arbitration Treaty between Denmark and France.—Paris, July 5th, 1926.

Treaty of Conciliation and Arbitration between Poland and the Kingdom of the Serbs, Croats and Slovenes.—Geneva, September 18th, 1926.

Arbitration Treaty between Denmark and Czechoslovakia.—Prague, November 30th, 1926.

Treaty of Conciliation and Arbitration between Denmark and Lithuania.—Kovno, December 11th, 1926.

Treaty of Conciliation and Arbitration between Esthonia and Denmark.—Tallinn, December 18th, 1926.

Exchange of Notes concerning the abrogation of the Arbitration Convention between Portugal and Sweden.—Lisbon, December 29th, 1926.

Treaty of Conciliation and Arbitration between Germany and Italy.—Rome, December 29th, 1926.

Agreement renewing the Arbitration Convention between Great Britain and Portugal.—London, January 4th, 1927.

Treaty of Conciliation, Judicial Settlement and Arbitration between Belgium and Denmark.—Brussels, March 3rd, 1927.

Treaty of Conciliation and Arbitration between Belgium and Finland.—Stockholm, March 4th, 1927.

Treaty of Conciliation between the Netherlands and Sweden.—The Hague, May 21st, 1927.

Treaty of Conciliation, Judicial Settlement and Arbitration between Belgium and Spain.—Brussels, July 19th, 1927.

Treaty of Conciliation, Judicial Settlement and Arbitration between Colombia and Switzerland.—Berne, August 20th, 1927.

Treaty of Conciliation between Colombia and Sweden.—London, September 13th, 1927.

Treaty of Conciliation and Judicial Settlement between Italy and Lithuania.—Rome, September 17th, 1927.

Treaty of Conciliation and Judicial Settlement between Finland and Switzerland.—Berne, November 16th, 1927.

Treaty of Conciliation and Arbitration between France and Sweden.—Paris, March 3rd, 1928.

Treaty of Conciliation, Judicial Settlement and Arbitration between Denmark and Spain.—Copenhagen, March 14th, 1928.

Treaty of Conciliation, Judicial Settlement and Arbitration between Spain and Sweden.—Madrid, April 26th, 1928.

TABLE IN CHRONOLOGICAL ORDER OF INSTRUMENTS IN FORCE, OR SIGNED ONLY, GOVERNING THE COURT'S JURISDICTION [1].

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919.				D [2]	
June 28th	Versailles	Treaty of Peace	Allied and Associated Powers and Germany	No. 5	11
June 28th	Versailles	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Poland	,,	12
Sept. 10th	Saint-Germain-en-Laye	Treaty of Peace	Allied and Associated Powers and Austria	,,	13
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and the Kingdom of the Serbs, Croats and Slovenes	,,	14
Sept. 10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Czechoslovakia	,,	15
Sept. 10th	Paris	Convention for the control of the trade in arms and ammunition	Collective Treaty	,,	16

[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 the Court's *Third Annual Report* (Publications of Court, Series E., No. 3) which forms the first addendum to the third edition of that Collection, or in Chapter X of this volume (Publications of Court, Series E., No. 4) which forms the second addendum to the third edition of the Collection. The two last columns of the present table indicate the number which each instrument bears and the volume in which it is mentioned.

[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), Chapter X. The abbreviation E., No. 4, means: *Fourth Annual Report of the Court* (June 15th, 1927—June 15th, 1928), i.e. the present volume, Chapter X.

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919 (*Cont.*).					**D**	
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	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
Nov.	28th	Washington	Convention concerning the night work of young persons employed in industry	Collective Treaty	,,	24

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919 (*Cont.*).					**D**	
Nov.	29th	Washington	Convention concerning employment of women before and after childbirth	Collective Treaty	No. 5	25
Dec.	9th	Paris	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Roumania	,,	26
1920.					**E**	
March	26th	Stockholm	Convention concerning the establishment of a conciliation commission	Chile and Sweden	No. 4	203
					D	
June	4th	Trianon	Treaty of Peace	Allied and Associated Powers and Hungary	No. 5	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
July	10th	Genoa	Convention for establishing facilities for finding employment for seamen	Collective Treaty	,,	30

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 (*Cont.*).					**D**	
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Greece	No. 5	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
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	,,	37

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 *(Cont.).*					**D**	
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	No. 5	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
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	,,	42
July	27th	Copenhagen	Convention on air navigation	Denmark and Norway	,,	43

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921 (*Cont.*).					**D**	
Oct.	2nd	Geneva	Declaration made before the Council of the League of Nations in regard to the protection of minorities in Albania	Albania	No. 5	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
Nov.	11th	Geneva	Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers	Collective Treaty	,,	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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921 (*Cont.*).					**D**	
Nov.	16th	Geneva	Convention relating to the age at which children are to be admitted to agricultural work	Collective Treaty	No. 5	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
Nov.	23rd	Portorose	Agreement for the regulation of international railway traffic	Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes	,,	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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (*Cont.*).					**D**	
May	12th	Geneva	Declaration before the Council of the League of Nations concerning the protection of minorities in Lithuania	Lithuania	No. 5	57
May	15th	Geneva	Agreement with reference to Upper Silesia	Germany and Poland	,,	58
June	26th	Warsaw	Commercial Convention	Switzerland and Poland	,,	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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (*Cont.*).					**D**	
Oct.	7th	Prague	Commercial Treaty	Czechoslovakia and Latvia	No. 5	70
Oct.	10th	Bagdad	Treaty of alliance	Great Britain and Iraq	,,	71
Oct.	19th	Tallinn	Commercial Treaty	Esthonia and Hungary	,,	72
1923.						
Jan.	20th	The Hague	Commercial Convention	Czechoslovakia and The Netherlands	,,	73
					E	
Feb.	24th	Montevideo	Convention concerning the establishment of a conciliation commission	Sweden and Uruguay	No. 4	204
					D	
Feb.	28th	Montevideo	General compulsory Arbitration Treaty	Uruguay and Venezuela	No. 5	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

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923 (*Cont.*).				**D**	
July 19th	Washington	Agreement for the renewal of Arbitration Convention	France and the United States of America	No. 5	79
July 24th	Lausanne	Treaty of Peace	British Empire, France, Greece, Italy, Japan, Roumania, Turkey	,,	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
				E	
Sept. 5th	Washington	Agreement extending the Arbitration Convention	United States of America and Portugal	No. 3	170
				D	
Sept. 12th	Geneva	Convention for the suppression of the circulation of and traffic in obscene publications	Collective Treaty	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
					E	
Nov	1st	Tallinn	Preliminary Treaty for Economic and Customs Union	Esthonia and Latvia	No. 3	171
					D	
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
Dec.	9th	Geneva	Convention relating to the development of hydraulic power	Collective Treaty	,,	93

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923 (*Cont.*).					**D**	
Dec.	18th	Paris	Convention regarding the organization of the Statute of the Tangier Zone	British Empire, France, Spain	No. 5	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
					E	
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	No. 3	172
					D	
April	28th	Oslo	Convention relating to the frontier between Finmark 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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 *(Cont.).*					**D**	
May	30th	Warsaw	Treaty of commerce and navigation	The Netherlands and Poland	No. 5	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
					E	
June	24th	Washington	Arbitration Convention	United States of America and Sweden	No. 3	173
					D	
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Sweden	No. 5	106
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Norway	,,	107

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (*Cont.*).				**D**	
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Finland	No. 5	108
				E	
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Norway	No. 3	174
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Finland and Sweden	,,	175
June 27th	Stockholm	Convention concerning the establishment of a conciliation commission	Norway and Sweden	,,	176
				D	
July 2nd	Riga	Treaty of commerce	Latvia and The Netherlands	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
				E	
Aug. 9th	Riga	Treaty of commerce and navigation	Austria and Latvia	No. 4	205
				D	
Aug. 14th	Oslo	Treaty of commerce and navigation	Latvia and Norway	No. 5	112

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (*Cont.*).				**D**	
Aug. 21st	Washington	Convention respecting the regulation of the liquor traffic	The Netherlands and the United States of America	No. 5	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
Aug. 30th	London	Agreement	Allied Governments and German Government	,,	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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (*Cont.*).					**D**	
Oct.	2nd	Geneva	Resolutions relating to the pacific settlement of international disputes adopted by the 5th Assembly of the League of Nations	—	No. 5	120
Oct.	11th	Vienna	Treaty of conciliation	Austria and Switzerland	,,	121
Nov.	3rd	Riga	Treaty of commerce and navigation	Denmark and Latvia	,,	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

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (*Cont.*).					**E**	
Feb.	14th	Oslo	Convention concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki)	Finland and Norway	No. 3	177
Feb.	14th	Oslo	Convention concerning the floating of timber on the Pasvik (Patsjoki)	Finland and Norway	,,	178
					D	
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

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (*Cont.*).				**D**	
May 13th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Norway	No. 5	137
May 29th	Tallinn	Treaty of conciliation	Esthonia and Sweden	,,	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 (*Cont.*).					
		ternational trade in arms and ammunition and implements of war			
July 7th	Brussels	Treaty of commerce and navigation	The Economic Union of Belgium and Luxemburg and Latvia	**E** No. 4	206
July 12th	London	Agreement for he renewal of Arbitration Convention	Great Britain and The Netherlands	**D** No. 5	146
July 14th	London	Treaty of commerce and navigation	United Kingdom and Siam	**E** No. 3	179
Aug. 3rd	Madrid	Treaty of friendship, commerce and navigation	Spain and Siam	**E** No. 4	207
Aug. 14th	Lisbon	Treaty of friendship, commerce and navigation	Portugal and Siam	,,	208
Aug. 21st	Oslo	Treaty of conciliation	Norway and Switzerland	**D** No. 5	147
Sept. 1st	Copenhagen	Treaty of friendship, commerce and navigation	Denmark and Siam	**E** No. 3	180
Sept. 21st	Geneva	Treaty of conciliation and judicial settlement	Greece and Switzerland	**D** No. 5	148
Oct. 14th	Berne	Commercial Convention	Esthonia and Switzerland	**E** No. 3	181
Oct. 16th	Locarno	Arbitration Convention	Belgium and Germany	**D** No. 5	149

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 *(Cont.).*					**D**	
Oct.	16th	Locarno	Arbitration Convention	France and Germany	No. 5	150
Oct.	16th	Locarno	Arbitration Treaty	Germany and Poland	,,	151
Oct.	16th	Locarno	Arbitration Treaty	Czechoslovakia and Germany	,,	152
Oct.	23rd	Stockholm	Exchange of notes prolonging and interpreting the Arbitration Convention of October 26th, 1905	Norway and Sweden	,,	153
					E	
Nov.	3rd	Stockholm	Treaty of conciliation and arbitration	Poland and Sweden	No. 4	209
					D	
Nov.	25th	Oslo	Convention for the pacific settlement of disputes	Norway and Sweden	No. 5	154
					E	
Nov.	25th	London	Arbitration Convention	Great Britain and Siam	No. 3	182
Nov.	26th	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	,,	183
					D	
Dec.	12th	The Hague	Treaty of conciliation	Switzerland and The Netherlands	No. 5	155
					E	
Dec.	19th	Stockholm	Treaty of friendship, commerce and navigation	Siam and Sweden	No. 4	210
1926.					**D**	
Jan.	2nd	Prague	Treaty of conciliation and arbitration	Czechoslovakia and Sweden	No. 5	156

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 *(Cont.).*					
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
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. 2nd	Jerusalem	Agreement to facilitate neighbourly relations	Palestine, Syria and the Lebanon	**E** No. 4	211
Feb. 3rd	Berne	Treaty of compulsory conciliation, of judicial settlement and of arbitration	Roumania and Switzerland	**D** No 5	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

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (*Cont.*).				**E**	
April 16th	Vienna	Treaty of conciliation and arbitration	Austria and Poland	No. 3	189
				D	
April 20th	Madrid	Treaty of conciliation and arbitration	Spain and Switzerland	No. 5	161
April 23rd	Copenhagen	Treaty of conciliation and arbitration	Denmark and Poland	,,	162
				E	
April 30th	Brussels	Treaty of conciliation and arbitration	Belgium and Sweden	No. 4	212
May 4th	Prague	Convention concerning the execution of life insurance and life annuity contracts	Italy and Czechoslovakia	,,	213
May 9th	Rome	Treaty of friendship, commerce and navigation	Italy and Siam	,,	214
				E	
May 12th	Athens	Commercial Convention	Greece and The Netherlands	No. 3	190
				D	
May 20th	The Hague	Treaty of arbitration and conciliation	Germany and The Netherlands	No. 5	163
May 28th	Stockholm	Treaty of conciliation and arbitration	Austria and Sweden	,,	164
				E	
May 30th	Angora	Convention of friendship and neighbourly relations	France and Turkey	No. 4	215

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 *(Cont.).*					
				D	
June 2nd	Berlin	Treaty of arbitration and conciliation	Denmark and Germany	No. 5	165
				E	
June 4th	London	Convention renewing the Arbitration Convention of October 25th, 1905	Denmark and Great Britain	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
				D	
June 5th	Geneva	Convention for the simplification of the inspection of emigrants on board ship	Collective Treaty	No. 5	166
				E	
June 10th	Paris	Convention for the pacific settlement of disputes	France and Roumania	No. 3	193
				E	
June 19th	Paris	Agreement regarding the sanitary control over Mecca Pilgrims at Kamaran Island	United Kingdom and The Netherlands	No. 4	216
				D	
June 23rd	Geneva	Convention concerning the repatriation of seamen	Collective Treaty	No. 5	167

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (*Cont.*).					
				D	
June 24th	Geneva	Convention concerning seamen's articles of agreement	Collective Treaty	No. 5	168
				E	
June 28th	Riga	Treaty concerning the establishment of economic relations	Germany and Latvia	No. 4	217
July 5th	Paris	Treaty of arbitration	Denmark and France	,,	218
				E	
July 16th	London	Treaty of commerce and navigation	Great Britain and Greece	No. 3	194
July 16th	Oslo	Treaty of friendship, commerce and navigation	Norway and Siam	,,	195
				E	
July 23rd	London	Treaty of commerce and navigation	United Kingdom and Hungary	No. 4	219
				D	
Aug. 7th	Madrid	Treaty of friendship and arbitration	Italy and Spain	No. 5	169
				E	
Sept. 7th	Port-au-Prince	Treaty of commerce	Haiti and The Netherlands	No. 3	196
				E	
Sept. 10th	Athens	Provisional Commercial Convention	Greece and Sweden	No. 4	220
Sept. 18th	Geneva	Treaty of conciliation and arbitration	Poland and Kingdom of the Serbs, Croats and Slovenes	,,	221

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (*Cont.*).				**E**	
Sept. 25th	Geneva	Convention regarding slavery	Collective Treaty	No. 3	197
Sept. 28th	Brussels	Treaty of commerce and navigation	Esthonia and the Economic Union of Belgium and Luxemburg	,,	198
Nov. 29th	Athens	Provisional Commercial Convention	Greece and Switzerland	**E** No. 4	222
Nov. 30th	Prague	Arbitration Treaty	Denmark and Czechoslovakia	,,	223
Dec. 11th	Kovno	Treaty of conciliation and arbitration	Denmark and Lithuania	,,	224
Dec. 18th	Tallinn	Treaty of conciliation	Esthonia and Denmark	**E** No. 3	199
Dec. 29th	Lisbon	Exchange of notes concerning the abrogation of the Arbitration Convention of November 15th, 1907	Portugal and Sweden	**E** No. 4	225
Dec. 29th	Rome	Treaty of conciliation and arbitration	Germany and Italy	,,	226
1927.				**E**	
Jan. 4th	London	Agreement renewing the Arbitration Convention	Great Britain and Portugal	No. 3	200
Feb. 5th	Riga	Treaty carrying into effect the Customs Union	Esthonia and Latvia	,,	201

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927 (*Cont.*).				**E**	
Feb. 25th	Riga	Convention of commerce and navigation	Greece and Latvia	No. 4	227
March 3rd	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Denmark	,,	228
March 4th	Stockholm	Treaty of conciliation and arbitration	Belgium and Finland	,,	229
March 24th	Brussels	Convention concerning the application of maritime health regulations	Belgium and The Netherlands	,,	230
April 5th	Rome	Treaty of friendship, conciliation and arbitration	Hungary and Italy	**E** No. 3	202
May 12th	Guatemala	Treaty of commerce	Guatemala and The Netherlands	**E** No. 4	231
May 20th	Berlin	Convention regarding air navigation	Germany and Italy	,,	232
May 21st	The Hague	Treaty of conciliation	The Netherlands and Sweden	,,	233
June 15th	Geneva	Convention concerning sickness insurance for workers in industry and commerce and domestic servants	Collective Treaty	,,	234
June 15th	Geneva	Convention concerning sickness insurance for agricultural workers	Collective Treaty	,,	235

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927 (*Cont.*).				**E**	
June 29th	Berlin	Convention concerning air navigation	Germany and Great Britain	No. 4	236
July 12th	Geneva	International Convention establishing an international Relief Union	Collective Treaty	,,	237
July 19th	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Spain	,,	238
Aug. 20th	Berne	Treaty of conciliation, judicial settlement and arbitration	Colombia and Switzerland	,,	239
Sept. 13th	London	Treaty of conciliation	Colombia and Sweden	,,	240
Sept. 17th	Rome	Treaty of conciliation and judicial settlement	Italy and Lithuania	,,	241
Nov. 8th	Geneva	Convention for the abolition of Import and Export Prohibitions and Restrictions	Collective Treaty	,,	242
Nov. 16th	Berne	Treaty of conciliation and judicial settlement	Finland and Switzerland	,,	243
1928.					
Jan. 2nd	Madrid	Convention of commerce and navigation	Denmark and Spain	,,	244

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928 (*Cont.*).				**E**	
Jan. 28th	The Hague	Draft Protocol bestowing on the Court jurisdiction to construe conventions of private international law	(Adopted by the Sixth Session of the Conference of Private International Law)	No. 4	245
March 3rd	Paris	Treaty of conciliation and arbitration	France and Sweden	,,	246
March 14th	Copenhagen	Treaty of conciliation, judicial settlement and arbitration	Denmark and Spain	,,	247
April 19th	Paris	Arbitration Agreement	France and Kingdom of the Serbs, Croats and Slovenes	,,	248
April 26th	Madrid	Treaty of conciliation, judicial settlement and arbitration	Spain and Sweden	,,	249
May 16th	Paris	Commercial Agreement	Austria and France	,,	250

* * *

Jurisdiction in other disputes (compulsory jurisdiction).

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.

Compulsory jurisdiction under the Optional Clause.

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

> "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 included in Chapter X of the *present Report* (under No. 9) indicates the names of the twenty-seven 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.

On pages 73 *et sqq.* of the *Collection of Texts governing the Jurisdiction of the Court* (third edition ; Series D., No. 5) are reproduced the declarations of the Governments of Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark (signature and renewal), the Dominican Republic, Esthonia, Ethiopia, Finland, France, Haiti, Latvia, Liberia, Lithuania, Luxemburg, Norway (signature and renewal), Panama, the Netherlands (signature and renewal), Portugal, Salvador, Sweden (signature and renewal), Switzerland (signature and renewal) and Uruguay. On page 341 of the *Third Annual Report of the Court* (Chapter X, first addendum to the third edition of the Collection) will be found the declarations of the Governments of Austria (renewal), Finland (renewal) and Guatemala. Under No. 10 of Chapter X of the *present Report* (second addendum to the third edition of the Collection) will be found the declarations of the German Government and of Esthonia (renewal).

Briefly, the situation is as follows:

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

Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, 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, Germany, 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 the Optional Clause subject to ratification but have not ratified:*

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

F. *States with regard to which the time for which Clause accepted has expired:*

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

G. *States at present bound by the Clause:*

Austria, Belgium, Bulgaria, Denmark, Esthonia, Ethiopia, Finland, Germany, Haiti, Netherlands, Norway, Portugal, Sweden, Switzerland, Uruguay.

One 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, in which proceedings were instituted by

[1] Some of these States have ratified their declarations although such ratification was not required according to the terms of the Optional Clause.

[2] Brazil's undertaking is given, subject, *inter alia*, 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 with the Registry of the Court on November 25th, 1926.

unilateral application filed by the Belgian Government on November 25th, 1926 [1].

* * *

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

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 Court [2], and reproduced in the First Annual Report on pages 142-144, contains the following paragraph:

> "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 other hand, in the *Lotus* case, the Turkish

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[1] See Third Annual Report, pp. 125-130, and p. 151 of this Report.

[2] 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."

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.

* * *

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 Belgium and China of November 2nd, 1865 [1], the President of the Court, at the request of the Belgian Government, made an Order on January 8th, 1928, indicating measures of interim protection. On February 15th, a further Order cancelling the first was made as the result of an agreement between the Belgian and Pekin Governments, the conclusions of which had been intimated to the President by the Agents of the Belgian Government in the case.

Again, in the course of the proceedings in the case concerning the factory at Chorzów (indemnities) [2], the German Government—the Applicant—by an Application dated Berlin October 14th, 1927, requested the Court to order the Polish Government—the Respondent—as a measure of interim protection, to pay the sum of 30 million Reichsmarks to the Applicant. On November 21st, 1927, the Court made an Order upon this application to the effect that the request of the German Government could not be regarded as relating to the indication of measures of interim protection, but that in reality it was designed to obtain an interim judgment in favour of a part of the claim formulated in the original Application instituting proceedings in the suit and that, consequently, effect could not be given to the request [3].

* * *

Power to determine its own jurisdiction.

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

[1] See Third Annual Report, p. 125.
[2] ,, p. 155.
[3] ,, ,, 163.

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

The Court has passed judgment upon the question of its jurisdiction in the Mavrommatis case (August 30th, 1924)[1], in the case concerning certain German interests in Polish Upper Silesia (August 25th, 1925)[2], in the Chorzów (indemnities) case (July 26th, 1927)[3] and in the case of the readaptation of the Mavrommatis concessions (October 10th, 1927)[4].

Interpretation of judgments.

Furthermore, it rests with the Court, at the request of any Party, to construe a judgment which it has given. On March 26th, 1925, the Court gave judgment (No. 4) upon a point of interpretation arising out of Judgment No. 3 (September 12th, 1924) given in the case concerning the interpretation of certain clauses of the Treaty of Neuilly, submitted to the Court by special agreement between the Bulgarian and Greek Governments[5]. The Court also gave judgment on December 16th, 1927 (Judgment No. 11), at the application of the German Government, upon a request for the interpretation of its Judgments Nos. 7 (May 25th, 1926) and 8 (July 26th, 1927)[6].

(2) *Jurisdiction* ratione personæ.

Only States or Members of the League of Nations can be Parties in cases before the Court[7]. 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[8].

Members of the League of Nations.

A.—The Members of the League of Nations are, on June 15th, 1928[9]:

[1] See First Annual Report, p. 169.
[2] ,, Second ,, ,, ,, 99.
[3] ,, p. 155.
[4] ,, ,, 176.
[5] ,, First Annual Report, p. 180.
[6] ,, p. 184.
[7] Article 34 of Statute.
[8] ,, 35 ,, ,, .
[9] Communication from the Secretary-General of the League of Nations.

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

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.

In the Second Annual Report (pp. 84-87) were reproduced the terms of the Resolution adopted by the United States Senate on January 27th, 1926, advising and consenting to the adherence

of the United States to the Protocol of signature of the Statute of the Court (together with the Statute), upon certain conditions. The events which followed the adoption of this Resolution were also described and especially the invitation to meet in conference sent out by the Council of the League of Nations to the governments to which the Senate's Resolution had been communicated from Washington, that is to say the governments which had signed the above-mentioned Protocol of signature.

This Conference was held at Geneva in September, 1926; it concluded its work by a Final Act enunciating certain conclusions designed to serve as a basis for the replies to be made by the governments signatory to the Protocol of signature of the Statute to the communication from Washington. Furthermore, having come to the conclusion that the application of some of the reservations of the United States would involve the conclusion of an appropriate agreement between the United States and the other States signatory to the Protocol of the Statute, the Conference annexed to its Final Act a preliminary draft for a protocol incorporating the necessary stipulations. In the Third Annual Report (pp. 92-97), an account was given of the work of the Conference and, in particular, the terms of its conclusions and of the preliminary draft for a protocol just mentioned were reproduced.

The Third Annual Report also indicated that the Conference did not invite its members to inform the Secretary-General of the League of Nations of the measures taken by them in pursuance of its conclusions and that consequently the Secretariat was not in a position to give complete information on the subject. In compliance with a request made by the Registrar of the Court with a view to obtaining information on the matter, the Department of State of Washington has had transmitted to him, under cover of a letter dated June 7th, 1928, from His Excellency the United States Minister at The Hague, the status of replies from signatories of the Protocol of signature received at Washington on May 1st, 1928. This status, which the American Government has authorized the Registrar to publish in the Annual Report, indicating the source from which the information is obtained, is as follows:

STATUS OF REPLIES TO NOTES ASKING ACCEPTANCE OF SENATE'S RESERVATIONS TO PROTOCOL OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

May 1st, 1928.

A.— *Acceptances :* (8)

Unconditional : (5)

Albania	August 20th, 1926.
Cuba	March 17th, ,,
Greece	April 9th, ,,
Liberia	May 11th, ,,
Luxemburg	August 21st, ,,

(Albania, Greece and Luxemburg signed the Final Act adopted by the League Conference on September 23rd, 1926.)

Acceptance forecast but not completed : (3)

Brazil — February 24th, 1926.

(The Brazilian Ambassador stated orally that his Government would send a note accepting the adhesion of the United States under the Senate's reservations ; no such note has been received.)

Dominican Republic — August 30th, 1926.

(Note states that Dominican Government will vote for the adhesion of the United States and that it has so instructed its delegate at the League Assembly. The Final Act of the League Conference in September, 1926, was, nevertheless, signed by the Dominican delegate, with the reservation that this Government reserved the right to accept in their entirety the Senate reservations, if it so desired.)

Uruguay — August 4th, 1926.

(The Uruguayan Chargé d'affaires orally advised the Department that his Government accepted in principle American adherence, subject to formal ratification by the legislature.)

B.— *Acknowledgments:* (15)

Simple acknowledgments : (10)

Bolivia	February 22nd, 1926.
China	March 8th, ,,
Colombia	February 15th, ,,
Haiti	,, 16th, ,,
Latvia	,, 15th, ,,
Lithuania	,, ,, ,,
Panama	,, ,, ,,
Paraguay	,, 20th, ,,
Salvador	,, 15th, ,,
Venezuela	,, 16th, ,,

Notes stating that definite reply must await outcome of League Conference of September, 1926: (3)

Austria	May 27th, 1926.
Finland	June 3rd, ,,
Persia	August 10th, ,,

Other acknowledgments: (2)

Abyssinia	March 21st, 1927.

(Note states that definite reply cannot be given until an answer has been received from League Secretariat to certain questions addressed to it by Abyssinian Government.)

Costa Rica	January 26th, 1926.

(Note states that Costa Rica ceases to be a Member of the League of Nations on January 1st, 1927, and, therefore, does not feel called upon to express an opinion with regard to American adhesion.)

C.—*Replies along lines of recommendations of League Conference:* (24)

Australia	February 16th, 1927.
Belgium	January 22nd, ,,
Czechoslovakia	December 10th, 1926.
Denmark	January 28th, 1927.
Esthonia	February 8th, ,,
France	December 23rd, 1926.
Great Britain	,, ,, , ,,
Hungary	January 27th, 1928.
India	December 31st, 1926.
Ireland	March 12th, 1927.
Italy	,, 15th, ,,
Japan	December 31st, 1926.
Netherlands	January 15th, 1927.
New Zealand	April 4th, ,,
Norway	December 29th, 1926.
Poland	January 15th, 1927.
Portugal	,, 11th, ,,
Roumania	February 19th, ,,
Siam	,, 15th, ,,
South Africa	January 17th, ,,
Spain	May 12th, ,,
Sweden	December 30th, 1926.
Switzerland	January 17th, 1927.
Yugoslavia	December 18th, 1926.

D.—*No replies:* (3)

Bulgaria
Canada
Chile

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 force [1], 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 Third Annual Report, p. 88.)

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 [2] (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

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[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."

[2] When the Court had received the request for an advisory opinion concerning the jurisdiction of the Danzig Courts, it formally announced on October 1st, 1927, that the Free City, having been, since 1922, formally recognized by the Court as a legal entity entitled to appear before it, would, like Poland, be permitted to appoint a national judge to sit in the case; this was the first occasion on which the new clause inserted in Article 71 of the Rules on September 7th, 1927, was applied.

Court decided on September 13th, 1923, that no contribution should be exacted from the German Government.

In 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 [1].

In the *Lotus* case, brought by special agreement between the French and Turkish Governments, the Court decided on September 2nd, 1927, to fix the amount of the Turkish Government's contribution at 5,000 florins.

(3) *Channels of communications with governments.*

During the preliminary session, the Court decided that it would be well to have the procedure for communications which it might have to send to the various governments definitely laid down, so that a communication transmitted to a government in the manner indicated by that government could be regarded as having been duly effected. The Registrar in a letter of March 27th, 1922, requested the Secretary-General of the League of Nations to ask the governments of States Members of the League to state their wishes in regard to the procedure to be adopted. He also wrote direct to States not Members of the League for similar information.

Certain governments not having replied to this request, the Registrar of the Court sent them a reminder on May 15th, 1928. According to the replies received up to June 15th, 1928, as a result of the steps taken in 1922 or in 1928, the channels to be used for direct communications emanating from the Court are as follows:

America (United States of)	The Secretary of State, Washington.	Through the U.S. Legation at The Hague.
Australia	The Prime Minister of the Commonwealth of Australia, Melbourne.	

[1] Germany joined the League of Nations on September 10th, 1926.

Austria	The Federal Chancellory Department for Foreign Affairs, Vienna.	
Belgium	The Minister for Foreign Affairs, Brussels.	
Brazil	The Ministry for Foreign Affairs.	Through the Brazilian Legation at The Hague.
Bulgaria	The Ministry for Foreign Affairs, Sofia.	
Canada	The Secretary of State for Foreign Affairs, Ottawa.	
Chile	The Ministry for Foreign Affairs, Santiago.	
China	The Chinese Legation at The Hague.	
Colombia	The Ministry for Foreign Affairs, Bogota.	
Cuba	The Secretary of State for Foreign Affairs, Havana.	
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, Copenhagen.
Dominican Republic	The Secretary of State for Foreign Affairs, San Domingo.	
Egypt	The Ministry for Foreign Affairs, Cairo.	
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.
Haiti	The Secretary of State for Foreign Affairs, Port-au-Prince.	

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.	
Irish Free State	Ministry for Foreign Affairs, Dublin.	
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.)

Mexico	The Secretary of State for Foreign Affairs, Mexico.	Through the Mexican Legation at The Hague.
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.
Turkey	The Minister for Foreign Affairs, Angora.	Through the Turkish Legation at The Hague.
Uruguay	The Minister for Foreign Affairs, Montevideo.	
Venezuela	The Venezuelan Legation at The Hague.	

In the cases of governments not appearing in the above list, 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 sixteen 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 —more numerous—submitted at the instigation or request of a State or international organization.

Requests from the Council *proprio motu*.

Amongst the former are to be included those mentioned on page 149 of the First Annual Report of the Court, 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], and the request concerning the jurisdiction of the Danzig Courts, which formed the subject of a Resolution of the Council of the League of Nations dated September 22nd, 1927[2].

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". The Third Annual Report mentioned the request for an advisory opinion 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[3].

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[1] See Second Annual Report, p. 140.
[2] „ p. 213.
[3] „ „ 201.

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.

The synopsis, which precedes the third edition of the *Collection of Texts governing the jurisdiction of the Court*[1], contains an analysis and a classification of those of the various clauses which were known at the time.

The Third Annual Report gives a complete list of instruments of international law, which had come to the knowledge of the Court on June 15th, 1927, and which confer powers of this kind upon the Court or the President. As on June 15th, 1928, the following additions are to be made :

(*a*) APPOINTMENTS BY THE COURT.

(See Third Annual Report, p. 104.)

The Convention concerning the establishment of a conciliation commission between Chile and Sweden, signed at Stockholm on March 26th, 1920, entrusts the Court, failing agreement between the contracting Parties, with the choice of the fifth member of the conciliation commission who will act as president.

(*b*) APPOINTMENTS BY THE PRESIDENT.

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

(See Third Annual Report, pp. 105-108.)

Agreements for the pacific settlement of international disputes.

Appointment in certain circumstances of the presidents of conciliation commissions :

The Treaty of arbitration between Denmark and Czechoslovakia, of November 30th, 1926.

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[1] Series D., No. 5, pp. 48 *et sqq.* This Collection is brought up to date to October 1st, 1926.

The Treaty of conciliation and arbitration between Denmark and Lithuania, of December 11th, 1926.

The Treaty of conciliation, judicial settlement and arbitration between Belgium and Denmark, of March 3rd, 1927.

The Treaty of conciliation, judicial settlement and arbitration between Colombia and Switzerland, of August 20th, 1927.

The Treaty of conciliation between Colombia and Sweden, of September 13th, 1927.

The Treaty of conciliation and judicial settlement between Finland and Switzerland, of November 16th, 1927.

The Special Arbitration Agreement between France and the Kingdom of the Serbs, Croats and Slovenes, of April 19th, 1928.

Treaties of commerce.

Appointment in certain circumstances of a third arbitrator:

The Treaty of commerce and navigation between Austria and Latvia, of August 9th, 1924.

The Treaty of commerce and navigation between the Economic Union of Belgium and Luxemburg and Latvia, of July 7th, 1925.

The Treaty concerning the establishment of economic relations between Germany and Latvia, of June 28th, 1926.

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

The provisional Convention of Commerce between Greece and Switzerland, of November 29th, 1926.

Treaties of peace and various conventions.

Appointment of a third arbitrator:

Convention concerning the execution of contracts for life insurance and life annuities between Italy and Czechoslovakia, of May 4th, 1926.

Agreement concerning the sanitary control over Mecca Pilgrims at Kamaran Island between the United Kingdom and the Netherlands, of May 14th, 1926.

2.— *Under a contract of private law.*

Since June 15th, 1927, the President of the Court has received no further requests from private juristic persons for the appointment of experts or arbitrator of any kind.

(See Second Annual Report, pp. 95-96, and Third Annual Report, p. 108.)

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Applications from private persons against a government.

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 (pp. 155 *et sqq.*) and the Third Annual Report (pp. 109 *et sqq.*) gave several examples showing 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".

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 thirteen sessions of the Court.

The dates of the first thirteen sessions of the Court are as follows: First (ordinary) Session (June 15th to August 12th, 1922); Second (extraordinary) Session (January 8th to February 7th, 1923); Third (ordinary) Session (June 15th to September 15th, 1923); Fourth (extraordinary) Session (November 12th to December 6th, 1923); Fifth (ordinary) Session (June 16th to September 4th, 1924); Sixth (extraordinary) Session (January 12th to March 26th, 1925); Seventh (extraordinary) Session (April 14th to May 16th, 1925); Eighth (ordinary) Session (June 15th to June 19th, 1925; July 15th to August 25th, 1925); Ninth (extraordinary) Session (October 22nd to November 21st, 1925); Tenth (extraordinary) Session (February 2nd to May 25th, 1926); Eleventh (ordinary) Session (June 15th to July 31st, 1926); Twelfth (ordinary) Session (June 15th to December 16th, 1927); Thirteenth (extraordinary) Session (February 6th to April 26th, 1928).

The following table gives a list of the twelve judgments and fifteen opinions, as also of three orders, delivered or made in the cases dealt with in the course of the first thirteen sessions, and it indicates the page of the Annual Report on which each has been summarized, the serial 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.

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

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Judgments.			
Judgment No. 1:			
The S.S. *Wimbledon.* (August 17th, 1923.)	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.
Judgment No. 2:			
The Mavrommatis concessions in Palestine (jurisdiction). (August 30th, 1924.)	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[1].
Judgments Nos. 3 and 4:			
Treaty of Neuilly, Article 179, Annex, paragraph 4, interpretation. (September 12th, 1924, and March 26th, 1925.)	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.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Judgment No. 5:			
The Mavrommatis concessions at Jerusalem (merits). (March 26th, 1925.)	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].
Judgment No. 6:			
Certain German interests in Polish Upper Silesia (jurisdiction). (August 25th, 1925.)	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.—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.	Series A., No. 6; Series C., No. 11, Vols. I, II and III.
Judgment No. 7:			
Certain German interests in Polish Upper Silesia (merits). (May 25th, 1926.)	Series E., No. 2, p. 109	The Court may give declaratory judgments.—Compatibility of the Polish law of July 14th, 1920, and the Upper Silesian Convention.—Derogation from the principle of respect for vested rights are in the nature	Series A., No. 7; Series C., No. 11, Vols. I, II and III.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
		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. 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.	
Order:			
Request for interim measures of protection in the case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. (January 8th, 1927.)	Series E., No. 3, p. 125	The necessity for interim measures of protection in this particular case.—The purpose of interim measures of protection is to safeguard the rights of the Parties pending the decision of the Court, in order to prevent any injury arising from an infringement of such rights becoming irremediable.—The Court indicates the interim measures in question.	Series A., No. 8.
Order:			
The rescission, on the request of the Applicant, of the interim measures	Series E., No. 3, p. 129	Owing to the conclusion between the Parties of a *modus vivendi* including a provisional settlement of the situation, independently of the rights at issue,	Series A., No. 8.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
indicated by the Order of January 8th, 1927. (February 15th, 1927.)		the Applicant could not be subsequently allowed to claim that one of his rights had been infringed; the previous order being intended to safeguard these rights, it thenceforward ceases to have any purpose.	
Judgment No. 8:			
Claim for indemnity in respect of the Factory at Chorzów (jurisdiction). (July 26th, 1927.)	Series E., No. 4, p. 155	Meaning and scope of the Geneva Convention, and particularly of Article 23.—By virtue of this article, the Court takes cognizance of disputes relating to the application as well as to the applicability of Articles 6-22 of that Convention; the meaning of "application" in relation to failure to apply and jurisdiction as regards application in relation to jurisdiction over suits for compensation for injury based on a failure to apply.—Conflicts of jurisdiction in the international sphere.	Series A., No. 9; Series C., No. 13—I.
Judgment No. 9:			
Case of the *Lotus*. (September 7th, 1927.)	Series E., No. 4, p. 166	The terms of the Special Agreement.—The principles of international law within the meaning of Article 15 of the Convention of Lausanne.—The sovereignty of States, the basis of international law, as a criterion for the jurisdiction of the tribunals of one of those States: Claim to jurisdiction based on (1) the nationality of the victim; (2) the flag flown by the ship on which the	Series A., No. 10; Series C., No. 13—II.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
		victim was present at the time.—The principle of the freedom of the seas.—The indivisible character of the elements constituting a wrongful act as giving rise to concurrent jurisdictions.	
Judgment No. 10 :			
Case of the readaptation of the Mavrommatis Jerusalem concessions (jurisdiction). (October 10th, 1927.)	Series E., No. 4, p. 176	Mandate for Palestine (Article 26). — The Court has jurisdiction to consider an alleged violation of the terms of the Protocol of Lausanne in all those cases—but only in those —where the violation would arise from an exercise of the full powers to provide for "*public control* of the natural resources of the country" (Article 11).—This condition not being present in the case, there was no need to consider the other arguments of the Defendant.	Series A., No. 11 ; Series C., No. 13—III.
Order :			
Request for measures of interim protection in the case relating to the Factory at Chorzów (indemnities). (November 21st, 1927.)	Series E., No. 4, p. 163	Request for interim measures of protection and submissions as regards the merits.—Composition of the Court.	Series A., No. 12 ; Series C., No. 15—I.
Judgment No. 11 :			
Interpretation of Judgments Nos. 7 and 8 (case relating	Series E., No. 4, p. 184	Conditions requisite in order that a request for interpretation should be admissible (Article 60 of the Statute of the	Series A., No. 13 ;

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
to the Factory at Chorzów). (December 16th, 1927.)		Court); the meaning of interpretation.—Meaning and scope of the point at issue in Judgment No. 7.—The Court in that particular case had not rendered a conditional decision; the principle of *res judicata* (Article 59 of the Statute).	Series C., No.13—V.
Judgment No. 12:			
Case relating to certain rights of minorities in Upper Silesia (minority schools). (April 26th, 1928.)	Series E., No. 4, p. 191	Plea to the jurisdiction: stage of the proceedings at which it may be raised.—The jurisdiction of the Court rests on the consent of the Parties, either express, tacit or implicit. —The fact of pleading to the merits showed an intention of obtaining a judgment on the merits.—Inadmissibility of the suit (*fin de non-recevoir*): Nature of the jurisdiction of the Council of the League of Nations and that of the Court. —Interpretation of the German-Polish Convention: Conditions to which children entering the minority schools are subject.	Series A., No. 15; Series C., No. 14—II.
Advisory Opinions.			
Opinion No. 1:			
The nomination of the workers' delegate for the Netherlands at the third session of the International Labour Conference. (July 31st, 1922.)	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.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Opinion No. 2 :			
Competence of the International Labour Organization in regard to agriculture. (August 12th, 1922.)	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.
Opinion No. 3 :			
Competence of the International Labour Organization in regard to agricultural production. (August 12th, 1922.)	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.
Opinion No. 4 :			
Nationality decrees in Tunis and Morocco. (February 7th, 1923.)	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 interpretation of international instruments is not of domestic concern.	Series B., No. 4 ; Series C., No. 2 and additional volume.
Opinion No. 5 :			
The Status of Eastern Carelia. (July 23rd, 1923.)	Series E., No. 1, p. 200	Dispute between a Member and a non-Member of the League of Nations (Article 17 of the Covenant).—The consent of	Series B., No. 5 ;

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
		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.	Series C., No. 3, Vols. I and II.
Opinion No. 6:			
German Settlers in Poland. (September 10th, 1923.)	Series E., No. 1, p. 204	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.	Series B., No. 6; Series C., No. 3, Vols. I, III[I] and III[II].
Opinion No. 7:			
Acquisition of Polish Nationality. (September 15th, 1923.)	Series E., No. 1, p. 210	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).	Series B., No. 7; Series C., No. 3, Vols. I, III[I] and III[II].
Opinion No. 8:			
Delimitation of the Polish and Czechoslovak frontiers. (The Jaworzina question.) (December 6th, 1923.)	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.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
Opinion No. 9 :			
Question of the Monastery of Saint-Naoum. (September 4th, 1924.)	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.
Opinion No. 10 :			
The Exchange of Greek and Turkish populations. (February 21st, 1925.)	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.
Opinion No. 11 :			
The Polish Postal Service at Danzig. (May 16th, 1925.)	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.
Opinion No. 12 :			
Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq—Mosul question). (November 21st, 1925.)	Series E., No. 2, p. 140	Council of League of Nations.—Nature of its powers under Article 3 of Treaty of Lausanne : arbitral award, recommendation, 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 Cov-	Series B., No. 12 ; Series C., No. 10.

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
		enant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).	
Opinion No. 13:			
Competence of the International Labour Organization to regulate incidentally the personal work of the employer. (July 23rd, 1926.)	Series E., No. 3, p. 131	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.	Series B., No. 13; Series C., No. 12.
Opinion No. 14:			
Case relating to the jurisdiction of the European Commission of the Danube between Galatz and Braila. (December 8th, 1927.)	Series E., No. 4, p. 201	The law in force on the Danube.—As regards the jurisdiction of the E. C. D., the Definitive Statute confirms the *de facto* situation existing prior to the war.—This situation defined: Identical powers of the Commission over the whole of the maritime Danube: territorial upstream limit to these powers.—Principles of freedom of navigation and equality of flags; these principles, the application of which the Commission has to ensure, allow of a delimitation between the jurisdiction of the Commission and that of the territorial State.	Series B., No. 14; Series C., No. 13—IV (4 vols.)
Opinion No. 15:			
Jurisdiction of the Courts of Danzig. (March 3rd, 1928.)	Series E., No. 4, p. 213	An international instrument does not constitute a direct source for rights or obligations in regard to persons subject to	Series B., No. 15;

Name of the case.	Account of the case (references).	Summary.	Relevant acts and documents.
		municipal law unless a contrary intention of the Parties appears (1) from the terms of the instrument itself and (2) from the fact relating to its application. —Basis of the jurisdiction of the tribunals of Danzig.—Duty to carry out judgments rendered subject to a right of recourse of an international character.—A Party before the Court cannot base its claim on its own failure to carry out its international undertakings.	Series C., No. 14—I.

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The Fourteenth Session (June 15th, 1928).

The list of cases for the Fourteenth Session, which opens on June 15th, 1928, includes the application for an indemnity relating to the Factory at Chorzów (merits). This case, over which the Court ruled by Judgment No. 8 [1] that it had jurisdiction, was submitted by unilateral application of the German Government, Applicant, on February 8th, 1927, against the Polish Government, Respondent. The written proceedings in this case were concluded on May 7th, 1928.

Other cases which have been submitted to the Court.

In addition to the above, five cases have been submitted to the Court (four cases for judgment, and one in the advisory procedure):

(1) the case between Belgium and China;
(2) the case of the Free Zones of Upper Savoy and the Pays de Gex;
(3) the case of the payment in gold of Brazilian loans contracted in France;
(4) the case of the payment of certain Serbian loans;
(5) the request for advisory opinion concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926.

[1] See p. 155.

* * *

The case between Belgium and China.

The case between Belgium and China was submitted to the Court for judgment by the filing on November 25th, 1926, of an Application instituting proceedings on behalf of the Belgian Government. The Third Annual Report indicated, at pages 125 *et sqq.*, the objects which the application was intended to serve, and enumerated the Orders for interim measures of protection to which this case had given rise. In accordance with the terms of an Order, issued by the Court on February 21st, 1928, the written proceedings, the time-limits for which had been on several occasions extended, will be concluded on November 15th, 1928.

* * *

The case of the Free Zones.

The case of the Free Zones of Upper Savoy and the Pays de Gex was submitted for judgment by a Special Agreement between the Governments of France and Switzerland dated Paris, October 30th, 1924. The Court is asked to decide whether, as between Switzerland and France, Article 435, paragraph 2, of the Treaty of Versailles, with its annexes, has abrogated or is intended to lead to the abrogation of the provisions of the Protocol of the Conferences of Paris of November 3rd, 1815, of the Treaty of Paris of November 20th, 1815, of the Treaty of Turin of March 16th, 1816, and of the Manifesto of the Sardinian Court of Accounts of September 9th, 1829, regarding the customs and economic régime of the free zones of Upper Savoy and the Pays de Gex, having regard to all facts anterior to the Treaty of Versailles—such as the establishment of the Federal Customs in 1849—which are considered relevant by the Court. The time-limits for the filing by the Parties of their Cases, Counter-Cases and Replies, were fixed by an Order of the President of the Court dated May 5th, 1928, so that the written proceedings should be concluded on June 12th, 1929, that is to say, before the opening of the ordinary session of the Court in 1929.

* * *

The case of the Brazilian loans.

The case of the payment in gold of Brazilian loans contracted in France was submitted for judgment by a Special Agreement between France and Brazil, signed at Rio de Janeiro on August 27th, 1927. The Court is asked whether the payment or repayment to the French holders of coupons and redeemed bonds of the Brazilian Federal Government's 5 % loan of 1909 (Port of Pernambuco), 4 % loan of 1910 and 4 % loan of 1911, should be effected in gold francs or in paper francs. By virtue of an Order issued by the President of the Court on May 1st, 1928, the written proceedings in this case will be terminated on October 31st, 1928.

* * *

The case of the Serbian loans.

The case of the Serbian loans was submitted for judgment by Special Agreement between the Governments of France and of the Kingdom of the Serbs, Croats and Slovenes, dated Paris, April 19th, 1928. The Court is asked to decide in this affair as to how the Kingdom of the Serbs, Croats and Slovenes is to effect the service of certain Serbian loans. In accordance with the terms of an Order issued by the President on May 26th, 1928, the written proceedings in this case will be concluded on September 25th, 1928.

* * *

Question of the Greco-Turkish Agreement of December 1st, 1926.

The request for an advisory opinion concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926, was submitted to the Court under a Resolution of the Council of the League of Nations dated June 5th, 1928. The Court is requested to give an opinion in regard to the conditions governing recourse to the arbitration of the President of the Greco-Turkish Mixed Arbitral Tribunal, which recourse is provided for in Article IV of the Final Protocol of the above-mentioned Greco-Turkish Agreement

By an Order made on June 12th, 1928, the President fixed July 10th as the date for the filing by the Greek and Turkish

Governments with the Registry of the Court of their written memorials upon the question.

* * *

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.

CHAPTER IV.

JUDGMENTS AND ORDERS.

JUDGMENT No. 8.

CLAIM FOR INDEMNITY RELATING TO THE FACTORY AT CHORZÓW (JURISDICTION).

Meaning and scope of Geneva Convention and more particularly of Article 23. Discussion of expression "interpretation and application": in international law disputes in regard to application comprise those relating to applicability and to the reparation of the injury suffered as a result of a failure to apply.—Conflicts of jurisdiction in the international field: the necessity for avoiding negative conflicts.—The principle of "Estoppel".—The jurisdiction of the Court is limited: it does not exist where there is a doubt; it is within the discretion of the Court to decide whether there is a "doubt".

Outline of the case.

By a judgment of May 25th, 1926, the Court had decided as between the German Government, Applicant, and the Polish Government, Respondent, that the application of Articles 2 and 5 of the Polish law of July 14th, 1920, constituted in so far as it affected German nationals within the meaning of Part I, Head III, of the Germano-Polish Convention concluded at Geneva on May 15th, 1922, an infraction of Article 6 and the following articles of that Convention, and that the attitude of the Polish Government in applying that law to two industrial enterprises—one being the owner of the land, buildings and installations of the Factory situated at Chorzów (Upper Silesia), and the other carrying out the

exploitation of the said Factory—was not in conformity with those articles.

Following upon this judgment, the German Government requested the Polish Government to take steps to bring about a situation which would both in fact and at law be in conformity with the conclusions of the Court; in the opinion of the German Government these steps should have been the reentry in the land registers of the name of the company which was the former owner, the restitution of the Factory to the exploiting company and the payment to the companies interested of an indemnity, the amount of which would be fixed between the two Governments. Negotiations followed which lasted six months. In the course of the discussions, the German Government came to the conclusion that it was impossible to envisage the restitution of the Factory which, in its opinion, had, under Polish management, undergone alterations which had changed its identity; the question of an indemnity therefore alone remained to be considered. As to the amount of the indemnity, it seemed possible to arrive at an agreement; but irreconcilable differences of opinion were found to exist as to the method of payment, the Polish Government having contended amongst other things that it possessed certain claims upon Germany which should be set off against the amount claimed by the German Government.

In these circumstances, the German Government informed the Polish Government that the points of view of both Parties seemed so different that it appeared impossible to avoid recourse to an international tribunal and that, therefore, the German Minister at The Hague had received instructions to institute proceedings before the Court. The German Government moreover drew attention to the fact that, throughout the negotiations, it had reserved the right of appealing to the Court in the event of failure to agree.

After the Applicant had filed an Application on February 8th, 1927, and a Case on March 3rd, the Polish Government, the Respondent, filed, on April 14th, a Preliminary Objection together with a Preliminary Counter-Case. The German Government submitted its Reply to the Polish Objection on June 1st and, the written proceedings in regard to this part of the case being concluded, the case in so far as concerned

the question of jurisdiction was entered in the list for the Twelfth Session of the Court (June 15th to December 16th, 1927). In the course of this session the Court held public sittings on June 22nd, 24th and 25th, for the purpose of hearing the pleadings of the representatives of the Parties. Public sittings.

The Court, on this occasion, was constituted as follows: Composition of the Court.

MM. HUBER, *President*,
LODER, *Former President*,
Lord FINLAY,
MM. NYHOLM,
MOORE,
DE BUSTAMANTE,
ALTAMIRA,
ODA,
ANZILOTTI,
PESSÔA,
Judges,
YOVANOVITCH, *Deputy-Judge*.

M. Rabel and M. Ehrlich[1], appointed as judges *ad hoc* by the German and Polish Governments respectively, also sat in the Court for this particular case.

* * *

The judgment of the Court was given on July 26th. After recalling the facts, the Court, before proceeding with its examination of the case, defines the points of view of the Parties. The sole basis upon which the intervention of the Court must be considered as having been solicited is Article 23 of the Germano-Polish Convention of Geneva. That article stipulates that all differences of opinion arising out of the interpretation or the application of Articles 6 to 22 of the Convention are to be submitted to the Court for decision, but that the jurisdiction of the Germano-Polish Mixed Arbitral Tribunal, arising under the Treaty of Versailles, is to remain unaffected. Articles 6 to 22 regarded from this aspect Judgment of the Court (analysis).

[1] A biographical note of M. Rabel will be found in the Second Annual Report, p. 19, and that of M. Ehrlich, in this volume, p. 34.

contain stipulations prohibiting, with certain exceptions, the expropriation (liquidation) of industrial undertakings in Polish Upper Silesia during a period of fifteen years. The objection of the Polish Government—the Respondent—was based on two arguments: on the one hand, it said that the jurisdiction conferred upon the Court under Article 23 to take cognizance of disputes relating to Articles 6 to 22 did not extend to disputes relating to reparation for injury arising from an infringement of these articles; on the other hand, it contended that there existed tribunals which had jurisdiction in this particular case: the Arbitral Tribunal at Beuthen in Upper Silesia and the Mixed Arbitral Tribunal at Paris; and the jurisdiction of these tribunals, to which the Parties were obliged to have recourse in the first instance, excluded that of the Court.

The Court then proceeds to consider these two arguments submitted by the Respondent, in order to arrive at a conclusion as to its own jurisdiction.

With regard to the first argument, the Court recalls that in the earlier judgments relating to the Chorzów case it has already laid down that its jurisdiction extends not merely to disputes relating to the application of the provisions of Articles 6 to 22, but also to disputes concerning the applicability of those articles. Since in international law the breach of an undertaking imports an obligation to make adequate reparation for the injury sustained, reparation is the indispensable complement of a failure to apply the articles in question; it follows that jurisdiction over disputes relating to the application of these articles implies, generally speaking, a jurisdiction to deal with disputes which relate to reparation due by reason of a failure to apply them.

But the Polish Government contended that Article 23 should be construed as being exclusively confined to the question whether Articles 6 to 22 could or could not in a particular case be properly applied, thus excluding differences of opinion relating to reparation for injury sustained. It supported this contention by reasoning which was general in character: though it was true that originally arbitration clauses could be construed as also covering differences of opinion in regard to reparations, at the present time, in

view of the later evolution of International Law, such an extensive construction should be rejected.

In the opinion of the Court this is not so, either generally, or specifically in this particular case. The facts clearly show that in the opinion of the governments which, since the end of the XVIIIth century, have concluded with each other agreements providing for arbitration, whenever reservations have been considered requisite, these reservations have related to disputes regarding legal rights and obligations and not to disputes which specifically contemplate pecuniary reparation. To say that the arbitration clause, whilst confessedly providing for the submission to arbitration of questions of right and obligation, should at the present time be restrictively construed as excluding pecuniary reparation, would be contrary to the fundamental conception which has characterized the movement in favour of general arbitration.

Moreover, on an examination of the particular clause under discussion, the words employed by the authors of the Convention show that they had in view not so much the subject of disputes as their source: and it may hence be concluded that disputes relating to reparation for injury are included amongst those relating to the application of Articles 6 to 22 even if, contrary to what has been set out above, the meaning underlying the actual word application would not bear such a construction.

There is another reason which militates in favour of the Court's opinion. For the purpose of construing the contested provision, not only should account be taken of the historical evolution of International Law in regard to the matter, and of the etymological and logical meaning of the words employed, but also and above all of the aim which the authors of the Convention intended to achieve. Their intention was, by offering to the Parties remedies for substantiating their rights, to prevent the interests which the Convention was to safeguard from being jeopardized by the existence of persisting differences of opinion. That is why in the particular case a construction which would compel the Court to confine itself to merely recording that the Convention had been wrongly applied or not applied at all, without being able to lay down the conditions for the reestablishment of the treaty rights affected,

would be contrary to what would, *prima facie*, be the natural object of the clause: for a jurisdiction of this kind instead of definitely settling a dispute, would open the way to further disputes.

The Court is consequently led to reject the first argument relied on by the Polish Government. As to the second, which related to the existence of other competent tribunals, it also arrives at the conclusion that it has not been made out. In support of this second line of argument, the Polish Government based itself in the first place on the general principle that recourse could not be had to the Court, considered as an exceptional form of jurisdiction, unless and until all ordinary means of obtaining redress had been exhausted before other tribunals, i.e. in this case the Arbitral Tribunal at Beuthen and the Mixed Arbitral Tribunal at Paris, the jurisdiction of the latter having been specifically provided for by the second paragraph of Article 23 of the same Convention. The Court in this connection observes that the Polish Government had not maintained that in the particular case its own municipal courts had jurisdiction.

According to the Polish Government, the Beuthen Tribunal had jurisdiction under Article 5 of the Convention. In Judgment No. 6, the Court has already disallowed an analogous argument in regard to this Tribunal: its reasoning was more particularly based upon the want of identity between the Parties to the suit submitted to the Court and the Parties to the case pending before the Beuthen Tribunal. Moreover, the jurisdiction of the Beuthen Tribunal applies in a different sphere: it relates to the provisions of the German-Polish Convention which concerns the safeguarding of vested rights, a subject which is dealt with under Head II of Part I of the Convention. Now, the violation in respect of which reparation is claimed in this particular case is a violation of the provisions of Articles 6 to 22, which are embodied in Head III of Part I of the Convention; and this Head, which constitutes an exception to the general principle of respect for vested rights laid down in Head II, also provides a jurisdiction for differences of opinion which arise in regard to the exceptional provisions above mentioned; this jurisdiction can in these circumstances only be that of the Court. Moreover, the

Beuthen Tribunal can only grant damages together with interest to the claimants as compensation, whereas it is clear that compensation for injury resulting from a violation of Articles 6 to 22 should also be capable of taking the form of *restitutio in pristinum*.

As regards the Mixed Arbitral Tribunal, it is true that its jurisdiction is reserved by Article 23 itself. But the Court explains this fact by recalling that the application of Articles 6 to 22 may give rise to cases analogous to those in which the Treaty of Versailles confers jurisdiction upon this Tribunal and that the object of the Geneva Convention is certainly not to diminish the guarantees which the said Treaty confers upon persons subject to liquidation; in this way, Articles 7 and 8 refer to Articles 92 and 297 of the Treaty. But such cases are necessarily cases of expropriation or of liquidation within the terms of Articles 6 to 22, whereas the present case arises from a violation of the obligation to apply those articles: it is a question of special measures which fell outside the normal operation of Articles 6 to 22, whereas the jurisdiction reserved to the Mixed Arbitral Tribunals, under Article 23, on the contrary presupposes the application of those articles; the reparation due in this particular case is the outcome not of the application of Articles 6 to 22 but of acts contrary to the provisions embodied in those articles.—But Article 305 of the Treaty of Versailles—which was also relied on by one of the interested companies in an action brought by it—also confers jurisdiction upon the Mixed Arbitral Tribunal. Should this article be taken as applicable in this particular case? The Court, whilst leaving the interpretation of that article to the Mixed Arbitral Tribunal itself, has doubts as to its applicability in the particular case under consideration and in this respect observes that it cannot allow its own jurisdiction to give way before that of another tribunal unless confronted with a clause sufficiently clear to exclude the possibility of a negative conflict of jurisdiction leading to a denial of justice. Furthermore, the Court makes a general reference to the principle that one Party cannot avail himself of the fact that the latter has not fulfilled an obligation or has not had recourse to some means of redress if the former Party has himself by some illegal act made it impossible for the latter

to do so: in this particular case, Poland, having failed to apply the Geneva Convention, could not require the interested companies to seek redress for the injury due to that failure, from the tribunals which would have been open to them, had that Convention been properly applied.

Finally, the Court answers the contention that in case of doubt it should always decline jurisdiction. It is true that the Court's jurisdiction is always a limited one, since it only exists to the extent to which the States have accepted it, and that the Court will only affirm its jurisdiction when the force of the arguments for so doing is preponderant. But the question as to the existence of a doubt nullifying jurisdiction need not be considered when—as in the case under consideration—the intention of the Parties to confer jurisdiction upon the Court can be demonstrated in a manner which it considers to be convincing.

In conclusion, the Court accepts jurisdiction and reserves the suit for judgment on the merits. As to the claims relating to the amount of the indemnities and to the method of payment, the Court, considering them as supplementary to the claim for reparation, also reserves them for consideration upon the merits.

* * *

The Court's judgment was adopted by ten votes to three.

Dissenting opinion.

The Polish Judge *ad hoc*, M. Ehrlich, availing himself of the right conferred on him by Article 57 of the Statute, delivered a separate opinion.

ORDER.

REQUEST FOR INTERIM MEASURES OF PROTECTION IN THE CASE RELATING TO THE FACTORY AT CHORZÓW (INDEMNITY).

Request for interim measures of protection and submissions on the merits.—Composition of the Court in this case.—Rejection of the German request.

On November 15th, 1927, the German Government filed with the Registry an Application dated at Berlin on October 14th, to the effect that a provisional measure of interim protection should be indicated in the case concerning the Chorzów Factory (indemnity), a case in which the Court had declared itself to have jurisdiction by its Judgment of July 26th, 1927, and which was consequently now pending before the Court. The German Application claimed that the objection to the jurisdiction raised by the Polish Government, together with the extension of the time-limits for the filing of the documents in the written proceedings upon the merits of the case—an extension granted at the request of the Polish Government—had increased to an appreciable extent the injury suffered by the interested companies owing to the measures which that Government had taken in regard to the Factory. It claimed moreover that the essential part of the application instituting proceedings was not only the amount of the indemnity claimed but, at least to an equal extent, the date of its payment. If, during the decisive periods of the development of a branch of industry, an industrial enterprise was placed in a position which made it impossible for it to participate in that development, it was not only its own private interests but also national interests which had to suffer injury which no amount of pecuniary compensation could ever indemnify.

Seeing that the principle of compensation was in the present case recognized and that it was only the payment of the indemnity which was at issue, and seeing that the damage

arising from further delay would be materially irreparable, the German Government considered that an interim measure of protection whereby the Court would indicate to the respondent Government the sum to be paid immediately as a provisional measure and pending final judgment was necessary for the protection of the rights of the Parties whilst the affair was *sub judice*.

And the Request concluded by asking the Court to invite the Polish Government to pay to the German Government as a provisional measure the sum of 30 millions of Reichsmarks.

Composition of the Court.

The Court gave a decision on this request by an Order, issued on November 21st, 1927. On this occasion the following judges sat on the Court:

MM. HUBER, *President*,
LODER, *Former President*,
Lord FINLAY,
MM. NYHOLM,
ALTAMIRA,
ODA,
ANZILOTTI,
Judges,
BEICHMANN,
NEGULESCO,
Deputy-Judges.

Order of Court (summary).

In the Order the Court recalls that by Judgment No. 8, in which it ruled that it had jurisdiction to adjudicate upon the merits in the case in question, it has reserved for judgment on the merits the claims formulated in the Application instituting proceedings filed by the German Government.

Now the Court considers that the new request of the German Government cannot be regarded as relating to the indication of measures of interim protection but as designed to obtain an interim judgment in favour of a part of the claim formulated in the Application above mentioned, and that consequently the request under consideration is not covered by the terms of the Statute and Rules relating to measures of interim protection.

In these circumstances, considering that there is no reason to invite the Polish Government to submit observations upon

the German Government's request, and considering that the Court is entitled as normally composed to indicate, should occasion arise, measures of interim protection without specially obtaining the assistance of national judges, the Court decides that effect cannot be given to the request of the German Government of October 14th, 1927.

JUDGMENT No. 9.

THE "LOTUS" CASE.

The principles of international law within the meaning of Article 15 of the Convention of Lausanne.—From the sovereignty of States, the basis of international law, a presumption arises in favour of the jurisdiction of any State over its own territory and of its right to legislate as it thinks fit in criminal as well as in civil matters.—The territoriality of criminal law is not an absolute principle of international law.—In penal matters, in particular as regards manslaughter, international law does not provide that for the purpose of localizing the wrongful act any single theory must be adopted in preference to all others.—The principle of the freedom of the seas allows a State, in so far as penal jurisdiction is concerned, to assimilate the ship flying its flag to its own territory without, however, as regards collisions, any more extended rights arising therefrom which would create an exclusive jurisdiction in favour of such State.—The inseparability of the elements constituting an offence giving rise to concurrent jurisdictions.

Outline of the case.

On August 2nd, 1926, towards midnight, between five and six nautical miles to the North of Cape Sigri (Mitylene), a collision occurred between the French mail steamer *Lotus* (during the watch of the first lieutenant of the ship, M. Demons, a French citizen) and the Turkish collier *Boz-Kourt*, commanded by its captain Hassan Bey. Cut in two the Turkish ship sank; ten of the persons who were on board were able to be saved by the *Lotus*, but eight others who

were Turkish nationals were drowned. The French mail steamer then continued on its course towards Constantinople where it arrived on August 3rd. The Turkish police proceeded to hold an inquiry into the collision. On August 4th, the captain of the *Lotus* handed in his master's report at the French Consulate transmitting a copy thereof to the harbour master. On the following day, August 5th, Lieutenant Demons was requested to go ashore to give evidence. The examination, the length of which resulted in delaying the departure of the French steamer, led to the placing under arrest of Lieutenant Demons—without previous notice moreover being given to the French Consul-General—and of the Captain of the *Boz-Kourt*. This arrest was alleged to have been effected in order to ensure that the criminal prosecutions instituted against these two officers, on a charge of manslaughter brought on the complaint of the families of the victims of the collision, should follow its normal course. The case was heard from August 28th onwards by the Criminal Court of Stamboul before which it had been brought; that Court gave judgment affirming its jurisdiction to which Lieutenant Demons had pleaded. The proceedings were resumed on September 11th, when Lieutenant Demons demanded his release on bail; this request was complied with on September 13th, the bail being fixed at 6,000 Turkish pounds. On September 15th, the Court sentenced Lieutenant Demons to eighty days imprisonment and a fine of twenty-two pounds, and the other accused to a slightly more severe penalty.

From the outset of the proceedings taken against M. Demons, the French Government had made protest to the Turkish Government and had demanded in particular that the matter should be withdrawn from the Turkish courts and transferred to the French courts. As a result of repeated representations, the Government of Angora declared on September 2nd that it would have no objection to the reference of the dispute as regards jurisdiction to the Permanent Court of International Justice; the French Government having on the 6th of the same month given its full consent to the proposed solution, the two Parties appointed their plenipotentiaries who, on October 12th, 1926, signed at Geneva a Special Agreement. This Agreement, which was ratified on December 27th following,

Special Agreement.

was notified to the Registrar of the Court on January 4th, 1927.

By the Special Agreement, the Court was asked to decide in the first place whether Turkey had "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 .... against M. Demons as well as against the captain of the Turkish steamship, joint criminal proceedings in pursuance of Turkish law"; and secondly, "should the reply be in the affirmative, what pecuniary reparation is due to M. Demons".

Both Parties filed a Case on March 1st, 1927, and a Counter-Case on May 24th following. The suit was entered on the list of cases for the Twelfth (ordinary) Session of the Court held from June 15th to December 16th, 1927. The following judges sat on the Court when this case was heard:

Composition of the Court.

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

Feïzi-Daïm Bey, whom the Turkish Government, availing itself of its right to appoint a national judge *ad hoc*, had nominated for this purpose, also sat as a member of the Court.

Public sittings.

In the course of public sittings held on August 2nd, 3rd, 6th, 8th, 9th and 10th, the Court heard the arguments of the representatives of the Parties; it delivered judgment on September 7th.

* * *

Judgment of the Court (analysis).

After a short recital of the facts brought to its notice, the Court, in the first place, gives an outline, in the light of the record before it, of the situation resulting from the terms of the Special Agreement; and in this respect, it makes the

following observations amongst others: First, the collision having taken place on the high seas, no territorial jurisdiction other than that of France or Turkey enters into account. Secondly, a question of a limited nature only has been asked: is the fact of the Turkish criminal court's having exercised criminal jurisdiction in this particular case as such contrary to the principles of international law? This question is distinct more particularly from the following questions: whether the laws and enactments which the Turkish authorities had been able to adduce in support of the criminal proceedings were compatible with international law; whether the manner in which the proceedings had been conducted was such as might lead to a denial of justice and, accordingly, to a violation of international law; and, finally, what was the nature of the wrongful acts, if any, of which M. Demons was accused. Thirdly, on the assumption that there existed a relationship of cause and effect between those acts and the death of the Turkish nationals, the offence of Demons would be that of *homicide par imprudence* (manslaughter).

What are the principles of international law which the proceedings might have violated, principles to which Article 15 of the Convention of Lausanne, cited in the Special Agreement, refers the contracting Parties for the purpose of delimiting their respective jurisdictions? In this respect, the terms of the Lausanne Convention are clear and there is no ground for considering the preparatory work (the argument which it was sought to draw therefrom is moreover double-edged): these principles are the principles of international law as it is applied between all members of the community of nations, which principles accordingly apply equally to all the States parties to the Convention. Indeed the Treaty of Peace of Lausanne decrees the abolition in every respect of capitulations and, moreover, the preamble to the Convention itself states that the intention of its authors is to effect a settlement in accordance "with modern international law".

After stating the above, the Court, having to consider whether there are any rules of international law which might have been violated by the Turkish authorities, is confronted at the outset with a fundamental question of principle: Were the Turkish courts obliged to find some title to justify the

exercise of jurisdiction or, on the contrary, was such jurisdiction admissible unless it came into conflict with international law? The Court adopts the latter view. Indeed, in the first place, it appears to be in conformity with the Special Agreement itself, which does not ask the Court to formulate the principles empowering Turkey to institute criminal proceedings but those which prevent her from so doing. Secondly, this view is dictated by the very nature, under existing conditions, of international law, the basis of which is the free will of independent States and which, whilst prohibiting the exercise of the sovereign powers of a State in the territory of another, except by virtue of a permissive rule, does not, on the other hand, prohibit municipal courts from taking cognizance of acts which have taken place abroad—subject to a few prohibitive rules of an exceptional nature—, the general principle being that every State is free to adopt the principles which it regards as best. It is moreover this freedom which explains the variety of rules which certain States have been able to adopt without objection on the part of others, a variety from which positive and negative conflicts of jurisdiction have arisen and which attempts have been made in Europe and America to remedy by endeavouring to draw up conventions restricting the freedom of the Parties. In these circumstances, all that can be required of a State is not to go beyond the limits assigned to its jurisdiction by international law; within these limits, the authority for the jurisdiction it exercises rests in its sovereignty. It would be contrary to general international law to demand that a State should have to find a permissive rule of that law in every case over which it claimed jurisdiction before its courts.

Nevertheless, it has to be ascertained whether the situation is the same also as regards criminal jurisdiction.

The Court observes, in the first place, that the territorial character of criminal law is not an absolute principle of international law and by no means coincides with territorial sovereignty: indeed, though it is true that in all systems of criminal law the principle of its territorial character is fundamental, the greater part of these systems none the less extend their scope to cover offences committed abroad and they do so in ways which vary from State to State. According to one of

these systems—that supported by Turkey—the situation is identical both in relation to penal and to any other matters: the principle of the freedom of States is alleged to be a generally recognized principle of law. According to another system, upon which the French reasoning was based, the territorial principle is proclaimed as the rule, and any exception to which it might be subject—such for example as the extra-territorial jurisdiction of a State over its own nationals or in regard to crimes against the security of the State—should rest on specific permissive rules. But even if, for the purposes of demonstration, the point of view of the French system be adopted, one is obliged, for logical reasons, to return to a consideration of the same difficulty: that of finding whether any principle of international law restricting the freedom of States in matters relating to criminal law exists, i.e. as regards the case before the Court, any principle which would have prohibited Turkey from taking criminal proceedings against Demons.

In order to solve this difficulty, the Court has to examine those precedents which are closely analogous to the present case, from which precedents alone a general principle might be evolved applicable to the case.

Proceeding to make this examination, the Court then considers the arguments of the French Government in support of the theory of prohibition. The reasoning of the French Government may in substance be said to consist of three main arguments.

The first was that international law did not allow a State to take proceedings against a foreigner who had committed an offence for an act committed by him abroad, solely by reason of the nationality of the victim; and such was the situation in the case under consideration, because the offence must be considered as having been committed on French territory.—But the Court observes that the offence produced its effects on the Turkish vessel, that is to say in a place where Turkish criminal law could not be challenged; so that, even if it were found that the restrictive rule invoked by the French Government were well founded in so far as it had in view proceedings based on the nationality of the victim, it would not be relevant to the case, unless another rule existed forbidding States from basing their jurisdiction on some other

criterion, such as, for example, the locality where the offence produced its effects. But no argument brought to the knowledge of the Court allows of such a prohibition being inferred. On the contrary, it is well established that a number of municipal courts have assimilated offences committed in the territorial sphere of their jurisdiction to those producing their effects therein ; and the Court is not aware of a case in which diplomatic representations have been made in this respect. Moreover, it should be recalled that in the particular case under consideration the special agreement does not contemplate the eventuality of a conflict between the principles of international law and the article of the Turkish Penal Code upon which the Turkish courts founded their jurisdiction, which article is solely based upon the principle of the victim's nationality. However this may be, even if the principle were to be rejected or if the articles were held to be incompatible with international law, it would not be possible to infer that the proceedings should be condemned as being contrary to that law, since the invocation of the impugned article might show a mere error in the choice of the legal provision applicable and another provision compatible with international law might possibly have been cited in support.

The Court therefore concludes that, since the offence produced its effects on the Turkish ship, no rule of international law exists prohibiting the Turkish authorities from taking proceedings against Demons because of the fact that he was on board the French ship. Is the conclusion affected in the particular case of manslaughter, where a wrongful intent, directed towards the place where the mortal effect is felt, is wanting, and the offence cannot, consequently, be localized in that spot ? It is unnecessary for the Court to decide this point, which is one of interpretation of Turkish law ; it will suffice to observe that no rule of international law exists which necessitates such an interpretation of manslaughter in preference to one which tends to localize the offence in the place where it produces its effects.

The French Government in the second place argued that the State whose flag was flown had exclusive jurisdiction over acts taking place on board a merchant ship on the high seas. —It is quite true, the Court observes, that the freedom of

the seas implies that no State may exercise any kind of jurisdiction over acts taking place on foreign ships, which can be assimilated to the territory of the States the flags of which the ships fly; but this is no more than an assimilation and the State whose flag the ship flies cannot claim rights over that ship more extensive than those which it exercises on its own territory properly so-called. Consequently acts which take place on the high seas on a ship must be regarded as having taken place on the territory of the State whose flag the ship flies; and, therefore, if an offence committed on board a ship on the high seas produces its effects on a ship of another nationality, the State under whose jurisdiction the latter vessel falls is no more debarred by international law from taking criminal proceedings against the accused than it would be in the event of the offence producing its effects on its own territory properly so-called. Neither the teaching of publicists nor customary law allow of any other inference; in so far as international precedents are concerned, it would appear to be clear that the principle of an exclusive jurisdiction of the State whose flag is flown is not universally recognized.

The third argument put forward by the French Government was as follows: In so far as collision cases were concerned, criminal proceedings, at all events, would come within the exclusive jurisdiction of the State whose flag was flown.—It was alleged—the Court proceeds—in support of this argument, in the first place that in fact States had often refrained from instituting criminal proceedings; but, even if such abstention were an established fact, it could not be classified as an international custom unless it were due to their being conscious of a duty to abstain; and that would still have to be proved. A series of decisions was adduced which, owing to the lack of international decisions, consisted mainly of judgments by municipal courts; but these judgments supported sometimes one view and sometimes the other; in these circumstances the Court cannot take them as indicating the existence of a restrictive rule of international law. On the contrary, the Court deduces from them an argument in favour of rejecting the French contention, since it is able to establish that in the cases in which the courts of a country other than

the one whose flag was flown have instituted proceedings, the State which, according to the French argument, should have exclusive jurisdiction to do so, does not appear to have ever made any protest. In the last place, it was contended in support of the theory of the exclusive nature of the jurisdiction that it was explainable by the fact that the punishment which could be imposed as a result of the proceedings, as for instance the temporary cancellation of a master's certificate, was disciplinary rather than penal in character. But in this respect the Court lays stress on the fact that in this particular case the proceedings were in fact instituted for an offence at criminal law and that in general the application of criminal law cannot be considered as being subsidiary to the application of administrative regulations or disciplinary penalties.

These considerations lead the Court to reject the third argument of the French Government and to conclude that, as regards collision cases, there is no exclusive jurisdiction in favour of the State whose flag is flown. And this is easily comprehensible if the manner in which collisions give rise to conflicts between two jurisdictions of different States be taken into account: thus, in this particular case, there was on the one hand an act or an omission on board the *Lotus;* on the other hand, the effects of that act were felt on board the *Boz-Kourt;* these two elements are, juridically speaking, inseparable, so much so that their separation would render the offence non-existent. Neither the exclusive jurisdiction of either State, nor the limitations of the jurisdiction of each to the occurrences which took place on the respective ships, would appear calculated to satisfy the requirements of justice and effectively to protect the interests of the two States. It is only natural that each should be able to exercise jurisdiction and to do so in respect of the incident as a whole. It is therefore a case of concurrent jurisdictions.

The Court, having arrived at the conclusion that the arguments advanced by the French Government are either irrelevant to the issue or do not establish the existence of a restrictive principle, observes that in the fulfilment of its task of ascertaining what the international law is, it has not confined itself to the consideration of these arguments but that it has extended its researches to all precedents, teachings

and facts to which it has had access. Since the result of these researches has not been to establish the existence of such a principle, it must come to the conclusion that Turkey did not act in a manner contrary to the principles of international law in the matters submitted to the Court by the Special Agreement, having regard to the discretion which, in the absence of any specific principles governing the matter, international law allows to every sovereign State.

Having thus given an answer in the negative to the first question, there is no need for the Court to consider the second.

* * *

Dissenting opinions.

The judgment was adopted by the President's casting vote, the Court being composed of twelve Judges, and the votes being equally divided. All the dissenting Judges—MM. Loder, Weiss, Lord Finlay, MM. Moore, Nyholm, Altamira—availed themselves of their right under the Statute to attach to the judgment the statement of their separate opinions. One of the dissenting Judges, Mr. John B. Moore, however, began his opinion by declaring his agreement with the principle laid down in the judgment, according to which there is no rule of international law by virtue of which the penal cognizance of a collision at sea resulting in loss of life belongs exclusively to the country of the ship by or by means of which the wrong has been done. "Thus", he added, "making for the judgment on that question as submitted by the Compromis a definitely ascertained majority of seven to five."

JUDGMENT No. 10.

CASE OF THE READAPTATION OF THE MAVROMMATIS JERUSALEM CONCESSIONS (JURISDICTION).

Mandate for Palestine (Article 26).—The necessary and by itself adequate condition for the jurisdiction of the Court over a breach of the Protocol relating to certain concessions, which forms a part of the settlement of the Peace of Lausanne, is that such a breach should be incidental to an exercise of the full powers to provide for public control (Art. 11 of the Mandate). —This condition failing in this particular case, there is no need to examine the other arguments put forward by the Respondent in his plea to the jurisdiction in order to demonstrate that the Court has no jurisdiction to consider the application on the merits.

Outline of the case.

In Judgment No. 5, rendered as a result of proceedings instituted by unilateral application on behalf of the Greek Government against the British Government—Respondent—, proceedings which also gave rise to a judgment as to the Court's jurisdiction (Judgment No. 2) [1], the Court recognized the validity of certain concessions granted in 1914, before or during the war, by the Ottoman authorities to M. Mavrommatis, a Greek national; by virtue of a special jurisdiction conferred upon the Court by agreement between the Parties, it was moreover decided that these concessions fell within the scope of Article 4 of the Protocol of Lausanne of July 23rd, 1923, that is to say, that the concessionnaire was entitled to have them put into conformity with the new economic conditions prevailing in Palestine. On the other hand, the Court observed that these concessions had to a certain extent been

[1] For a summary of these two judgments, see the First Annual Report, Series E., No. 1, p. 169.

infringed by the grant of other concessions to a certain Mr. Rutenberg, but that, nevertheless, no damage ensuing to Mavrommatis as a result of this infringement, which had been of a transitory nature, could be proved. The concessions in question referred (1) to the supply of water, (2) to the supply of electricity to the town of Jerusalem.

Following upon this judgment, and as from May, 1925, the two Governments concerned took certain steps with a view to putting the Mavrommatis concessions into conformity with the new conditions or, in other words, to their "readaptation". Experts were nominated in conformity with the procedure provided for under the Lausanne Protocol, and after prolonged negotiations they were able to announce that they had successfully completed the work of readaptation by means of substituting new contracts for the old ones. The new contracts were duly signed on February 25th, 1926, by Mavrommatis and by the Crown Agents for the Colonies acting for and on behalf of the High Commissioner of Palestine. These contracts stipulated that the concessionnaire absolutely and irrevocably surrendered and renounced all right and benefit under the agreements of 1914, which were henceforth considered cancelled and annulled; in consideration of such renunciation the High Commissioner granted the new concessions, provided always that within certain specified times the concessionnaire had formed the companies for the carrying out of the concessions, had arranged for the subscription of a fixed portion of the share capital and had submitted the plans for the works. Within three months after such submission the High Commissioner was to notify his approval or disapproval or his objections.

The plans were despatched in April, 1926, by a third person to whom Mavrommatis had ceded his rights and obligations arising under the said concessions, and their receipt was acknowledged on May 5th following; but on July 21st following Mavrommatis was informed that this cession was considered as an absolute assignment of his concessions—an assignment unwarranted under the terms of the contract—and that consequently the deposit of the plans by the cessionnaire was not valid. Whereupon Mavrommatis determined his agreement with the cessionnaire and in September, 1927, requested the High Commissioner to retain the plans in question as having

been deposited on his—M. Mavrommatis'—behalf. The High Commissioner accepted them as so deposited on September 5th, 1926.

Meanwhile the Palestine authorities, on March 5th, 1926, had finally granted to M. Rutenberg a concession for the supply of electricity which applied to the whole of Palestine. But this concession—to which M. Rutenberg was entitled under an earlier agreement, which, as has already been observed, contained, according to Judgment No. 5 of the Court, a clause which was incompatible with M. Mavrommatis' rights—did not contain the clause in question but on the contrary reserved certain rights and privileges; this reservation referred to M. Mavrommatis' electricity concession for Jerusalem.

The approval of the High Commissioner which was required under the terms of the concessions was granted on September 23rd (electricity concession) and December 2nd (water concession). But on December 1st, being of the opinion that according to the terms of the contracts, approval should have been given before August 5th—namely, within the three months after the plans had been deposited—and that the delay which had occurred had destroyed his chances of financing the undertaking, M. Mavrommatis informed the British authorities that in his opinion they had failed to carry out the contracts and that he would seek damages; he moreover stated that with this object in view he was putting himself in communication with his Government.

Subsequently, on the instructions of the Greek Government, the Greek Legation in London intervened as from January 17th, 1927, on behalf of M. Mavrommatis, expressing the earnest hope that His Majesty's Government would examine the matter in a conciliatory spirit. On February 19th, 1927, the Legation hinted at the possibility—failing an amicable settlement—of again instituting proceedings before the Permanent Court of International Justice. The negotiations thus begun did not however lead to an agreement, and on May 23rd, 1927, the Greek Minister in London informed the Foreign Office of his Government's decision once more to have recourse to the Court and to submit to it "the differences which had arisen in the execution of the judgment.... of March 26th, 1925".

Application instituting proceedings.

The Application instituting proceedings was filed by the Greek Government with the Registry on May 28th, 1927. The British Government, Respondent, after receiving a communication of that Application, as well as the Case, filed some days later by the Applicant, transmitted to the Registry a Preliminary Objection to the jurisdiction, in which it asked the Court to declare it had no jurisdiction and to dismiss the claim of the Respondent upon this ground.

The Court having thus, in the first place, to take a decision as to its jurisdiction, the Greek Government, in accordance with the terms of Article 38 of the Statute, was invited to submit a written statement of its observations and conclusions in regard to the British objection. The next stage of the proceedings as provided by the article in question being oral, the case was entered on the list of cases for the Twelfth ordinary Session (June 15th to December 16th, 1927) in the course of which the Court held public sittings on September 8th, 9th and 10th, in order to hear Counsel for both Parties. The Court on this occasion was composed as follows:

Public sittings.

Composition of the Court.

MM. HUBER, *President*,
LODER, *Former President*,
Lord FINLAY,
MM. NYHOLM,
MOORE,
ALTAMIRA,
ODA,
ANZILOTTI,
Judges,
BEICHMANN,
NEGULESCO,
Deputy-Judges.

M. Caloyanni [1], appointed by the Greek Government as a judge *ad hoc*, also sat as a member of the Court in this case.

* * *

Judgment of the Court (analysis).

The judgment of the Court was rendered on October 10th, 1927. The Court in the first place summarizes the submissions

[1] A biographical note on M. Caloyanni will be found in the First Annual Report at page 64.

and arguments of the Parties. The Greek Application was based on Articles 26 and 11 of the Palestine Mandate, an instrument the terms of which had been approved by the Council of the League of Nations in 1922. According to the first of these articles, any dispute relating to the interpretation or to the application of the provisions of the Mandate can, if not capable of settlement by negotiations, be submitted to the Court. According to Article 11, the Palestine Administration has full powers "subject to any international obligations accepted by the mandatory" to "provide for public ownership or control" of any of the natural resources or of the public works of the country. According to the first of the judgments rendered by the Court in this matter (Mavrommatis case, jurisdiction, August 30th, 1924), the international obligations in question are those arising under Protocol XII of Lausanne which provides for the maintenance of certain concessions granted by the Ottoman authorities prior to October, 1914. Now the Greek Government considered that it was these international obligations that the British and Palestine authorities had failed to carry out by delaying the approval of the plans for the works provided for under the concessions granted in 1926 to Mavrommatis in substitution for the concessions of 1914.

The Greek Application also put forward a second argument. It alleged that the British authorities had failed to conform to the judgment rendered by the Court on March 26th, 1925; the fact that the British authorities had prevented the carrying out of the 1926 Mavrommatis contracts was equivalent to a failure on their part to carry out the obligation, imposed upon them by the judgment in question, to readapt these concessions.

The British Government replied on the one hand that the Court had no jurisdiction upon a unilateral application to entertain proceedings with regard to the execution of its earlier judgment. And moreover that it could not found its jurisdiction upon the provisions of the Mandate, since the delay in approving the plans did not constitute an exercise of the "full powers" provided for by Article 11; furthermore, even if an exercise of such "full powers" had taken place, it could not be said that there had been a failure in carrying out the obligations accepted by the Mandatory, since the

Lausanne Protocol, which solely referred to the concessions granted by Turkey prior to 1914, could not be infringed by a possible breach of the provisions of the contracts relating to the concessions granted in 1926 by the British authorities.

The Applicant having abandoned the argument as to whether the Court might have jurisdiction, upon unilateral application, to decide disputes concerning non-compliance with the terms of one of its earlier judgments, the Court in its judgment leaves aside the submissions relating thereto. The judgment of the Court thus principally bears upon the question of the jurisdiction which it might in this case derive from Articles 26 and 11 of the Mandate.

In this respect the Court observes that it takes as a basis for its decision the interpretation of these articles which it has already given in its earlier judgments in 1924 and 1925; this interpretation, which it then proceeds to summarize, is as follows: The jurisdiction bestowed upon the Court by Article 26 of the Mandate in regard to the interpretation and application of the clauses of the Mandate only covers the interpretation and application of the provisions of the Protocol of Lausanne in so far as the Mandatory, in the exercise of the "full power" bestowed upon him by Article 11, may disregard the obligations which he has accepted in signing the Protocol. The full power in question is a full power to "provide for the public control and the natural resources of the country", and the words "public control" mean an economic policy consisting in subjecting private enterprise to public authority in such a way as to enable the authorities, without acquiring the ownership of the resources or public works in question, to exercise over the enterprises exploiting them certain powers normally inherent in ownership. It follows that the question whether in a particular case there has or has not been an exercise of the "full power. . . . to provide for public control . . ." is essentially a question that can only be decided in each case as it arises. The special circumstances upon which the Court in the two earlier cases founded its jurisdiction were that the grant of the Rutenberg concessions in 1921 constituted (owing to certain features of the contracts which reserved an important rôle to the official organ of Zionism) an exercise of the full power referred to in Article 11; that these

concessions, at least in part, overlapped the Mavrommatis 1914 concessions; that the latter concessions fell within the scope of the Protocol of Lausanne; the grant of a concession involving a right of advice and supervision on the part of the authorities would not in itself constitute an exercise of the "full power to provide for public control" over the works forming the subject of the said concession.

From this construction, which the Court recalls and reaffirms, it follows, in the case under consideration, that the Court would have no jurisdiction unless the alleged violation of the Mandatory's obligations were incidental to an exercise of the "full power" in question.

The Court then considers the facts of the case from this point of view. The Court observes in the first place that the various steps taken with a view to readapting the 1914 concessions do not constitute an exercise of the "full power to provide for public control"; and it arrives at the same conclusion, with regard to the attitude of the British and Palestine authorities—even assuming that it were legally unjustifiable—, an attitude which was said to have been the cause of the delay alleged by M. Mavrommatis in the carrying out of his plans.

The Court then proceeds to consider from the same point of view the grant of the Rutenberg concession of March 5th, 1926, which grant did constitute an exercise of the "full power" in question. If there had been any incompatibility between these concessions and those of Mavrommatis—the latter being prior to the former—so that M. Mavrommatis' rights would have been violated, the Court would have found itself, as regards its jurisdiction, in a situation analogous to that in which it was placed in the first Mavrommatis case. But the Greek Government has not based its conclusions upon the existence of an incompatibility of this character, and moreover the circumstances are fundamentally different, since the Applicant in this case has not claimed that Mavrommatis' rights have been violated by definite acts, constituting an exercise of the full power referred to in Article 11, but has averred that the British Government adopted a passive and negative attitude which prejudiced the interests of M. Mavrommatis. But even admitting that the full power provided for under

Article 11 might equally take the form of acts designed to set aside private ownership and control, thus making possible public ownership and control, there is no need to consider this hypothesis, seeing that even *prima facie* the contentions of the Greek Government do not seem capable of establishing the existence of acts of this nature.

The objection to the jurisdiction put forward by the British Government, in so far as it is based on Articles 11 and 26 of the Mandate, is therefore well founded. Consequently, the Court need not concern itself with the argument advanced by the Respondent referring to the inapplicability of the Protocol of Lausanne to the Mavrommatis concessions of 1926, nor need it examine the points of municipal law raised in this connection by the Parties. It may also leave aside the alternative plea of the British Government to the effect that M. Mavrommatis has not exhausted the remedies open to him before the municipal courts. In regard to this point it confines itself to recording the statements made before it by the representative of the British Government to the effect that it was open to M. Mavrommatis to obtain reparation by process of law either in England or in Palestine for the damage that he claimed to have suffered.

* * *

The judgment of the Court was adopted by seven votes to four.

Dissenting opinions.

M. Pessôa, Judge, took part in the discussions relating to the present suit but was obliged to leave The Hague before the final draft was accepted; he declared he was unable to agree with the conclusions of the judgment, the Court in his opinion having jurisdiction. On the other hand, MM. Nyholm and Altamira, Judges, and M. Caloyanni, Judge *ad hoc*, declaring that they were unable to concur in the judgment, delivered separate opinions.

JUDGMENT No. 11.

INTERPRETATION OF JUDGMENTS Nos. 7 and 8 (CHORZÓW FACTORY).

Articles 60 and 59 of the Statute: In order that an application for interpretation should be admissible, it must refer to a passage of the judgment in question having binding force.—Meaning of "dispute".—An application for interpretation is also admissible when the dispute relates to the question whether the disputed passage does or does not possess binding force.—The Court is free to consider the intention and not the form of the submissions of which it may give a reasonable interpretation.—Judgment No. 7, which is declaratory of existing law, recognizes, with binding force for the purposes of the case, the right of ownership of the Oberschlesische Company over the Chorzów Factory, without making this right depend upon the result of subsequent proceedings instituted by the Polish Government before a municipal jurisdiction.—Scope of an interpretation under Article 60 of the Statute.

In Judgment No. 7, rendered on May 25th, 1926, in the case between the German and Polish Governments in regard to "certain German interests in Polish Upper Silesia"—which interests according to the judgment related amongst other things to the "deletion from the land registers of the name of the Oberschlesische Stickstoffwerke A.-G. as owner of certain landed property at Chorzów and the entry in its place of the Polish Treasury"—the Court laid down that the attitude of the Polish Government in regard to the Oberschlesische Stickstoffwerke was not in conformity with the Geneva Convention concluded on May 15th, 1922, between Germany and Poland.

On the basis of this decision of the Court, the two Governments entered upon negotiations with a view to a settlement by friendly arrangement of the claims of the above-mentioned company, *inter alia* by means of the payment of pecuniary compensation. But these negotiations failed, and the German Government having informed the Polish Government that the point of view of the two Governments seemed so different that it appeared impossible to avoid recourse to an international tribunal, filed with the Court on February 8th, 1927, an Application submitting amongst other things that the Polish Government was under an obligation to make good the injury sustained by the Oberschlesische in consequence of the attitude of that Government in respect of that company. The Polish Government having objected to the jurisdiction of the Court in the case, the Court overruled the objection on July 26th, 1927, by Judgment No. 8, and decided to reserve the suit for judgment on the merits after March 1st, 1928.

On September 16th, 1927, the Polish Government brought an action against the Oberschlesische Company before the District Court of Katowice, within the jurisdiction of which the Factory of Chorzów was situated. The plaintiff in this action, whilst invoking more particularly Judgment No. 7 of the Court, submitted that it should be declared that the defendant company had not become the owner of the Factory in question; that the entry made in its favour in the land register was null and void; and that the ownership of the Factory in question fell to the Polish Treasury. The arguments brought forward in support of these submissions were as follows: By Judgment No. 7 the Court had decided the dispute from the standpoint of the rules of international law and had observed in its statement of reasons that it did not pass any opinion on the question whether the transfer of ownership and entry in the land registers were valid at municipal law. Relying on the fact of the existence of the entry, the Court, it was alleged, had taken no decision in regard to one of the arguments put forward by the Polish Government, namely, the invalidity of the entry itself; nevertheless the Court, it was claimed, had said that the annulment of the entry, if it were claimed by the Polish State, could in any case only take place as a result of a decision given by the competent

tribunal; which amounted to reserving to the Polish Government the possibility of disputing before such competent tribunal the validity of the change of ownership as well as of the entry in the land register.

The German Government, considering that a difference of opinion had arisen between its own views and those of the Polish Government in regard to the meaning and scope of Judgments Nos. 7 and 8 of the Court, filed with the Registry on October 18th, 1927, an Application for the interpretation of those judgments. The German Government requested the Court to declare that the contention to the effect that in Judgment No. 7 the Court had reserved to the Polish Government the right to annul by process of law the entry of the Oberschlesische as owner, and that the action brought before the Civil Tribunal at Katowice with a view to effecting this annulment, was of international importance in connection with the suit now pending before the Court, was not in accordance with the true construction of Judgments Nos. 7 and 8.

Application instituting proceedings.

After an interchange of documents, of which those submitted by the Polish Government, the Respondent, concluded that there was no ground for giving effect to the request of the German Government, the case was entered on the list of cases for the Twelfth (ordinary) Session of the Court (June 15th to December 16th, 1927), and the agents of the Parties were heard in the course of a public sitting held for the purpose on November 28th. The Court on this occasion was composed as follows:

Public sitting.

Composition of the Court.

MM. HUBER, *President*,
LODER, *Former President*,
Lord FINLAY,
MM. NYHOLM,
ALTAMIRA, } *Judges*,
ODA,
ANZILOTTI,
BEICHMANN, } *Deputy-Judges*.
NEGULESCO,

MM. Rabel and Ehrlich, appointed as national judges by the German and Polish Governments respectively, also sat as members of the Court in this case.

* * *

The judgment of the Court was delivered on December 16th, 1927. Judgment of the Court (analysis).

After recalling the facts the Court, in the first place, observes that the case has been submitted under Article 60 of the Statute, according to the terms of which, in the event of a dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any Party. But the Polish Government has denied that, in this particular case, the conditions, required by Article 60 in order that effect should be given to a question for interpretation, are present. The first question arising is consequently whether the request is admissible.

What are the conditions required by Article 60? There must, in the first place, be a dispute as to the meaning and scope of a judgment of the Court; and secondly, the request must have for its object an interpretation of that judgment. As regards the latter condition, it has not been disputed that the term "to construe" must be understood as meaning: to give a precise definition of the meaning and scope which the Court intended to give to the disputed judgment. But on the contrary, as regards the former submission, the Polish Government has denied the existence of a dispute between the Parties as to the meaning and scope of the judgments referred to by the Applicant and submitted that the request should be disallowed.

Before examining the question thus raised, the Court considers it advisable to define the meaning which should be given to the terms "dispute" and "meaning or scope of the judgment" which are to be found in Article 60 of the Statute. The word "dispute" and the context of the article do not require negotiations between the Parties as a condition precedent; there is no reason for requiring that the dispute should be formally manifested: it is sufficient if the Parties have in fact shown themselves as holding opposite views in regard to the meaning and scope of a judgment. In order to realize the meaning of the expression "meaning and scope of the judgment", it should be compared with Article 59 of the Statute according to which a decision of the Court has no binding force except between the Parties and in respect of

the particular case decided. Indeed, the natural inference to be drawn is that the proceedings for interpretation provided for under Article 60 are intended to enable the Court, if necessary, to make quite clear the points which had been settled with binding force in a judgment; and on the other hand that such proceedings could not be applied to a request which had not that object in view. Consequently, in order that a difference of opinion should become the subject of a request for an interpretation under Article 60, it must refer to those of the points which had been decided with binding force in a judgment the meaning of which was disputed; and amongst such differences of opinion, the question whether a particular point had or had not been decided with binding force, must be included.

Proceeding to consider the facts of the case in the light of these criteria, the Court comes to the conclusion that the matter before it is indeed a dispute as to the meaning and scope of Judgment No. 7 within the meaning of Article 60 of the Statute. The German Government has claimed that Judgment No. 7 of the Court was a final decision, under municipal law also, as regards the right of ownership of the Oberschlesische over the Factory at Chorzów and that it was binding as concerns the claim for compensation put forward on behalf of that Company; whereas the Polish Government has supported the opposite view, relying on a certain passage of the judgment in question, which, according to its opinion, showed the soundness of this view and which might in one sense be described as a reservation. There is therefore a true dispute as to the meaning and scope of Judgment No. 7. But on the other hand, as regards Judgment No. 8, the Court is of the opinion that neither its meaning nor its scope is directly at issue either in the first or the second German submission.

The Court having arrived at this conclusion with regard to the admissibility of the application, then proceeds to consider on the merits the request for an interpretation of Judgment No. 7. In so doing it states that it does not regard itself as constrained merely to reply affirmatively or negatively to the submissions of the Applicant; it will take an unfettered decision. The submissions of the application are interpreted by the Court as merely constituting the indication of the

point at issue required by the Rules of Court in proceedings for interpretation. Indeed, according to any other construction of the application, the formal conditions laid down by the Rules of Court would be lacking; but, as it has already had occasion to lay down in other judgments, the Court may, within reasonable limits, disregard defects of form in the documents submitted. Adopting this standpoint, the Court observes that the two submissions formulated in the German Application will, upon examination, be found to refer to the same disputed point. This point was raised with reference to a passage in Judgment No. 7, where it was stated that if Poland disputed the validity of the entry of the Oberschlesische, the annulment of that entry could in any case only take place in pursuance of a decision given by the competent tribunal; in reality, what the Applicant seeks is an interpretation of this passage, in relation to the judgment as a whole, from two aspects, namely that of its meaning and that of its scope.

As regards the first of these aspects—the meaning of the passage in dispute—the Court observes the following: A literal reading of the passage in question might give the impression that the Court contemplated the possibility of the institution of proceedings by Poland before the municipal courts with a view to obtaining the annulment of the entry of the name of the Oberschlesische in the land register. But, taken together with its context, it cannot in any case be regarded as rendering conditional and provisional the operative part of the judgment which declares the attitude of Poland towards the Oberschlesische to have been contrary to her international obligations, by making the binding effect of that part of the judgment dependent upon a subsequent decision of a Polish court.

That is the meaning both of Judgment No. 7—which a reservation such as Poland inferred would deprive of its logical foundation—and of Judgment No. 8. Indeed, the terms of the latter equally show that, in the intention of the Court, subsequent action on the part of the Polish Government to justify after the event its attitude in respect of the Oberschlesische could not enter into account.

In regard to the second aspect—the scope of the disputed passage—, the Court recalls that in Judgment No. 7 it laid down that the attitude of the Polish Government towards the

Oberschlesische was not in conformity with the provisions of the Geneva Convention. This conclusion, which has now indisputably acquired the force of *res judicata*, was based, on the one hand, on the right of the German Government to alienate the Chorzów Factory, and on the other, on the finding that from the point of view of municipal law the Oberschlesische had validly acquired the right of ownership to the Factory. These findings constituted a condition essential to the Court's decision. Consequently the one that related to the rights of ownership of the Oberschlesische was included amongst the points which, in accordance with the terms of Article 59 of the Statute, were decided by the judgment with binding force between the Parties.

In conclusion, the Court finds that Judgment No. 7 is in the nature of a judgment declaratory of existing law and is intended to ensure once and for all with binding force as between the Parties the recognition of a situation at law, which, as regards all the legal effects ensuing therefrom, can henceforward no longer be called in question by the Parties to the suit as far as concerns this particular case. On the other hand, the Court is careful to point out that the interpretation thus given can only have binding force within the limits of what has been decided in the judgment construed, and secondly—referring to the pending case relating to the indemnity due for the unlawful taking possession of the Chorzów Factory—that it refrains from any consideration of the effect which the judgment construed might exercise upon submissions made by the Parties in other proceedings or otherwise brought to the Court's knowledge.

* * *

The Court's judgment was adopted by eight votes to three.

Mr. Moore, Judge, took part in the discussion and voted for the adoption of the judgment but had to leave The Hague before judgment was delivered.

Dissenting opinion.

M. Anzilotti, Judge, declared that he was unable to concur in the judgment of the Court, and, availing himself of the right conferred on him by Article 57 of the Statute, delivered a separate opinion.

JUDGMENT No. 12.

GERMAN MINORITY SCHOOLS IN POLISH UPPER SILESIA.

Plea to the jurisdiction.—Stage of the proceedings at which pleas may be raised (Art. 38 of the Rules of Court); importance of the fact that the Party raising the plea does not ask for a decision on the plea before the consideration on the merits.—The jurisdiction of the Court is based on the consent of the Parties; this consent may be either express, tacit or implicit.—The fact of pleading to the merits shows an intention to obtain a judgment on the merits.—The "guarantee of the League of Nations".

Fin de non-recevoir (inadmissibility of the suit); nature of the jurisdiction of the Council of the League of Nations and that of the Court according to the terms of the German-Polish Convention relating to Upper Silesia.

Interpretation of the German-Polish Convention.—Is the membership of a minority a question of intention or of fact?

Is a supervision by the authorities of the country admissible?—Conditions to which admission of children to minority schools are subject and the principle of equal treatment.

Outline of the case.

At the time of the partition of Upper Silesia between Germany and Poland, following upon the plebiscite provided for in the Treaty of Versailles, a Convention was signed at Geneva on May 15th, 1922, by the two neighbouring States in order to regulate the conditions in the partitioned territory. This Convention comprises in Part III provisions for the

protection of the racial, linguistic and religious minority in the German as well as in the Polish portion of Upper Silesia. According to the terms of certain provisions in that Part relating to education, particularly Articles 106 and 131, minority schools were to be created; and to these schools children were to be admitted whose language—according to declarations to be made by the persons responsible for their education—was a minority language. The authorities were to abstain from any verification or dispute as to the veracity of the declarations of the responsible persons; the same prohibition applied, according to Article 74, to the question whether a person did or did not belong to a minority.

In the course of the year 1926, the Polish authorities issued orders for certain measures to be taken with a view to verifying the authenticity of the applications for admission to the minority schools and whether these applications came from persons entitled to make them. As a result of the enquiry, more than 7,000 children were excluded from the minority schools. The *Deutscher Volksbund für Polnisch Oberschlesien* thereupon addressed a petition to the Minorities Office at Katowice asking for the cancellation of these annulments; the Mixed Commission for Upper Silesia gave a decision in favour of the petitioners; but the responsible Polish authorities declared that they were unable to comply with the opinion given in its entirety; whereupon the petitioners appealed to the Council of the League of Nations under the terms of the German-Polish Convention. The Council considered the question at its Forty-Fourth Session (March 1927); it adopted a Resolution in which it recommended the Polish Government not to insist upon the measures taken to exclude from the minority schools certain categories of children whose admission had been annulled; the Resolution declared however at the same time that it was inexpedient to admit to those schools children who only spoke Polish; and it indicated certain measures of supervision intended to ensure the equitable application of the Resolution. These measures might in a limited sense be applied even to cases falling outside the cases contemplated in the petition.

In the month of October of the same year, the Polish Government, in conformity with the procedure provided for

by the Resolution of the Council, requested the author of the report, upon which the Council had taken its decision in the case, to give an opinion as to whether the supervision set up by this Resolution should also apply to certain children of the 1927-1928 school year; the rapporteur's reply was in the affirmative. The Council dealt with the question thus raised at its Forty-Eighth Session (December 1927); during the discussions which then took place, the German representative pointed out that the decision of March 1927 had been understood by him as solely referring to children of the 1926-1927 school year. Realizing that there existed a difference of opinion between the Members of the Council in this respect and considering that it had become necessary to clear up once and for all the legal questions of principle governing the admission of children to German minority schools, he announced his intention of having recourse to the Court for the purpose of asking for an interpretation of the relevant provisions of the Geneva Convention. The Council noted the declaration of the German representative; and on January 2nd, 1928, the German Government filed with the Registry of the Court an Application instituting proceedings together with a Case. These documents were duly communicated to the Polish Government, Respondent; the written proceedings having been terminated on March 10th, 1928, and the case being considered urgent, it was entered on the list of cases for the Thirteenth (extraordinary) Session of the Court (February 6th to April 26th, 1928). Public sittings were held on March 13th, 16th and 17th, in order to hear the pleadings, reply and rejoinder of the Parties.

Application instituting proceedings.

Public sittings.

The following judges sat on the Court:

Composition of the Court.

MM. ANZILOTTI, *President*,
HUBER, *Former President*,
WEISS, *Vice-President*,
LODER,
NYHOLM,
ALTAMIRA, } *Judges*,
YOVANOVITCH,
BEICHMANN,
NEGULESCO,
WANG, } *Deputy-Judges*.

M. Schücking and Count Rostworowski, appointed as national judges, by the German and Polish Governments respectively, for this particular case, also sat as members of the Court.

* * *

Judgment of the Court (analysis).

The judgment of the Court was delivered on April 26th, 1928. After reviewing the facts the Court proceeds to an analysis of the submissions of the Parties.

The application is based on Article 72 of the Convention relating to Upper Silesia, according to the terms of which article Poland agreed that any dispute as to questions of law or fact arising out of the preceding articles would, if the other Party so desired, be referred to the Permanent Court of International Justice; on the other hand, the submissions of the German Government, in the opinion of the Court, comprise the following three contentions:

(1) Articles 74, 106 and 131 of the Geneva Convention establish the unfettered liberty of any person to declare, according to his own conscience and on his own personal responsibility, that he does or does not belong to a racial, linguistic or religious minority, subject to no verification, dispute, pressure or hindrance in any form whatsoever on the part of the authorities.

(2) The above-mentioned articles also establish the unfettered liberty of any person to choose the language of instruction and the corresponding school for the pupil or child for whose education he is responsible—likewise subject to no verification, dispute, pressure or hindrance in any form whatsoever on the part of the authorities.

(3) Any measure singling out the minority schools to their detriment is incompatible with the equal treatment granted by Articles 65, 68, 72, paragraph 2, and the Preamble to Division II of the Convention.

As regards the Polish Government, Respondent, it asked the Court to dismiss the claim of the Applicant or, in the alternative, to give an interpretation of Articles 74, 106 and 131 of the Geneva Convention differing from that set forth by the Applicant and partly opposed to that interpretation; that Government being, in particular, of the opinion that Article 69

of the Convention, which is ignored in the German submission, should also be taken into consideration in the case on the same footing as the articles invoked in the Application; moreover, the Respondent does not admit that the articles in question confer an unfettered liberty to choose the language of instruction of the children, but only to declare what is in fact their language; finally, it does not accept in its entirety the contention regarding exemption from any kind of verification, etc., as regards the veracity of the declarations made.

But in addition the Polish Government has adduced two other arguments which it only submitted in its written Rejoinder stating that it was not a question of a preliminary plea but of one which should be joined to the merits. It argued in the first place that the Court had no jurisdiction in this case under Article 72 because the provisions the interpretation of which was asked for by the German submissions were not to be found among the clauses which preceded the article but among those which followed. Secondly, it said that a *fin de non-recevoir* should be opposed to the application because the subject of the dispute had already been settled by the Resolution of the Council of the League of Nations of March 7th, 1927; and the Council had sovereign power to fix the measures to be taken and its decision could not be subject to revision by the Court.

The Court then proceeds, in the first place, to consider these two arguments. As regards the objection to the jurisdiction, the German Government claimed that it should be overruled. Invoking Article 38 of the Rules of Court, according to the terms of which any preliminary objection shall be filed within the time fixed for the filing of the Counter-Case, it claimed that the Polish objection should be overruled as not having been raised within that time-limit. On this point the Court does not share the opinion of the German Government since it is of the opinion that Article 38 of the Rules of Court only provides for cases in which the Respondent asks for a decision upon the objection before any further proceedings on the merits. But in the present case the Polish Government expressly stated that it did not desire a separate treatment of this kind. Moreover the Court, whose jurisdiction depends on the will of the Parties, can take

cognizance of all matters in which its jurisdiction has been accepted by those appearing before it. Such acceptance does not depend on the fulfilment of certain definite formalities, such for example as the drawing up of an express agreement: it may equally arise from declarations showing assent made subsequently to the unilateral filing of an application, or even from mere acts showing consent in a conclusive fashion. According to the Court, whenever a government proceeds to plead to the merits, its attitude in doing so should be regarded as an unequivocal indication of its desire to obtain a decision on the merits and the consent which can be inferred from a will expressed in this way cannot be withdrawn during the subsequent course of proceedings, unless in very special circumstances, which the Court in the present case does not consider as being present. This is true even where, as in the present case, the unilateral application has been submitted by the Applicant in a special capacity (in the present case that of a Member of the League of Nations), whereas in the proceedings in regard to questions submitted to the Court by virtue of the mere consent of the Respondent, the Applicant would appear in another capacity (in the present case that of one of the signatories of the German-Polish Convention).

The Court consequently overrules the objection to the jurisdiction raised by the Respondent; the Polish Government has implicitly accepted the jurisdiction of the Court to decide upon the merits in respect of all the submissions of the German Government. Moreover, the objection to the jurisdiction cannot be looked upon as referring to the last of the contentions embodied in these submissions, since it invokes Articles 65 and 68 of the Convention, which articles precede Article 72 and consequently come within the jurisdiction conferred upon the Court under that article. Without stopping to consider the question of how far the jurisdiction conferred by this article might possibly extend also to the two preceding contentions embodied in the German submissions, the Court in this respect lays down that the "guarantee of the League of Nations" referred to in the Germano-Polish Convention does not apply to Articles 74, 106 and 131 of that Convention.

The Court then proceeds to consider the plea by Poland that the submissions cannot be entertained and concludes

that this plea should similarly be overruled. Indeed, the Court is of opinion that its own jurisdiction and that of the Council under the Convention relating to Upper Silesia are of a different character; and moreover, as appears from the minutes of the sessions of the Council and the terms of the resolutions adopted, the Council did not intend to settle the question of law by its Resolution of March 1927.

The objection to the jurisdiction and the claim that the suit could not be entertained having thus been overruled, the Court then proceeds to consider the submissions of the Applicant. It deals in the first place with the difference of opinion between Germany and Poland as to the point whether membership of a linguistic minority is a question of intention or of fact. The Court considers that Poland was justified in construing the provisions of the Convention relating to Upper Silesia as though it were a question of a point of fact; but it adds that there are a great number of cases to be found particularly in Upper Silesia, where the answer to this question cannot readily be given from the facts alone. That, in the opinion of the Court, is perhaps the reason why the Convention, whilst requiring declarations in conformity with the *de facto* situation, prohibits all verification or dispute as to the veracity of these declarations. The Court realizes the difficulties to which this interpretation may give rise; but it considers that the Parties clearly preferred this state of affairs to that which would arise if the authorities were empowered to verify or dispute the veracity of the declarations.

Similarly, in regard to the second contention which could be inferred from the submissions of the German Government—namely, the freedom to choose the language of instruction—the Court is of opinion that the Polish Government is right in deeming that the declarations intended to show what the language of the pupil or child is, should be mere declarations of fact and do not allow of any freedom of choice. But here again it adds that in appreciating what are the facts, a subjective element may properly be taken into consideration, particularly in cases where the children speak both German and Polish, or else have an insufficient acquaintance with either of these languages.

In regard to a minor point, the Court considers that the Geneva Convention contains nothing contrary to the contention which was put forward by the Polish Government but contested by the German Government, namely, that as a condition precedent for the admission of children into existing minority schools, a declaration relating to the mother tongue of the children must be demanded; in particular, the Court sees nothing in this method contrary to the principle of equal treatment as embodied in the Convention.

Finally, in regard to the third contention which may be inferred from the submissions of the German Government, the Court confines itself to stating that there does not appear to be a difference of opinion between the two Governments on this point. Consequently it is not necessary for the Court to take any decision thereon.

The operative part of the judgment is as follows:

(1) The objections, whether to the jurisdiction or respecting the admissibility of the suit, raised by the Respondent, must be overruled.

(2) Articles 74, 106 and 131 of the German-Polish Convention of May 15th, 1922, concerning Upper Silesia, bestow upon every national the right freely to declare, according to his conscience and on his personal responsibility, that he does or does not belong to a racial, linguistic or religious minority, and to declare what is the language of a pupil or child for whose education he is legally responsible; these declarations must set out what their author regards as the true position in regard to the point in question, and that the right freely to declare what is the language of a pupil or child, though comprising, when necessary, the exercise of some discretion in the appreciation of circumstances, does not constitute an unrestricted right to choose the language in which instruction is to be imparted or the corresponding school; nevertheless, the declaration contemplated by Article 131 of the Convention, and also the question whether a person does or does not belong to a racial, linguistic or religious minority, are subject to no verification, dispute, pressure or hindrance whatever on the part of the authorities.

(3) The Court is not called upon to give judgment on that portion of the Applicant's submission according to which

any measure singling out the minority schools to their detriment is incompatible with the equal treatment guaranteed by Articles 65, 68, 72, paragraph 2, and by the Preamble of Division II of Part III of the Convention.

* * *

Dissenting opinions.

The judgment of the Court was adopted by eight votes to four. M. Huber, Former President, M. Nyholm, Judge, M. Negulesco, Deputy-Judge, M. Schücking, National Judge, being unable to concur, delivered separate opinions. Two of the dissenting Judges (MM. Huber and Negulesco) dissented from their colleagues on the question of jurisdiction.

CHAPTER V.

ADVISORY OPINIONS.

ADVISORY OPINION No. 14.

QUESTION CONCERNING THE JURISDICTION OF THE EUROPEAN COMMISSION OF THE DANUBE BETWEEN GALATZ AND BRAILA.

The law in force on the Danube is contained in the Definitive Statute of that river (1921).—As regards the jurisdiction of the European Commission of the Danube, the Definitive Statute confirms the situation actually existing before the war. (The value of preparatory work for the interpretation of a document.)—Ascertainment of this situation: The Commission has identical powers over the whole of the maritime Danube ; upstream territorial limit of these powers.—The principles of freedom of navigation and of equality of flags, the application of which the Commission has to assume, enable the line of demarcation between the jurisdiction of the Commission and that of the territorial State to be established.

History of the question.

The European Commission of the Danube was established in 1856.

The Peace Treaty between Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey, concluded at Paris on March 30th of that year and bringing to an end the Crimean War, stipulated amongst other things that the principles laid down in the Final Act of the Congress of Vienna and designed to bring about the internationalization of rivers would in future also be applied as regards the Danube and its mouths. In order to secure their application, the Treaty of Paris established two International Commissions. One of these, known as the European Commission of the Danube, was given a task of limited duration, namely, to clear the mouths of the river and the adjoining portions of the sea from Isaktcha to the Black Sea ; and, to cover the expenses of these works, the

Commission was empowered to establish fixed dues to be collected on shipping under conditions of absolute equality as between flags. The other Commission, known as the "River" Commission, was to be permanent and its mission was, amongst other things, to prepare navigation and river police regulations and, after the dissolution of the European Commission, to ensure that the mouths of the Danube were kept in a navigable condition. It was understood that the European Commission would have completed its work in two years, within which time the River Commission was also to have completed the technical part of the task entrusted to it. This programme did not work out as contemplated; in the first place, the River Commission was unable to carry out the mission allotted to it, and in the second place the European Commission could not complete its task within the time laid down. The Parties to the Treaty of Paris agreed to prolong the existence of the European Commission, the last extension being until 1883, and to bestow upon it power to draw up and apply on the river navigation and police regulations. "Navigation and police regulations applicable to the Lower Danube" were consequently prepared; they were appended to the "Public Act relative to the navigation of the mouths of the Danube" signed at Galatz on November 2nd, 1865, by the Powers which had participated in the Treaty of Paris of 1856. This Act, with its annex, from that time onwards, and until the adoption in 1921 of the "Definitive Statute", defined the powers of the European Commission. (It was revised in 1881 by means of an "Additional Act", the regulations being altered notably in 1883 and in 1911.) The Treaty of Berlin, signed in 1878, once more recognized that the navigation of the Danube was a matter of international concern. It maintained in operation the European Commission, upon which Roumania was to be represented, adding however that this Commission was henceforward to exercise its functions as far as Galatz, in entire independence of the territorial authority; the Powers also pledged themselves, one year before the expiration of the period fixed for the duration of the European Commission, to conclude an agreement as to the prolongation of its powers and as to any modifications thereof which they might see fit to make. This agreement was effected in a

Treaty signed at London in 1883 by the States which had been Parties to the Treaty of Berlin; the powers of the European Commission were in fact extended and it was provided that they should be automatically renewed by tacit consent for successive periods of three years; furthermore, this Treaty of London laid down that the jurisdiction of the Commission was extended from Galatz to Braila. Roumania however did not take part in the Conference which prepared the Treaty and did not sign that instrument. The result was a situation of uncertainty as regards the powers of the European Commission upon the sector of the river between Galatz and Braila, a situation which was eventually to lead the States concerned, namely, Roumania, the territorial Power, on the one hand, and the other Powers represented on the European Commission of the Danube, on the other (i.e. since the Peace Treaties of 1919 and 1920: France, Great Britain and Italy) to submit the matter to the Council of the League of Nations and the Court.

Before the war of 1914-1918, nothing was done to clear up this situation. After the war, the international instruments relating to the Danube simply stipulated that the situation existing before the war was to be re-established. For instance, the Treaty of Versailles does so, whilst at the same time prescribing that the definitive statute of the Danube was to be drawn up by a future conference. This Conference was held at Paris in 1920-1921; and it was during the time that it was at work that the question of the powers of the European Commission of the Danube between Galatz and Braila arose in concrete form: a newly appointed inspector of navigation asked the Commission for instructions as to the powers to be exercised by him in the sector.

Even the Definitive Statute of the Danube, however, which was signed on July 23rd, 1921, did not settle the question in a manner entirely eliminating controversy; for, whilst fixing at Braila (and not at Galatz) the upstream limit of the powers of the Commission, it made a reservation in favour of the *status quo ante* by laying down that the European Commission was to exercise without any change the powers which it possessed before the war; and this provision formed the subject of an interpretative Protocol signed by the members of the

Commission. This Protocol however, in its turn, gave rise to differences of opinion as to its meaning and scope. The European Commission itself then attempted to establish a *modus vivendi* which would enable the divergent standpoints of the Powers concerned to be reconciled. This attempt however failed, whereupon the Governments of Great Britain, France and Italy embarked on a new course and, in September, 1924, referred the disputed question to the Secretary-General of the League of Nations, asking him to submit it to the League's Advisory and Technical Committee of Communications and Transit. Following upon this request, which was based on Article 376 of the Treaty of Versailles and on Article 7 of the Rules for the organization of the said Committee, the question was, in accordance with the terms of those Rules, referred to a special committee which proceeded to investigate it on the spot. This Special Committee then formulated in a report a series of conciliation proposals which the Advisory and Technical Committee, being of opinion that it was neither necessary nor opportune for it to give a decision on the question at issue, invited the interested Parties to follow out.

Negotiations were then opened between them under the guidance of the Special Committee, but the only result to which they led was the signature, on September 18th, 1926, by the delegates of the European Commission, of an agreement requesting the Council to submit to the Court for advisory opinion the question of the territorial extent of the Commission's jurisdiction. The proposal to ask the Court for an opinion was merely an alternative to a proposal for the submission of the case to the Court for judgment. The Roumanian Government, however, had only agreed to the reference of the question to the Council and to the Court for the purposes of an advisory opinion, because such opinions had no binding force; on the other hand, the States represented upon the European Commission reserved the right subsequently to submit the question to the Court for judgment in order to obtain from it, in case of necessity, a decision enforceable against Roumania.

The Request for an opinion.

Accordingly, the question having been referred to it by the French, British, Italian and Roumanian Governments, the

Council of the League of Nations requested the Court on December 9th, 1926, in accordance with the conditions of the Agreement, to give an advisory opinion on the following questions which were formulated in the Agreement itself :

"(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 exclusive 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 Court considered the case during its Twelfth (ordinary) Session which began on June 15th and terminated on December 16th, 1927. For the proceedings in regard to this affair the Court was composed as follows : Composition of the Court.

MM. HUBER, *President*,
LODER, *Former President*,
Lord FINLAY,
MM. NYHOLM,
MOORE,
ALTAMIRA,
ODA,
ANZILOTTI, } *Judges*,
BEICHMANN,
NEGULESCO, } *Deputy-Judges*.

Notice of the Request for an opinion was given to Members of the League and to States entitled to appear before the Court. At the same time, the French, British, Italian and Roumanian Governments were directly informed by the Registry that the Court was prepared to receive from them written statements and, if necessary, to hear oral statements made on their behalf. The French, British and Roumanian Governments, availing themselves of the opportunity afforded by these communications, filed Memorials within the time specified and, subsequently, the British, Italian and Roumanian Governments filed Counter-Memorials.

Public sittings.

Furthermore, from October 6th to 8th and 10th to 13th, the Court devoted seven public sittings to hearing the oral arguments submitted on behalf of all the States concerned.

* * *

Opinion of the Court (analysis).

The Court gave its opinion on December 8th, 1927.

In this Opinion the Court in the first place gives the history of the matter, including the preliminary conciliation proceedings before the Advisory and Technical Committee of Communications and Transit, and particularly notes the conditions and reservations stipulated by the interested Powers in regard to the request for an opinion made by the Council.

Next approaching the first question put to it, the Court proceeds to ascertain what the law in force is in regard to this point.

The chief source of this law is the Definitive Statute of the Danube of 1921. This instrument, like the Treaty of Versailles, was signed and ratified by the Governments interested in the question, so that these Governments, as between themselves, cannot regard its provisions as otherwise than possessing full and entire validity. Its object is to assure by means of two Commissions—the European Commission and the International Commission of the Danube—the internationalization of the whole of the Danube, uninterruptedly from Ulm to the Black Sea ; the zone of the first of these Commissions extends from the mouths of the Danube to Braila ; the zone of the second is from Ulm to Braila and cannot be tacitly extended to include other parts of the river. As regards the powers of

the European Commission in its sector, the Statute lays down that they shall be exercised "under the same conditions as before".

What is to be understood by this clause? In the Court's opinion, it may be construed as leaving it open to show that the jurisdiction of the European Commission was not exercised in the same way throughout the whole sector of the river placed under its authority, and more particularly, that whereas it indisputably possesses certain powers between the sea and Galatz, some of these powers do not extend from Galatz to Braila. In other words, the effect of this provision is as follows: whatever the territorial extent of the powers of the European Commission may be, each of these powers shall continue to be exercised within the same limits as had previously been fixed for them. The first point to be determined therefore is what were the conditions which in fact prevailed before the war in the disputed sector; for these conditions are maintained and confirmed by the Statute. This interpretation of the Statute enables the Court to dispense with an examination of the very disputed question of the legal value of the Treaty of London of 1883, which was concluded in the absence of Roumania and which, as has already been stated, expressly extended from Galatz to Braila the powers of the European Commission.

Having thus established the interpretation of the Statute of the Danube as the basis of its opinion, the Court proceeds to analyze the contentions of the interested Governments as to the meaning of the clauses applicable in regard to the question. On the one hand, the French, British and Italian Governments argued that the powers of the European Commission applied in the same way between Galatz and Braila as below Galatz. The Roumanian Government argued on the contrary that a distinction must be made between the *technical powers* of the Commission and its *juridical powers*, the Commission being entitled to exercise both below Galatz but only the former between Galatz and Braila.

The Court successively considers the main arguments advanced by Roumania in support of her contention. They are drawn, in the first place, from the genesis of the relevant provision of the Statute of the Danube, and in the second place from

certain documents which, the Roumanian Government holds, constitute an authoritative interpretation of that provision.

In regard to the first point, the Court refers to the principle which it has always applied: preparatory work cannot be used for the purpose of changing the plain meaning of a text. In this case it is impossible to construe the words *dans les mêmes conditions que par le passé* as meaning that the European Commission only possesses certain so-called technical powers in the disputed sector. This expression, in itself, simply refers to preexisting conditions, whatever they may have been, and not to a single and specific condition. Moreover, even if the records of the preparation of the Statute be consulted, they do not furnish anything calculated to overrule the natural construction of these words.

As regards the second point, the Court shows that the first of the documents cited by Roumania—the Interpretative Protocol of the Definitive Statute referred to above—cannot be regarded as an authoritative interpretation of the Statute; for though it is true that it is a document signed by the delegates on the European Commission and is annexed to the minutes of a meeting of the Conference which prepared the Statute, it is also true that this Protocol does not constitute an international agreement between the Parties to the Statute. Moreover, the Commission has no power of its own accord to abandon powers conferred upon it by treaty. As regards the second document cited, it is merely a proposal drawn up by the European Commission and submitted by it upon certain conditions to the Roumanian Government for acceptance; these conditions were not fulfilled, and no agreement therefore was reached.

These arguments advanced by the Roumanian Government therefore do not override the construction placed by the Court upon the Statute; Roumania, however, put forward another argument: she said that this construction was inadmissible because it would involve consequences contrary to the principle of sovereignty—as the extension of the powers of the European Commission above Galatz would amount to a violation of her sovereign rights.

The Court holds that this is not the case. If it were found that the *de facto* situation before the war included the exercise by the

European Commission of the same powers between Galatz and Braila as below Galatz, it would follow that Roumania has accepted that situation, since it is confirmed by the Statute and Roumania has accepted the Statute. And a restriction on the exercise of sovereign rights cannot be regarded as an infringement of sovereignty when the State concerned has formally consented to such restrictions in a treaty concluded by it. In this connection, the Court observes that according to its construction of the Statute, it matters little whether the actual exercise by the European Commission of its powers in the disputed sector was based before the war on a legal right or on mere toleration.

The Court next approaches the main question: Did the European Commission in fact exercise before the war the same powers between Galatz and Braila as below Galatz? Before proceeding further, the Court observes in this connection that it is not unimportant to see whether the distinction drawn by Roumania between technical and juridical powers finds any support in the provisions governing the activities of the Commission. The Court therefore first of all analyzes the relevant provisions and then considers the practice followed, in the light of various elements of fact.

The international instruments determining the law applicable to international rivers since 1815, and to the Danube in particular since 1856, lead the Court to the conclusion that, far from supporting the Roumanian contention, the relevant instruments are entirely fatal to it. For from the very beginning, the congresses and conferences which have had to deal with the question have treated the making and enforcement by the Commission itself of regulations implying the exercise of juridical powers as an essential element of the exercise of the technical powers indispensable to make the internationalized Danube navigable and to keep it in a navigable condition.

Has a situation of fact developed differing from this legal situation? The elements of fact which the Court considers in order to determine this point are of two kinds: firstly, the findings on issues of fact of the Special Committee of the League of Nations in regard to decisions taken by the European Commission, which findings the Court considers that for the purposes of the case it must accept; secondly, the regulations

issued by the European Commission—on which Roumania has been represented since 1878—and applicable immediately before the war. For the Court holds that the situation of fact results not only from decisions taken by the Commission in particular cases but also from the issue of regulations, etc., containing clauses designed to apply to the disputed sector and which thus constitute an exercise of powers over that sector. The conclusion deduced by the Court from these data, and from a comparison between the powers indisputably possessed by the European Commission below Galatz and those exercised by it between Galatz and Braila, is that both cover practically the same ground. An identical state of things prevailed on the whole maritime Danube, and this is moreover quite natural.

This conclusion completely confirms the findings of the Special Committee ; and, in view of the construction placed by the Court on the Definitive Statute of the Danube, it is to be deduced that under the law in force the European Commission enjoys the same powers at all points upon that river.

The Council, however, also asks the Court to fix the exact upstream limit of these powers ; this question, on being analyzed, amounts to asking whether or no Braila is included in the so-called maritime Danube and is therefore within the jurisdiction of the European Commission. To this question the Court gives an affirmative answer mainly based on arguments deduced from the fact that Braila is indisputably, from a commercial point of view, a port of the maritime Danube, frequented by seagoing vessels. This conclusion is moreover corroborated by data taken from the findings of the Special Committee and by the provisions of the regulations in force on the Danube, as also by certain circumstances relating to the fixing above Braila of the downstream limit of the jurisdiction of the International Commission of the Danube, the powers of which, as has been seen, extend from Ulm to Braila.

The Court next takes question No. 2, which relates to the nature of the powers of the European Commission in regard to the ports of Galatz and Braila. It observes, in the first place, that it follows from the actual terms of the question that in these ports the Roumanian authorities possess certain powers which are maintained by the Statute of the Danube.

What the Court has to do therefore is to establish the line of demarcation between the powers of the Roumanian authorities and those of the European Commission. With this object in view, various methods of territorial demarcation have been suggested by the Roumanian Government or others. The Court rejects all these methods, either because they are supported neither by the relevant texts nor by practice, or because they are actually contrary to the express terms of the Definitive Statute. It only remains therefore to endeavour to find a non-territorial criterion.

In this connection, the Court states at the outset that the powers which Roumania, the territorial sovereign, exercises over the maritime part of the Danube are not incompatible with those possessed by the European Commission under the Statute of the Danube. That instrument, though it does furnish a criterion for differentiating between the jurisdictions of the territorial State and of the Commission, proclaims two principles: freedom of navigation and equal treatment of all flags; and it is on the basis of these two principles that the solution is to be found. Now the conception of navigation essentially covers the movement of vessels with a view to the accomplishment of voyages; but, according to the regulations in force on the Danube, the voyage of a vessel only terminates when it reaches its moorings in a port. Freedom of navigation therefore is not complete if ships cannot enter ports under the same conditions as they may pass through them or, in general, navigate upon the river. Consequently, the jurisdiction of the European Commission of the Danube covers ships entering, leaving, or passing through a port.

The conception of navigation also comprises the idea of contact with the economic organization of the country reached by a vessel. It would follow from this that the jurisdiction of the European Commission should include the policing of the ports of Galatz and Braila; but that conclusion would be contrary to the facts recorded by the Special Committee: control over the ports in question is exercised by the Roumanian authorities as regards vessels moored therein. This situation of fact however cannot in any case affect the application of the principle of the equal treatment of all flags, which it is the duty of the Commission to ensure upon the maritime Danube.

It follows that in the event of a violation of this principle, the Commission would necessarily have power to intervene, even as regards vessels moored in the ports.

To summarize : though the powers of regulation and jurisdiction in the ports of Galatz and Braila belong to the territorial authorities, the right of supervision with a view to ensuring freedom of navigation and equal treatment of all flags belongs to the European Commission.

The Court however adds that it is impossible for it to define and develop these criteria, as the texts and data necessary for this purpose are lacking. Moreover, a delimitation of the respective powers can only be effected on the basis of special regulations taking into account the specific conditions and circumstances, which may vary from time to time.

Lastly, the Court observes that there is no need for it to consider the third question, which is rendered superfluous by its reply to question No. 1.

* * *

Dissenting opinions.

Though accepting the conclusions of the Court, MM. Nyholm and Moore wished to append to the Opinion certain separate observations.

On the other hand, M. Negulesco, Deputy-Judge, stated that he could not accept the Opinion given by the Court and, availing himself of the right bestowed by Article 71 of the Rules, attached to the Opinion of the Court a statement of his separate opinion.

* * *

Results of the Opinion.

On March 7th, 1928 (4th meeting of the 49th Session), the Council, having received the Court's Opinion, decided to communicate it to the President of the Advisory and Technical Committee of Communications and Transport for transmission to the Governments which had signed the Agreement of September 18th, 1926.

Negotiations have been begun between these Governments with a view to arriving at an agreement regarding the régime of the maritime Danube, based on the Court's Opinion.

OPINION No. 15.

JURISDICTION OF THE COURTS OF DANZIG.

The Agreement between Poland and Danzig of October 22nd, 1921, forms a part of the "contract of service" of the Danzig railway officials who passed into the Polish civil service.—An international instrument is not a direct source of rights and obligations for private individuals unless the Parties to the instrument have a contrary intention.—Such intention must be looked for in the light of (1) the terms of the instrument itself, and (2) the facts relating to its application.—Basis of the jurisdiction of the Courts of Danzig to take cognizance of pecuniary claims of the officials in question against the Administration.—The obligation incumbent upon Poland to carry out the judgments rendered, subject to its right of recourse to the proper international instances in the event of a violation by Danzig of its international obligations in regard to Poland.—One of the Parties before the Court cannot avail itself of a method of proof based on its own failure to carry out its international obligations.

Outline of the case.

Under Article 104 of the Treaty of Versailles, the Principal Allied and Associated Powers undertook to negotiate a treaty between the Polish Government and the Free City of Danzig which should come into force at the same time as the establishment of the said Free City, with a view, amongst other matters, to ensure to Poland the control and administration of the whole railway system within the Free City. The treaty thus provided for was concluded at Paris on November 9th, 1920. It lays down that as a result of the transfer to the Polish administration of the railways in the Free City, the questions relating to rights and obligations of Danzig officials

who have passed to the Polish service would be regulated by agreement between Poland and the Free City. Failing such agreement, a decision would be taken by the High Commissioner of the League of Nations at Danzig.

On July 20th, 1921, a provisional agreement in this respect was signed between the Parties; and subsequently, on October 22nd in the same year, a definitive agreement, which was in the main based on two Decisions of General Haking, the High Commissioner of the League of Nations at Danzig, which had been given on August 15th and September 5th, in pursuance of the procedure as stated above. These Decisions, against which the Parties undertook not to appeal, were recognized by them, through the instrumentality of a Special Agreement dated December 1st, 1921, as coming into force on the same day; they provided, *inter alia*, that all disputes relating to the Polish administration of the railways of the territory of Danzig would fall within the jurisdiction, both civil and criminal, of the Courts of the Free City.

Now, in 1925, certain Danzig officials who had passed to the Polish service brought actions against the Polish Administration before the Danzig Courts, actions which were based on the Agreement of October 22nd, 1921. The Defendant pleaded to the jurisdiction, pointing out that the Agreement did not constitute a valid basis upon which the claim could rest, but he was overruled; whereupon the Government of Warsaw declared, on January 11th, 1926, that by taking cognizance of these actions, the Danzig Courts had contravened the customary law in force and that it refused to carry out the judgments which had been rendered. The Senate of the Free City, whilst declaring itself ready to ask the High Commissioner of the League of Nations for a formal decision, requested him on May 27th, 1926, in the meantime to endeavour to obtain from the Polish Government the withdrawal of this declaration. Prolonged negotiations ensued with the object of finding a solution. But on January 12th, 1927, the Senate of the Free City formally requested the High Commissioner, in pursuance of the procedure provided for by the Convention of November 9th, 1920, to take a decision on certain submissions concerning the dispute formulated by the Senate (and described as "requests" by the Council).

The Decision which the High Commissioner thereupon gave, dated April 8th, 1927, laid down ("the First Part") that the Polish contention that the Danzig Courts were not legally entitled to take cognizance of actions in respect of pecuniary claims brought against the Polish Railway Administration by railway officials who had passed from the Danzig service into Polish service could not be upheld: this was in agreement with the Danzig submissions. But the Decision went on to lay down ("the Second Part") that nevertheless the Danzig Courts had no jurisdiction when actions were based on the Agreement of October 22nd, 1921: that implied a rejection of the claim made by the Free City in regard to this second point. The High Commissioner gave no decision in regard to Poland's obligation to carry out and to recognize the judgments of the Danzig Courts; this obligation the Senate had hoped to see affirmed.

The "First Part" of the High Commissioner's Decision was accepted both by Poland and by Danzig; the "Second" was not agreed to by the Senate of the Free City which therefore appealed to the Council of the League of Nations. On September 22nd, 1927, the Council adopted a resolution asking the Court to state whether the impugned decision of the High Commissioner, in so far as it did not comply with the "requests" of the Free City of Danzig, was legally well founded.

The Request for an opinion.

In accordance with the usual procedure, the Request for opinion was notified to Members of the League of Nations and to States entitled to appear before the Court. At the same time the Registrar sent to the Governments of Poland and of the Free City of Danzig, as being regarded as likely to furnish information upon the question submitted, a special and direct communication to the effect that the Court was prepared to receive from them written statements and if necessary to hear oral statements made on their behalf.

Following upon this communication, the two Governments filed Memorials with the Registry and the question was entered in the list of cases for the Thirteenth (extraordinary) Session of the Court (February 6th to April 26th, 1928), which session had, in fact, been convoked for the purpose.

Public sittings.

Public sittings were held on February 7th and 8th, 1928, to hear the representatives of the Parties before the Council. On this occasion the Court was composed as follows:

Composition of the Court.

MM. ANZILOTTI, *President,*
HUBER, *Former President,*
WEISS, *Vice-President,*
LODER, NYHOLM, ALTAMIRA, ODA, *Judges,*
YOVANOVITCH, BEICHMANN, NEGULESCO, WANG, *Deputy-Judges.*

MM. Ehrlich and Bruns, appointed as national judges by the Polish and Danzig Governments respectively, under Article 71, paragraph 2, of the Rules of Court [1], which thus was applied in practice for the first time, also sat as members of the Court for this particular case.

* * *

The Opinion of the Court (analysis).

The Opinion of the Court in the first place defines the point at issue: the Court is not called upon to give an opinion as to the "First Part" of the Decision of the High Commissioner, since that Part, which has not been disputed either by Poland or the Free City, may be considered as complying with the "requests" of Danzig in so far as it recognizes that any pecuniary claims based on the terms of the contract of service of those interested may be the subject of an action before the Danzig Courts. The right of the interested Parties to sue the Polish Railway Administration before the Danzig Courts has consequently not been disputed; this observation of the Court does not however imply the acceptance by it of the grounds given by the High Commissioner in support of his decision on this point. But it is the restriction which the "Second Part" of the High Commissioner's Decision placed upon the exercise of this right which has led to the appeal by the Free City. As has already been observed, according to the High Commissioner, the Danzig Courts had no jurisdiction to take cognizance of actions based on the very

[1] See p. 72.

Agreement of October 22nd, 1921, the terms of this Agreement, in his opinion, not forming a part of the "contract of service". It hence becomes incumbent upon the Court to state whether or no the terms of this Agreement form a part of the totality of the provisions governing the legal relationship between the interested persons and the Polish Administration (the "contract of service"). In regard to this point, the Polish Government has claimed that the Agreement, as an international instrument, and failing its incorporation in a Polish law, creates rights and obligations as between the contracting Parties only (the Governments of Poland and of Danzig) and not in favour of the interested officials, persons coming under municipal law; in other words, according to that Government, the juridical relationship between the Polish Railway Administration and the interested officials would solely be governed by Polish municipal law.

The reply to this question, the Court lays down, depends upon the intention of the contracting Parties, for though there be a well-established principle of international law that an international agreement as such has no direct effects of this kind, it cannot be disputed that the situation may be different if such be the intention of the Parties. The Court next endeavours to ascertain that intention from the contents of the Agreement and from the facts relating to the manner in which it has been applied.

An analysis of the Agreement shows that that instrument was certainly intended to create a special legal régime directly governing the relations between the Polish Railway Administration and the interested officials, and that that was so independently of any condition as to the previous incorporation of the provisions in a Polish enactment. One of the main proofs in support of this is that according to the Agreement, in the event of the Polish Government altering its disciplinary laws, such modifications, in so far as they may not be in harmony with the Agreement, will not *ipso facto* apply to the interested officials but must previously be embodied in the Agreement. It is true, as Poland has observed, that the Agreement contains a clause entitling the Polish Railway Administration to regulate all matters "affecting" the interested officials, but, in the opinion of the Court, the discretionary

power which this clause confers upon Poland to issue regulations in this respect is limited. Moreover, by the Protocol previously referred to, signed by the Parties on December 1st, 1921—the date of the transfer of the Danzig railways to Poland—, they have recognized the full operative force as from that date, not only of the decisions of General Haking, but also of the Agreement in question.

The Court consequently concludes that the Agreement forms part of the "contract of service" of the interested officials; the latter are entitled to bring actions based upon it before the Danzig Courts, since the High Commissioner in the uncontested portion of his impugned decision has recognized that they have a right to take action before those Courts in regard to pecuniary claims based on the said "contract"; and the judgments given in such cases must consequently be accepted and complied with by the Polish Railway Administration. This conclusion does not however affect the right which Article 39 of the Convention of Paris of November 9th, 1920, confers upon Poland to have recourse to the international procedure provided for in that article, if she can adduce that the Danzig Courts have exceeded their jurisdiction or violated any general or special rules of international law.

Having reached this conclusion from a consideration of the Agreement and of its application, and being desirous of looking at the matter from the point of view of the submissions ("requests") which Danzig made to the Council on January 12th, 1927, the Court then proceeds to endeavour to ascertain how far, apart from the terms of the Agreement, the Polish Government is obliged to recognize the jurisdiction of the Danzig Courts to take cognizance of the claims of the interested officials based on their "contract of service".

The legal basis for the jurisdiction of those Courts being the Decision of the High Commissioner of September 5th, 1921—a decision couched in very comprehensive terms—, judgments rendered within the limits of the jurisdiction as defined by the High Commissioner are, in the opinion of the Court, legally valid and must be recognized by Poland, provided always that they do not violate any rule of international law in force between Poland and Danzig. The question which consequently remains is as follows: Do the judgments rendered by the Danzig Courts by virtue of the Agreement come within the terms of the

Decision of September 5th, 1921, or are they in conflict with any such rule of international law? According to the Decision of the High Commissioner of April 8th, 1927, the jurisdiction of the Danzig Courts to take cognizance of pecuniary claims of the interested officials based on a "contract of service" is derived from the Decision of September 5th, 1921. Now jurisdiction implies the right to decide what substantive law is applicable to each case; the Danzig Courts can consequently, if they see fit, apply the provisions of the Agreement to a given case, and such application must be considered as being in conformity with international law, unless the contrary be proved—unless for instance it were shown that in the intention of the Parties the Agreement was not designed to form part of the "contract of service", or in other words was not intended to be applied directly by the Danzig Courts. But the Court, for the reasons indicated above, has rejected such a construction of the Agreement.

From a consideration of the case from the two aspects set out above, the Court concludes that the impugned decision of the High Commissioner is not well founded in law in so far as it does not give satisfaction to the "requests" made by the Senate of the Free City to the Council.

* * *

Effects of the Opinion.

The Opinion of the Court was adopted unanimously by all the judges present. It was transmitted in due course to the Council of the League of Nations, which took official note thereof on March 8th, 1928.

The Council also officially noted at the same time an Agreement concluded between Danzig and Poland on March 2nd, and formally signed on March 6th; according to the terms of this Agreement, the Parties request the Council not to place the question on the agenda for its session, in view of the fact that they had in advance decided to accept the opinion of the Court. By a letter dated March 21st, 1928, the Polish Minister at The Hague communicated the terms of this Agreement to the Registry of the Court.

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 summaries of the Court's judgments and opinions which, although they do not commit the Court, have been prepared by the Registry, 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.

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,,—11	Case of the readaptation of the Mavrommatis Jerusalem Concessions (question of jurisdiction).
,,—12	Case concerning the Factory at Chorzów (indemnities).—Order of November 21st, 1927, in regard to the request made by the German Government for the indication of a measure of *interim* protection.
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,,—3	Third Annual Report of the Permanent Court of International Justice (June 15th, 1926—June 15th, 1927).
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FRANCE (*Government of*—):
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GREAT BRITAIN (*Government of—*) :

Co-applicant in the case of the. SS. *Wimbledon :* A 1, p. 6 *et passim.*
Respondent in the case of the Mavrommatis Concessions : A 2, p. 6.—A 5, p. 6 *et passim.*
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GREECE (*Government of—*) :

Applicant in the case of the Mavrommatis Palestine Concessions : A 2, p. 6.—A 5, p. 6 *et passim.*
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(*c*) Preparatory work preceding the drafting of the text to be interpreted : A 10, pp. 16-17.—B 2, p. 41.—B 10, p. 16.—B 12, pp. 23-24.—B 14, pp. 31, 35.

(*d*) Right of the Court to include in its researches, in addition to texts cited by the Parties, all precedents, teachings and facts to which it has access : A 10, p. 31.

"INTERPRETATION AND APPLICATION" *of a Convention :* meaning and scope of this expression, more especially as regards the Geneva Convention of May 15th, 1922 : A 9, pp. 20-25.
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INTERVENTION (*Statute*, Articles 62, 63 ; *Rules*, Articles 58, 59) :

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

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ITALY (*Government of—*) :

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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.

JUDGMENT (*Binding effect of—*) : see *Binding effect.*

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JUDGMENT, INTERLOCUTORY (given by the Court upon a request for permission to intervene) : A 1, pp. 11-14.

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Article 59 of Statute does not exclude purely declaratory judgments : A 7, p. 19.

The possibility of judgments of a purely declaratory character is provided for in Articles 36 and 63 of the Statute : A 7, p. 19.

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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.

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The Court is always competent once the Parties have accepted its jurisdiction : A 9, p. 32.—A 15, p. 22.

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

Source of jurisdiction. Can the Applicant, during proceedings, modify the source for which, in his contention, the Court derives jurisdiction ? A 9, p. 18.—Criteria : A 9, p. 32.

A Party who has, by express declarations or acts conclusively establishing the fact, manifested his consent to the submission of a case to the Court, cannot subsequently withdraw his acceptance of the latter's jurisdiction : A 15, pp. 24-26.

Difference between the position of the Court and that of municipal courts as regards jurisdiction : A 15, p. 23.

(*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. (See also *Judgment* (Non-compliance with—), and *Municipal Courts.*)

(*c*) Jurisdiction of the Court in respect of the Parties to a suit.

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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. 26.

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.—A 15, pp. 24-28.—Article 23: A 9, p. 18 *et passim.*—Article 72: A 15, p. 19.

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).

The interpretation of other international agreements (other than the Geneva Convention) is 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. 17.—A 7, p. 25.

The jurisdiction possessed by the Court under Article 23 is not affected by the fact that the validity of these rights is disputed on the basis of texts other than the Geneva Convention: A 6, p. 18.

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

The Court does not consider that its jurisdiction is recognized, under Article 72 of the Geneva Convention, to adjudicate upon disputes concerning Division II of Part III of that Convention: A 15, pp. 26-28.

The jurisdiction (of the Court) provided for by Article 72, No. 3, and the jurisdiction (of the Council) provided for by Article 149 of the Geneva Convention are different in character: A 15, pp. 23, 29.

JURISDICTION OF THE COURT *under the Mandate for Palestine*: A 2, *passim.*—A 11, pp. 14-18. (See above *Jurisdiction of the Court.*)

The jurisdiction accepted by the Court in a case decided by it does not necessarily also exist as regards a new case which seems to be a continuation of the first: importance of facts which have occurred since the delivery of judgment upon the first case: A 11, p. 14.

JURISDICTION OF THE COURT *under the Mandate for Palestine* (cont.):

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JURISDICTION *of the Courts of Danzig:* see *Danzig* (Courts of—).

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

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

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K.

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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 :
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M.

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N.

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,, ,, (Annex to Section V): B 6, pp. 38-39.
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,, 388: ,, ,,, ,, 27.—B 13, ,, 14, 16.
,, 389: ,, 1, *passim.*—B 2, ,, 23, 27.—B 13, p. 18.
See also *Organizations, international, "representative".*
Paragraph 1: B 1, pp. 19, 23, 25.
,, 3: ,, ,,, ,, 5, 7, 11, 15, 17, 19, 21, 25, 27.

VERSAILLES (*Treaty of—*) (cont.):
Text of paragraph 3 : B 1, p. 17.
,, ,, ,, 7 : ,, ,,, ,, 17.
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,, 400 : ,, ,,, ,, 15.
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,, 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—held by private persons (Geneva Convention, Treaty of Versailles) : A 7, pp. 21, 22, 24, 30, 31.—A 9, pp. 27, 28.

VIENNA (*Congress of—*), Final Act of—June 9th, 1815 : B 14, pp. 38, 57. See also *Instruments, International, (e)*.

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.—A 15, p. 4.—B 5, p. 7.—B 6, p. 6.—B 7, p. 6.—B 8, p. 6.—B 11, p. 6.—B 15, p. 4.

WATERWAYS : see *Kiel,—Panama,—Suez.*

WATERWAYS (Navigable—of international concern):
Convention and Statute of April 20th, 1921, concerning the régime of such waterways B 14, p. 67.

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.—A 10, pp. 4, 33, 40 (dissenting opinion).—A 15, p. 4.—B 1, p. 9.—B 2, pp. 9, 43 (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.—B 15, p. 4.

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.*

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.—A 9, p. 4.—A 15, p. 4.—B 8, p. 6.—B 10, p. 6.—B 11, p. 6.—B 12, p. 6.—B 15, p. 4.

Z.

ZIONIST (*Organization*), mentioned in Article 4 of Mandate for Palestine: A 2, p. 21.

Is really a public body, closely connected with the Palestine Administration, and its task 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.

ADDENDUM TO DIGEST

OF DECISIONS TAKEN BY THE COURT

IN APPLICATION OF

THE STATUTE AND RULES.

(See Third Annual Report, p. 173.)

It has seemed unnecessary in the Fourth Annual Report to reproduce in its entirety the Digest of Decisions contained in Chapter VI of the Third Annual Report. Accordingly this year Chapter VI takes the form of an addendum to Chapter VI of last year's Report (Series E., No. 3) and contains grouped under the relevant articles of the Statute (1) new matter, (2) matter already given in Series E., No. 3, when it has been found desirable to amend the statements contained in that volume.

In addition a complete analytical index, embodying both the Digest of the Third Annual Report and the addendum contained in the present volume, is given, which index therefore supersedes that contained in the former.

SECTION I.

STATUTE.

ARTICLE 14.

(See Third Annual Report, p. 175.)

On April 24th, the Court had before it a copy of a letter from Mr. John Bassett Moore addressed to the Secretary-General of the League of Nations and announcing his resignation from the Court.

The Court noted that the resignation had been sent to the competent authorities of the League.

Incompatibility of functions.

ARTICLES 16 AND 17.

(See Third Annual Report, p. 177.)

On March 30th, 1928, the Court considered a letter from M. Huber concerning the question whether certain functions exercised by him in his capacity of legal adviser to the Swiss Political Department from 1918 to 1921 would affect him sitting in the case of the Free Zones of Upper Savoy and the District of Gex submitted to the Court by special agreement between France and Switzerland.

The Court agreed that the functions exercised by M. Huber from 1918 to 1921 to which he referred in his letter, did not fall within the scope of Article 17, since they had been exercised before the dispute actually before the Court had arisen.

Acceptance of decorations.

(See Third Annual Report, p. 178.)

On June 17th, 1927, the Court authorized the Registrar to accept a decoration conferred upon him by his own (the Swedish) Government.

On August 12th, 1927, the Court authorized M. Weiss to accept a decoration conferred upon him by his own (the French) Government.

External situation of Court.

ARTICLE 19.

(See Third Annual Report, p. 178.)

The Court, on December 5th, 1927, decided to request the League of Nations to settle this question from an international

standpoint, it having been found impossible to arrive at an agreement with the Dutch Government on the various points pending ever since the creation of the Court.

The Council at its session in March, 1928, decided that the question should be held over until its next session in June, 1928, both the Dutch authorities and the Court being willing to continue direct conversations in the hope of arriving at an agreed solution.

At the end of the Thirteenth (Extraordinary) Session the Court on April 24th, 1928, gave the President full powers for the conduct of these negotiations.

On May 22nd the President concluded with the Netherlands Minister for Foreign Affairs an agreement on this subject which was submitted to the Council and approved by that body in the course of its Fiftieth Session in June, 1928 (see p. 56 of this volume).

ARTICLE 21.

(See Third Annual Report, p. 179.)

RULES, ARTICLE 9.

On August 26th, 1927, the question was raised whether, having regard to the special circumstances (unusual length of the session), the Court should not hold the elections for President, Vice-President and Special Chambers somewhat earlier than was laid down by the Rules 9 and 14, i.e. at the end of the ordinary session; amongst other things, two ordinary judges were shortly leaving and would have to be replaced by deputies.

It was however decided that the provisions of Articles 9 and 14 were quite definite and could not be disregarded. Moreover, the deputy-judges were entitled to enjoy all the prerogatives of ordinary judges when sitting upon the Court, including the right to take part in elections.

Subsequently the elections were held on December 6th, 1927, when the session was nearing its end (December 16th, 1927).

(See Third Annual Report, p. 181.)

RULES, ARTICLE 20.

On December 13th, 1927, an official having a knowledge of Slav languages was appointed (see under *Rules*, Article 20 (2), p. 181, of Third Annual Report). There was an understanding that the candidate appointed to this post might absent himself beyond the normal holidays without pay, provided the work of the Court permitted.

(See Third Annual Report, p. 181.)

RULES, ARTICLE 21.

On November 9th, 1927, the Court adopted a resolution approving a report made by the Salaries Adjustment Committee for The Hague (see pp. 294-295 of First Annual Report) recommending, in accordance with the rules in force, a reduction of 11.78 % in the variable fraction of the salaries of members of the staff of the Registry. This was the first occasion since the institution of the Committee in which the index figure had mounted to an extent bringing into operation the system of variation. The Court, in approving the report, expressed the hope that a more equitable method of remuneration would be found, but felt bound strictly to apply the rules in force.

Removal of case from list for session.

ARTICLE 23, paragraph 2.

(See Third Annual Report, pp. 184-185.)

RULES, ARTICLE 28.

In the Sino-Belgian case, at the opening of the ordinary session of 1927, an extension of time was granted on June 15th, 1927 (see under *Statute*, Article 43, paragraphs 3 and 4) enabling the Court to remove the case from the list for the ordinary session of 1927 and to place it on that for the ordinary session of 1928. This decision was embodied in an order (see under *Statute*, Article 48). Subsequently, a fresh order was made on February 21st, 1928, further extending by six months the times for the submission of the documents of the written proceedings (see under *Statute*, Article 43, paragraphs 3 and 4) so that the case would not be ready until November 15th, 1928.

Urgency of proceedings in preliminary objections.

On June 15th, 1927, at the opening of the ordinary session for 1927, the Court decided to take the objection to the jurisdiction raised by Poland in the Chorzów indemnities case first, because, according to the Rules of Court (as revised in 1926), proceedings in regard to preliminary objections were to be regarded as urgent (see also under *Statute*, Articles 36, 37, 38, *Rules*, Article 38).

Order in which cases to be taken.

At the opening of the ordinary session for 1927 (June 15th), the question was raised as to whether cases should necessarily be taken in the order in which they were entered on the list for the session. It was however observed that, according to established precedent, this was not so.

Inclusion of new case in list.

On July 15th, 1927, it was suggested that the question of including the case of the Mavrommatis concessions (readaptation)—jurisdiction—in the list for the session then in progress

should be made the subject of a provisional decision, pending the conclusion of the written proceedings still in progress at the time, but the date for the conclusion of which had been finally fixed. Some members of the Court, however, maintained that, according to the Rules of Court, no decision—even provisional—as to the inclusion of a new contested case in the list could be taken until the written proceedings had been actually concluded. The question was therefore left open.

For similar reasons, at the Thirteenth Extraordinary Session, after the Court had delivered Advisory Opinion No. 15, the formal decision to include in the list the case concerning the Minority Schools in Upper Silesia was not taken until the actual conclusion of the written proceedings. Owing however to the shortness of the interval between the delivery of Advisory Opinion No. 15 and the termination of these written proceedings, the session was not suspended.

On August 26th, 1927 (the date on which the Greek observations upon the British Government's preliminary objection were considered as having been filed though they did not actually reach the Court until some days later), the Court decided to include in the list for the session the case of the readaptation of the Mavrommatis concessions (jurisdiction).

ARTICLE 25.

(See Third Annual Report, pp. 186-188.)

During the Twelfth Ordinary Session, in 1927, a judge was unable, owing to illness, to attend a meeting for the *preliminary* discussion of a given case preceding the preparation by the judges of their individual opinion on the case. It was agreed that there was no objection to proceeding with the preliminary discussion in his absence.

In cases where a judge has been present at the adoption of the conclusions of a judgment or opinion, a note is appended to the judgment or opinion to the effect that he has taken part in the discussion and does or does not agree with those conclusions, but has been compelled to leave before delivery of the judgment or opinion. (Cf. Third Annual Report, p. 187, paragraph 3.)

RULES, ARTICLE 3, paragraph 1.

Convocation of deputy-judges.

On December 15th, 1928, the President, in reply to a question, indicated the order in which, under Article 3 of the Rules, deputy-judges would be summoned during the next year. M. Wang would be the first to be called on because his turn had several times been passed over, as, in the opinion of the President, a summons would not have reached him

in sufficient time. On the other hand, M. Yovanovitch had received a summons with which he had been unable to comply for reasons of health. The order for 1928 would therefore be: MM. Wang, Beichmann, Negulesco, Wang and Yovanovitch.

Deputy-judges have attended sessions of the Court as follows:

1.	Preliminary Session	3 (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
13.	Twelfth (Ordinary)	1 (June 15th—July 26th) 2 (September 8th—December 16th)
14.	Thirteenth (Extraordinary)	4 (February 6th—April 26th)

ARTICLE 31.

(See Third Annual Report, pp. 192-193.)

At the ordinary session of 1927, owing to the illness of M. Weiss (France) the question arose whether—should the Vice-President be unable to sit in the *Lotus* case—the French Government would have the right to appoint a judge *ad hoc*. The Court decided in the affirmative; but the contingency did not arise, as M. Weiss was able to attend.

Presence of judges *ad hoc* when required. (See also Article 36.)

In connection with the interpretation of Judgments Nos. 7 and 8, the Court agreed on November 18th, 1927, that the presence of judges *ad hoc* was necessary for the decision of the question whether preliminary objections should be joined to the merits of a suit. It was subsequently decided, on November 23rd, that the question of the joinder of the objections to the merits should be left until the Parties had been heard.

In the case between Belgium and China, an Order was made on June 18th, 1927, fixing new time-limits for the written proceedings (see also under *Statute*, Article 48 and Article 23, (2); national judges appointed by the Parties were not present when the order was made.

In the case concerning the Chorzów Factory (Indemnities), the Court, when making an order rejecting the German Government's request for the indication of a measure of interim protection (see also under Statute, Article 41), decided, on November 21st, 1927, that the presence of national judges was not required for this purpose.

For amendment to Rule 71 adopted at Twelth Session regarding the convocation of judges *ad hoc* for advisory opinions, and also for the previous history of this question, see the present Chapter, p. 296, under Advisory Procedure: *Rules*, Article 71, and also Chapter II, pp. 72-78, of this volume, and Series E., No. 3, pp. 224-225.

ARTICLE 33.

(See Third Annual Report, p. 195.)

On June 17th, 1927, the Supervisory Commission having proposed the suppression of an item in the Court's Budget estimates allocated to the agent of liaison with the Dutch Press, the Court decided (1) to accept the suppression of the credit but to instruct the Registrar to try and maintain the service concerned; (2) to announce this decision in an official letter which was to be communicated to the Assembly together with the report of the Supervisory Commission. At the same time, however, the Court's representative was to have a free hand to arrange with the Supervisory Commission as to the method of meeting the expense of the service in question. As regards another reduction proposed by the Supervisory Commission, the Court likewise accepted it, but made reservations as to the reasons advanced.

The Court being in session in 1927 at the time of the Assembly at Geneva, it was decided to instruct the Deputy-Registrar to represent the Court before the Supervisory Commission and to act as observer at the meetings of the Council and Assembly, the Registrar remaining at The Hague. The Deputy-Registrar was however to endeavour to ensure, if need be, that the taking of any important decisions by these bodies was delayed until the Registrar could reach Geneva. In fact, the Registrar was invited on behalf of the President of the Fourth (Financial) Committee of the Assembly to attend personally one meeting of the Committee.

ARTICLE 35.

(See Third Annual Report, pp. 197-198.)

RULES, ARTICLE 35.

On September 2nd, 1927, the Court decided that the Turkish Government should be asked to pay Fl. 5,000 as a contribution towards the expenses of the Court in the *Lotus* case.

Of the States enumerated in the list on page 197 of Series E., No. 3, Turkey and Danzig have respectively been invited by the Court to appoint national judges to sit *ad hoc* in the *Lotus* case (France and Turkey) and the question of the jurisdiction of the Danzig Courts (Danzig and Poland).

ARTICLES 36, 37, 38.

(See Third Annual Report, pp. 199-200.)

Urgency of proceedings in preliminary objections.

RULES, ARTICLE 38.

The principle underlying Article 38 of the Rules which was 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; see also under *Statute*, Article 60.)

On the ground that, under this Rule, proceedings in regard to preliminary objections were to be regarded as urgent, the Court decided on June 15th, 1927, at the opening of the ordinary session for that year, to take the objection to the jurisdiction in the Chorzów (Indemnities) case first, although it was not at the head of the list.

Presence of judges *ad hoc* required for decisions concerning joinder of preliminary objections to merits.

In connection with the case of the interpretation of Judgments Nos. 7 and 8, the Court agreed on November 18th, 1927, that judges *ad hoc* must be present for such decisions (see also under *Statute*, Article 31).

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 govern-

ments 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, of which twenty-eight have sent affirmative replies.

On June 5th, 1928, the Registrar sent a reminder to those governments which had not replied to his letter of March 24th, 1927.

ARTICLE 39.

(See Third Annual Report, pp. 200-202.)

Equality of the official languages.

On November 26th, 1927, a proposal was made for motives of expediency (the bulk of the documents in the case having been submitted in French, with which language all the judges on the bench were also conversant) that the French version of the Court's opinion concerning the jurisdiction of the European Commission of the Danube (which had been drafted in English) should be adopted as the authoritative text. It was, however, pointed out that such a course might jeopardize the equality of the two languages and thus be contrary to Article 39. The proposal was thereupon withdrawn, and subsequently, on November 30th, the Court decided that the English text should remain the authoritative version.

RULES, ARTICLE 37.

Documents submitted in an official language are not translated into the other except for Court's own convenience.

On August 4th, 1927, the Court considered a request made by the Agent for one of the governments interested in the question of the jurisdiction of the European Commission of the Danube, for a translation of memorials presented in one official language, into the other. The Court decided that this request could not be complied with, in view of the danger of creating a precedent. It was, however, agreed that translations, in so far as prepared for the use of members of the Court, could always be supplied to the Parties if desired.—The same question was again raised by another government in the same case and a similar reply was given.

It was pointed out in this connection that Article 37 of the Rules was one of the articles applicable by analogy in advisory procedure.

RULES, ARTICLE 44.

At the ordinary session in 1927, the question was raised whether, in the *Lotus* case, which, under the special agreement,

was to be conducted entirely in French, an oral translation of speeches by Counsel was required. On July 26th, the Court decided to follow the practice hitherto adopted of making such translations, though it was generally agreed that the Court was, legally speaking, free to adopt whatever course seemed preferable. It was also stated that an official translation of the judgment would be made, the only difference from previous cases being that, in the *Lotus* case, the English version should be styled a "translation". This judgment was, in accordance with Article 39, drawn up in French only, and the English translation attached to it was not therefore submitted to the Court for approval.

In the case concerning Minority Schools in Upper Silesia, dealt with at the Thirteenth Session, a request was made by the German Government for permission for its Agent to use the German language in the oral proceedings, he being accompanied by an interpreter who would translate his remarks into English. It was decided that the permission sought should be granted under Article 44 of the Rules, having regard to the precedents in the matter. The English version of the remarks would be considered as authoritative.

ARTICLE 41.

(See Third Annual Report, p. 204.)

RULES, ARTICLE 57.

On November 15th, 1927, the German Government filed a request for the indication of a measure of interim protection in the suit concerning the Chorzów Factory (indemnities) (see p. 163).

The Court, on November 21st, 1927, made an order (see Series A., No. 12), to the effect that this request amounted to an application for an interim judgment and was therefore not covered by the terms of the relevant articles of the Statute and Rules. In these circumstances, it was decided that there was no occasion to invite the Polish Government to submit observations upon the request.

Presence of national judges not required for indication of measures.

The Court also observed in the order that it was entitled, as normally composed, to indicate, when occasion arose, measures of interim protection, without specially obtaining the assistance of national judges (see also under *Statute*, Article 31).

Time for appointment of agents.

ARTICLE 42.

(See Third Annual Report, pp. 204-205.)

RULES, ARTICLE 35, paragraph 1.

In the case concerning the Factory at Chorzów (claim for indemnity) (jurisdiction), heard at the Twelfth Ordinary Ses-

sion, the Polish Government notified the Registrar in the normal course, i.e. when communicating the first document in reply to the Application, of the appointment of its agent, but subsequently notified the appointment of a second representative, also called "agent". The Registrar, in acknowledging the communication containing this information, said that, having regard to the terms of Article 35 of the Rules concerning the time for the appointment of the agent or agents of the Respondent, the agent originally appointed would doubtless continue to fulfil the functions of agent properly so-called.

Under this article, it may be well to mention the following: agents generally select the legations of the countries which they represent as the addresses to which communications intended for them are to be sent. In certain cases, nevertheless, the agent himself or the legation concerned have, notwithstanding the selection of the legation as the address at which any communication for the agent should be delivered, requested the Registrar to address documents and communications intended for the agent to his hotel during his presence at The Hague. Such requests have always been complied with—though a confirmation of the request in writing has been asked for when made verbally—on the express assumption that they constitute a change in the address selected at the seat of the Court for the period of the agent's presence at The Hague.

ARTICLE 43, paragraph 2.

(See Third Annual Report, p. 205.)

RULES, ARTICLES 33, 34.

Correction of documents of written proceedings after submission and expiration of time-limit.

In one of the cases before the Court at the Twelfth Session, the agent of one of the interested governments asked the Registrar to have printed as an annex to his Counter-Memorial, which had already been deposited and the time-limit for the filing of which had expired, a list of errata which he submitted.

It was pointed out that this could not be done, as the errors appeared in the certified and original copies of the document. It was, however, agreed that a note should be printed and distributed indicating the corrections which the agent wished to make in the original text of the Counter-Memorial.

Printing of documents of procedure undertaken by Registry.

In a number of suits on questions for advisory opinion, Parties or interested States have not filed their Cases, Counter-Cases or other documents of the written proceedings in the requisite number of printed and certified copies. The usual reason for this has been shortness of time or, sometimes, in the case of questions for advisory opinions, a misunderstanding

in regard to the application by analogy of Rule 34. In such cases the document in question has been accepted and an arrangement made, generally beforehand, but also sometimes upon the filing of the document in question, according to which the Registrar undertakes the printing of the requisite number of copies (or more should the Party concerned desire an extra supply) and charges the government concerned for the actual price of the printing of the required number of copies only, the cost of composition being borne by the Court (apart from certain expenses which may sometimes be incurred by reason of the special urgency of the work). When the document in question is printed in one of the volumes prepared for the use of the Court, only the cost of printing the actual pages devoted to the document in the number of copies required under Article 34 or desired by the Party concerned, is charged to that Party.

Below are enumerated a number of cases in which an arrangement of this kind has been made.

Case or question.	*Document printed by Court.*
Polish-Czechoslovak Frontier (Jaworzina).	Czechoslovak Government's Memorandum.
Mavrommatis Jerusalem Concessions.	Greek Government's Reply. British » Rejoinder.
Exchange of Greek and Turkish Populations.	Greek Government's Memorial.
Interpretation of Treaty of Neuilly.	Bulgarian Government's Case. ,, ,, Reply. Greek ,, ,, .
Polish Postal Service at Danzig.	Danzig Government's Memorial. Polish Government's Memorial.
German interests in Polish Upper Silesia (jurisdiction).	Polish Government's preliminary objection.
Competence of International Labour Office to regulate work of employer.	International Labour Office's Memorial.
Denunciation by China of Sino-Belgian Treaty.	Belgian Government's Case.
Mavrommatis Concessions (Readaptation) (jurisdiction).	Greek Government's Case. ,, ,, Reply.

Jurisdiction of European Commission of Danube.	Italian Government's "Notes on the Roumanian Memorial". French Government's Memorial. Roumanian Government's Memorial and Counter-Memorial.
Interpretation of Judgments Nos. 7 and 8.	Polish Government's "Observations".
Jurisdiction of Danzig Courts (claims of railway officials in Polish Service).	Danzig Government's Memorial. Polish Government's Memorial.
Minority Schools in Upper Silesia.	Polish Government's Counter-Memorial.

The Court has been similarly requested to print the Swiss Government's Case in the Franco-Swiss suit concerning the Free Zones of Savoy and the Pays de Gex.

RULES, ARTICLE 39.

In the case concerning the payment of various Serbian loans submitted to the Court by a special agreement between the French and Yugoslav Governments concluded on April 19th, 1928, the President of the Court, in his order fixing the times for the written proceedings in accordance with the proposals of the Parties, announced that, as the Special Agreement made no proposals in regard to times for the submission of replies, the Parties would be held to have waived the right to submit replies in accordance with Article 39, paragraph 1, of the Rules of Court. He reserved however the Court's right to call for replies, should it see fit to do so.

ARTICLE 43, paragraphs 3 and 4.

(See Third Annual Report, pp. 205-207.)

RULES, ARTICLE 33.

Since January 1st, 1928, the President's decisions as to the fixing and extension of time-limits under Article 33 of the Rules are given in the form of *orders* (see also under *Statute*, Article 48).

On February 21st, 1928, the Court agreed that a decision under Rule 33, paragraph 2, last sentence, need not be given in the form of an order.

Extensions of time.

As regards extensions of time, these have always been granted when sought on reasonable grounds provided that such extensions have not unduly affected such questions as the readiness of a case for hearing at the opening of a session, the possibility of dealing with a case at a session in progress,

or the fact that an advisory opinion sought by the Council is urgently required. In each case, however, the Court, or the President if the Court is not sitting, considers the request on its merits and gives a decision accordingly.

Sino-Belgian case.

At the opening of the ordinary session in 1927, the position was that the time-limit for the filing of the Chinese Government's Counter-Case in this suit expired on June 18th but that the representative of the Belgian Government had, on June 14th, requested an extension of unspecified duration of this time-limit. This request was submitted as being in accordance with the wishes of the Chinese Government; it was therefore decided to extend the times for the subsequent documents of the written proceedings until February 15th, April 1st and May 15th respectively. The Court was thus enabled to remove the case from the list for the ordinary session of 1927.

In the same case, on February 14th, 1928 (the day before the expiration of the time-limit for the Counter-Case), the Belgian Agent requested the Court to decide that the filing of the Counter-Case by the respondent Government should be regarded as valid after the expiration of the time fixed, provided that it were effected by February 25th. The Court granted this request. Before the expiration of this time, a further request from the Agent for the Belgian Government was received asking that the subsequent times in the written proceedings should be extended by six months. The Court, by an order made on February 21st, granted this request, considering that it was submitted as being also in accordance with the desire of the Chinese Government, and fixed the times for the subsequent documents of the written proceedings as follows:

The Counter-Case, August 15th, 1928;
the Reply, October 1st, 1928,
and the Rejoinder, November 15th, 1928.

Mavrommatis Concessions (Readaptation).

A request having been made by the British Government in the Mavrommatis Concessions case (Readaptation) for an extension of the time allowed for the presentation of its Counter-Case, the Court decided on July 4th, 1927, to inform the Parties that the time-limit fixed (July 15th) could not be regarded as a hard and fast limit precluding acceptance of the Counter-Case if not submitted till after that date. A definite decision upon the extension was to be given later. An extension till August 15th was subsequently granted.

On August 26th, 1927, the Court decided that it would accept the Greek Government's Observations upon the British preliminary objection in the case of the Mavrommatis Concessions (Readaptation), which observations had not, for insuperable reasons, been filed on the date fixed (August 26th),

provided that they were submitted before September 1st, when the written proceedings would be finally closed.

Question of the jurisdiction of the European Commission of the Danube.

At the opening of the ordinary session in 1927, the position was that the date for the submission of replies had been postponed by the President from May 31st to June 17th (i.e. a date immediately after the opening of the session). On June 15th, the Court at its first meeting considered and granted a request by the Roumanian Government for a further extension until August 1st. On August 1st, the Court considered a further request made by the Roumanian Government for extension of the time allowed for the submission of its reply. The granting of the extension sought (till December 15th) would raise the question of the legal interpretation of Article 23 of the Statute and Article 28 of the Rules, since the affair had been duly entered on the list for the session in progress but that, if the extension were granted, it could not be taken at the session. Provisionally, it was decided that the fact that the Roumanian Government did not submit their observations before August 1st, would not deprive them of the right to do so. Subsequently, the Court decided to invite the interested States to make observations upon Roumania's request. Following the receipt of their observations, the Court decided only to grant an extension until September 15th, which date was to be final.

Question concerning the jurisdiction of the Danzig Courts.

In the question concerning the jurisdiction of the Danzig Courts submitted for advisory opinion by the Council of the League of Nations, which question was regarded by the Council as in some degree urgent, a request for an extension of time was made by Danzig (the Party most interested in a speedy settlement). The Court, on October 28th, 1927, granted the extension sought until December 4th, which necessitated the postponement of consideration of the question until an extraordinary session to be held early in 1928.

On December 6th, 1927, in the question concerning the jurisdiction of the Courts of Danzig submitted for advisory opinion, the Court decided (applying paragraph 2 of Rules 33 at the request of the Danzig Agent) to accept the Memorial of the Danzig Government which, though submitted within the time fixed, had only been furnished in a single copy, thus failing to comply with Article 34 of the Rules of Court.

Chorzów (Indemnities) case.

In the Chorzów (Indemnities) case (Merits), the President, on September 8th, 1927, in pursuance of the terms of the judgment given that day upon the plea to the jurisdiction in that case, granted an extension of time requested by the Polish Government on the ground of the necessity of obtaining certain expert reports. He extended by two months the times fixed for the filing of each of the subsequent documents in the case.

A further extension of time in this case was granted by the President on January 7th, 1928, namely for the submission of the Reply, in compliance with a request made by the Agent of the German Government on the ground that the Counter-Case required a detailed reply in regard to a large number of technical and other points. This extension of time was embodied in an order.

Subsequently, on March 23rd, 1928, at the request of the Polish Government, an extension of time of one month (May 7th instead of April 7th) for the filing of the Rejoinder by that Government was granted on similar grounds and embodied in an order.

Minority Schools in Upper Silesia.

In the case concerning certain rights of minorities in Upper Silesia (Minority Schools), a request having been made for an extension until the end of February of the time allowed for the filing of the Counter-Case by Poland (the date originally fixed being February 4th), the President, in order that the Court might be in a position, should it so desire for certain reasons, to place the case on the list for the Thirteenth Extraordinary Session, made an order on February 3rd, 1928, extending the time until February 20th only and leaving the question of the extension of the times for the subsequent written proceedings to be decided in agreement with the Court when it met for the Thirteenth Session.

On February 21st, the Court made a further order granting a short extension of the time allowed for the filing of the Reply (March 1st instead of February 22nd) but maintaining the date—March 10th—originally fixed for the Rejoinder. The reason for this course was that the Court desired to be able to take the case during its Thirteenth Extraordinary Session in order that, if possible, it might be terminated in due time before the commencement of registrations for the new scholastic year in the Minority schools.

Computation of time.

In the *Lotus* case, and again in the case concerning the Free Zones of Savoy and the Pays de Gex, the Parties suggested in the special agreements filed with the Court, that a certain number of "months" should be allotted for the preparation of each document of the written proceedings. The Court (or the President) in both cases, taking this suggestion into account, reckoned the "months" as consisting of twenty-eight days.

Distance of Parties from seat of Court taken into account in fixing time-limits.

In the case concerning the payment in gold of the Brazilian Federal loans contracted in France, submitted to the Court by special agreement, between France and Brazil, the President in fixing the times for the written proceedings, in accordance with the proposals made in the special agreement, allowed Brazil three months for each of her documents,

as against two months for France, in consideration of the greater time required for the transmission of documents for Brazil.

Submission of corrected edition of a document of the written proceedings.

On June 17th, 1927, a request having been made by the Turkish Government for permission to file a corrected edition of the Turkish Counter-Case in the *Lotus* case, the original edition containing serious and misleading printing errors, and the Agent of the French Government having no objection, the Court agreed to accept the corrected edition.

Acceptance of documents mentioned in a document of the written proceedings but not filed with it.

On the same occasion, the Turkish Government having announced the intention of filing at some future time certain legal opinions mentioned in the Counter-Case, the Court decided to allow the submission of these opinions, since Articles 40 and 33 of the Rules left a free hand to accept or refuse them.

Submission of additional annexes to case.

On June 27th, 1927, the Court granted permission to the Greek Government, in the case of the Mavrommatis Concessions (Readaptation), to submit additional annexes to its Case, as the opposing Party would still have time to examine them before filing its Counter-Case.

In the same suit, the Greek (claimant) Government asked that a number of amendments might be made in its Case, which had already been filed and the time-limit for the deposit of which had expired. Compliance with this request was made subject to the consent of the British (respondent) Government, which consent was eventually granted subject to the right to comment on the matter.

ARTICLE 43, paragraph 5.

(See Third Annual Report, p. 207.)

RULES, ARTICLE 46.

In the *Lotus* case between France and Turkey submitted by special agreement and heard at the Twelfth Ordinary Session, the Court decided that the representatives of the Parties should, in the absence of an arrangement between the Parties, speak in the alphabetical order of their countries.

ARTICLE 44.

(See Third Annual Report, p. 208.)

Communication with the Free City of Danzig.

On October 1st, 1927, it was agreed, in connection with the question concerning the jurisdiction of the Danzig Courts, that, pending the appointment by the Free City of an agent for the case, documents addressed to the Free City would

be transmitted through the intermediary of Poland in accordance with the arrangement in force, but that copies would be sent to Danzig direct, Poland being informed of the fact. This was in accordance with the precedent established in the case of Advisory Opinion No. 11.

ARTICLE 46.

(See Third Annual Report, p. 209.)

RULES, ARTICLE 43.

At the opening of the ordinary session for 1927, it was decided to hold a public sitting for the purpose of informing the public as to the principal events which had occurred and the decisions taken by the Court since the previous session.

On February 13th, 1928, the Court considered a request made by a government to be allowed to make use of the report concerning the amendment of Article 71 of the Rules of Court before that report had been actually published by the Court (in the Fourth Annual Report). The document in question being intended for publication, the request was granted.

Publications.

In 1927, a new series of publications was inaugurated and the first volume—Series F., No. 1—was issued. This Series is to constitute a general index to Series A. (Judgments), B. (Advisory Opinions) and C. (Acts and Documents relating to Judgments and Advisory Opinions). Its object is to facilitate reference to the contents of these volumes but it does not in any way duplicate the analytical indexes in Series E. The first of the Series F. 1 covers Series A. 1-7, Series B. 1-13 and Series C. 1-12.

On June 16th, 1927, it was decided to issue, as a publication of the A. Series (Judgments), the three orders made in the Chinese-Belgian case on January 8th, February 15th and June 18th, 1927. These Orders now form Volume 8 of Series A.

The order made in the same case on February 21st, 1928, was also published in Series A., under No. 14.

On December 12th, 1927, in connection with the question of the numbering of the publications of the A. Series (which no longer corresponds to the numbers of Judgments), the Court left the Registrar to arrange for the publication of the Court's order of November 21st, 1927 (made in regard to the request of the German Government for an interim measure of protection in the Chorzów (Indemnities) case). Accordingly the Registrar published this order as No. 12 of Series A.

ARTICLE 48.

Orders for conduct of cases.

(See Third Annual Report, pp. 210-211.)

It was decided on June 16th, 1927, to embody in the form of an order, the decision taken on June 15th, 1927, extending the times for the written proceedings in the Chinese-Belgian case, concerning the denunciation of the Treaty of 1865 (see also under *Statute*, Article 23, (2). This order was published in Series A., No. 8, of the Court's Publications (see under *Statute*, Article 46).

Since January 1st, 1928, the President's decisions as to the fixing and extension of time-limits under Article 33 of the Rules are given in the form of orders.

On November 21st, 1927, the Court made an order rejecting a request by the German Government for the indication of a measure of interim protection in the case of the Chorzów Factory (Indemnities) (see also under *Statute*, Article 41, p. 278). This order was published as No. 12 of Series A.

RULES, ARTICLE 33.

On August 3rd, 1927, in the course of the hearing of the *Lotus* case, the Turkish Agent asked for three days to prepare his reply to the French Agent. After a discussion in which the view was expressed that Parties should in principle present themselves prepared to speak without special delay, two days were granted to the Turkish Agent.

In the Chorzów (Indemnities) case—Jurisdiction—the Agent for the German Government asked for time to prepare his reply to the speech of the Polish Agent. The Court decided to grant the time asked for, noting: (1) that there were precedents for so doing and (2) that procedure in regard to objections was of a special character (see under *Statute*, Article 36) —only one document being submitted by each Party—endowing the oral proceedings with greater relative importance.

In the case of the Minority Schools in Upper Silesia, at the Thirteenth (Extraordinary) Session, the Court granted the German Agent one clear day for the preparation of his oral reply, but the view was expressed at the private meeting held to consider the point that agents should come into Court fully prepared.

RULES, ARTICLE 47.

In the case of the Minority Schools in Upper Silesia, the Polish Agent referred during the hearing to two documents which had not been produced. It was decided to ask for the production of these documents.

Access to records of preparation of Treaty of Versailles.

In connection with Advisory Opinion No. 14 (Jurisdiction of the European Commission of the Danube), the question arose of obtaining access to the records of the preparation of certain articles of the Treaty of Versailles, from which records citations were made in the course of the proceedings by the agent of one of the interested States, whilst counsel for another State, alluding to the secret character of these records, protested against their use in evidence. The Court reserved its decision in regard to this, pending a reply to a letter sent by the Registrar to the French Minister for Foreign Affairs requesting him to have the citations made verified and asking his views on the offer made by one of the governments interested to supply a volume said to contain the records in question. Before a final answer was received to this letter the Court had delivered its opinion.

Subsequently a letter was received from the President of the Conference of Ambassadors in which he observed that the Conference had greatly appreciated the attitude adopted by the Court in refraining from taking into consideration documents communicated to it as official documents of the Peace Conference of 1919 for the production of which the interested Party had not thought it necessary to secure the consent of the Principal Powers represented on the Conference At the same time the President of the Conference sent the Court a copy of a letter addressed to the representatives at Paris of governments which had signed the Treaty of Versailles to the effect that, as there seemed to be some uncertainty on the subject, the Conference wished to remind them of the confidential character of the official documents relating to the work of the Peace Conference and to point out that no public use should be made of such documents without the unanimous assent of all concerned, or at all events of the Conference of Ambassadors or of the governments represented upon it.

Previously, in connection with Advisory Opinions Nos. 2 and 3 given by the Court at the ordinary session in 1922, a request was made to the French Ministry for Foreign Affairs for the minutes and preparatory documents of the Labour Commission of the Peace Conference and also for minutes of full meetings of the Conference on the subject of labour. In replying, the French Foreign Ministry sent minutes of full meetings of Conference but observed that the other records desired were confidential and required the consent of the Allied and Associated Powers. Subsequently, as an exceptional case, the communication of the other documents was authorized by the Conference of Ambassadors.

In the *Wimbledon* case also (ordinary session, 1923), a request was sent to the French Foreign Office for the minutes and documents of the Kiel Canal Sub-Committee of the Ports,

Waterways and Railways Commission of the Peace Conference, reference being made to the grant of the previous request in connection with Advisory Opinions Nos. 2 and 3. It was also pointed out that these documents must, if used by the Court, be communicated to the Parties. The proceedings were however terminated before an answer could be received and the request was withdrawn.

ARTICLE 49.

(See Third Annual Report, p. 212.)

RULES, ARTICLE 48.

In the *Lotus* case, certain members of the Court desiring to obtain a copy of the judgment given in that case by the Turkish Municipal Court, the Court decided on August 9th, 1927, that the Registrar should unofficially ascertain whether the document sought was immediately available. As this was not the case, the Court decided not to ask for it.

In the question concerning the jurisdiction of the Danzig Courts, the Court decided on February 20th, 1928, to ask the Agents of the Polish and Danzig Governments for certain official information. The information sought by the Registrar in accordance with this decision was forthwith communicated by the Agents.

ARTICLE 53.

(See Third Annual Report, p. 214.)

So far there has been no case in which the Court has had to apply the terms of Article 53, but on two occasions (June 1927 and February 1928) in the Sino-Belgian case concerning the denunciation by China of the Treaty of November 1865, this situation has been imminent owing to the failure of China to submit her Counter-Case or to make any communication by the required date. On both occasions, however, a request for an extension of the time-limits was made by the Belgian Agent (claimant) as being in accordance with the desire of the Chinese Government (defendant) (see *Statute*, Article 43, paragraphs 3 and 4).

ARTICLE 54.

Closure of hearings.

(See Third Annual Report, pp. 214-216.)

RULES, ARTICLE 31.

The practice has been, since the Mavrommatis case (Merits) in 1925, for the President, when terminating the hearing, to refrain from declaring the proceedings closed in order to reserve

to the Court the right to put further questions to the Parties should occasion arise. The final closure of proceedings is announced by the President when the Court, in the course of its deliberation, has satisfied itself that it requires no further information.

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.

In the deliberations upon the interpretation of Judgments Nos. 7 and 8, at the Twelfth Ordinary Session, the procedure varied slightly from that indicated above, so that the first reading of the draft prepared by the Drafting Committee took place before amendments had been handed in. The latter were either to be submitted as the reading proceeded, or in time for the Drafting Committee to consider them before preparing the draft for second reading. At the conclusion of the first reading, the Court voted provisionally upon the general plan of the draft, subject to such amendments as the Drafting Committee might make in consequence of observations submitted.

ARTICLE 55, paragraph 2.

(See Third Annual Report, p. 216.)

RULES, ARTICLE 13, paragraph 2, second sentence.

The judgment given by the Court in the *Lotus* case was the first judgment or opinion in regard to which the President of the Court had had to exercise his casting vote. In this connection, the formula adopted, to comply with (10) of paragraph 1 of Rule 62, was as follows:

> "The Court gives, by the President's casting vote—the votes being equally divided—judgment to the effect ...."

ARTICLE 57.

Dissenting opinions.

(See Third Annual Report, pp. 216-217.)

RULES, ARTICLE 62, paragraph 2, and sub-paragraph 10 of paragraph 1 (Article 71).

It was agreed, on December 1st, 1927, that dissenting opinions might be prepared quite independently of the judgment of the Court, that their object was to show the reasons for which a judge could not agree with the majority and that they were not intended to be a reasoned criticism of the judgment or opinion.

On February 17th, 1928, the Court adopted in this respect the following resolution:

> "The Court,
>
> Having regard to Article 57 of the Statute,
>
> Having regard to Articles 31, last paragraph, 62, last paragraph, and 71, second paragraph, of the Rules of Court,
>
> Whereas the Court must be acquainted with dissenting opinions before it adopts the final text of judgments and opinions;
>
> As, furthermore, dissenting opinions are designed solely to set forth the reasons for which judges do not feel able to accept the opinion of the Court, and this opinion will, as a general rule, be determined as regards all essential points when the draft judgment or opinion has been adopted in first reading;
>
> *Decides*
>
> that, unless expressly decided otherwise by the Court in exceptional circumstances, the time for the submission of dissenting opinions shall be fixed after the first reading of the draft judgment or opinion so as to cause the presentation of dissenting opinions to coincide with the presentation of the draft judgment or opinion as prepared for second reading."

Reading of dissenting opinions at sitting held for delivery of judgment or advisory opinion.

Prior to the reading of the judgment in the *Lotus* case, the question was raised whether dissenting judges must read their separate opinions in open Court. It was decided that that was a matter resting entirely with the judges themselves. In practice, some judges have, for reasons of expediency, either confined themselves to summarizing orally their separate opinions or have renounced their right to read them (in the case concerning the jurisdiction of the European Commission of the Danube, in which the Court's opinion was very lengthy, of the three judges who had appended separate observations or dissenting opinions, one summarized his observations, another waived his right to read them and the third simply read the conclusions of his dissenting opinion). On the other hand, in the case concerning the interpretation of Judgments Nos. 7 and 8, the only judge submitting a dissenting opinion read it in full, whilst in the case concerning Minority Schools in Upper Silesia all the dissenting judges waived their right to read their opinions.

ARTICLE 58.

(See Third Annual Report, p. 217.)

RULES, ARTICLES 63 AND 65.

Normally, the agents of Parties or of interested Governments either attend or are represented at the sitting of the Court at which a judgment or opinion is read out. In one case, at the Twelfth Ordinary Session, however, the agents of certain governments, though duly advised, were neither present nor represented; the Registrar, then, sent the official copies of the opinion in question to the Ministers at The Hague of the governments concerned to be forwarded to the agents.

ARTICLE 59.

(See Third Annual Report, pp. 217-218.)

RULES, ARTICLE 64.

(7) In Judgment No. 8 (Series A., No. 9, pp. 20-21, 23, 26-27, 28, 30-31), the Court continually refers to and relies on its previous Judgments Nos. 6 and 7, in connection with the Chorzów Factory, and also (p. 24) quotes Judgment No. 5 in order to demonstrate that that judgment cannot be cited in the manner attempted by Counsel for Poland.

(8) In Judgment No. 9 (Series A., No. 10), the Court alludes (p. 16) to a general principle enunciated by it in various previous judgments and opinions with regard to

reference to preparatory work in ascertaining the meaning of the terms of a convention.

(9) In Judgment No. 10 (Series A., No. 11), the Court (p. 14) explains that the case before it is not a continuation of that dealt with in Judgments Nos. 2 and 5 and that, consequently, it does not follow that the jurisdiction accepted by the Court in Judgment No. 2 also exists in the present case. Page 14, the Court refers to the construction placed by it in Judgments Nos. 2 and 5 upon certain articles of the Mandate for Palestine which construction must be taken into account in the present case, and "which clearly flows from the previous judgments" and from which it sees no reason to depart.

(10) In Advisory Opinion No. 14 (Series B., No. 14), the Court (p. 28) mentions and confirms the rule applied in previous decisions as regards there being no occasion to consider preparatory work in order to construe a text which is sufficiently clear in itself. Again (p. 36) the Court cites its previously established doctrine to the effect that restrictions on the exercise of sovereign rights accepted by treaty cannot be regarded as an infringement of sovereignty.

(11) In Judgment No. 12 (Series A., No. 15), the Court (pp. 23-24) refers to its observations in Judgment No. 5, to the effect that a matter may be validly submitted to its jurisdiction by virtue of the consent of the Respondent expressed by means of a declaration agreeing thereto, and then proceeds to state that the same holds good when such consent only follows from acts conclusively establishing it.

ARTICLE 60.

(See Third Annual Report, pp. 218-219.)

Application of Article 66 of the Rules of Court and analogy with Rules, Article 38.

RULES, ARTICLE 66 (heads 2, 3, 4 and 5).

On October 22nd, 1927, in connection with the submission by the German Government of a request for an interpretation of Judgments Nos. 7 and 8, the Court took the view that an application for an interpretation must, for the purposes of paragraphs 2 and 4 of Article 66, be regarded as including the case. The observations of the Respondent provided for by clause 2, paragraph 2, of Article 66, consequently corresponded to the Counter-Case referred to in Article 38. It followed that the Respondent (the Polish Government in this case) could either reply on the merits, or make a preliminary objection within the time fixed for the filing of its "Observations".

RULES, ARTICLE 66.

In the suit brought by the German Government with a view to obtaining an interpretation of Judgments Nos. 7 and 8, as it was possible to regard the observations submitted in accordance with Article 66 of the Rules by the Polish Government as raising certain preliminary objections, though at the same time as entering upon a discussion of the merits, the Court, on November 9th, 1927, adopted a resolution referring to Article 60 of the Statute and Articles 66 and 38 of the Rules and inviting the German Government to submit, by November 21st, "together with further explanations (cf. *Rules*, Article 66, clause 4 of paragraph 2) regarding the submissions of its application, its observations (cf. *Rules*, Article 66, clause 3 of paragraph 2) and conclusions (cf. *Rules*, Article 38, paragraph 3) in regard to the observations filed by the Polish Government; and the Polish Government to submit by the same date "further explanations regarding the submissions of the German application".

In the letters sent to the two Governments concerned, the special and urgent nature of proceedings for the interpretation of a judgment was emphasized.

The question of oral proceedings was left open but a date was provisionally fixed for their commencement should it be decided to hold them.

In the same case the Court, on November 23rd, 1927, decided that there should be oral proceedings, it being, however, observed that the Rules left the Court an entirely free hand in the matter.

At the hearings, the Parties would be free to argue the whole case (preliminary objection, if any, and merits).

The first case of an application for the interpretation of a judgment to come before the Court was 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 (cf. p. 175, Third Annual Report). It was at first held that the Rule now in force (Rule 66, paragraph 3, last sentence) extended this principle to all judges.

Application of Article 13 of the Statute.

In connection, however, with the German Government's application for an interpretation of Judgments Nos. 7 and 8, the question was raised, at the Twelfth Ordinary Session, whether, for the purpose of that interpretation, it would be necessary to summon all judges who had taken part in either of the two judgments to be construed. The Court decided in this respect, on October 22nd, 1927, that the ordinary and deputy-judges who had sat when Judgments Nos. 7 and 8 had been pronounced need not be summoned. This decision was based on the view that Article 13 of the Statute only referred to judges who had ceased to belong to the Court or to one of the Chambers, as the case might be, and that the reference to Article 13 in Article 66 of the Rules would only authorize the summons of judges who had sat in Cases Nos. 7 and 8 if they were no longer members of the Court. It was also observed that procedure for the interpretation of a judgment, like that in regard to preliminary objections, was in the nature of a summary procedure and that a request for an interpretation was not a continuation of the original suit, but a new action distinct from it and the urgent character of which was incompatible with the possible delays which might result from a liberal construction of the condition laid down by the last sentence of clause 3 of Article 66 of the Rules.

The Court was therefore competent as composed on that date with the addition of judges *ad hoc* who, in view of the decision above mentioned, need not be the same as those who had sat in Cases Nos. 7 and 8. In accordance with the above reasoning the Registrar:

(1) notified the Parties that the provisions of Article 35, No. 1, of the Rules, regarding the appointment of an agent and the selection of an address at the seat of the Court were applicable by analogy in proceedings for the interpretation of a judgment;

(2) informed the Parties that they had the right under Article 31 of the Statute to appoint a judge *ad hoc;* at the same time drawing their attention to the names of the judges *ad hoc* appointed by them, who had sat in the previous cases, decided by Judgments Nos. 7 and 8, the interpretation of which was sought;

and (3) pointed out that the time allowed for the presentation by Poland of observations upon the request for an interpretation made by the German Government corresponded, as regards proceedings for an interpretation, to the time allowed for the submission of the Counter-Case, under Article 38, paragraph 1, of the Rules, in ordinary proceedings.

SECTION II.

ADVISORY PROCEDURE.

RULES, ARTICLES 71-74. (See Third Annual Report, pp. 222-227.)

Amendment of Article 71 of Rules.

On September 7th, 1927, the Court, on the basis of a report prepared by a committee of three judges, adopted an amendment to Article 71 of the Rules to the effect that Article 31 of the Statute was applicable in the case of an advisory opinion relating to an existing dispute (thus reversing the decision taken at the Eleventh Session during the Revision of the Rules [see note below]). This amendment came into force at once. (For the text of the amendment, the records of the discussion and the report of the Committee of three, see Chapter II, "The Statute and Rules", of this volume.)

The first occasion on which this new Rule was applied was in connection with the advisory opinion requested by the Council concerning the jurisdiction of the Danzig Courts. Not only Poland, but the Free City of Danzig also (which, since 1922, had been recognized as a juridical personality capable of appearing before the Court), would be entitled to appoint a judge *ad hoc*. The two Governments concerned were notified accordingly. In this connection the question arose whether an objection to the application in a given case of the new provision of Article 71 was an administrative matter and could be made by simple letter, or whether it must be made according to judicial procedure (by application). The Registrar informed the Government concerned that the latter was the case. (No application was however submitted.)

Note: 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 at that time 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 Rule 73. (E. 3, pp. 224-226.)

In the question concerning the jurisdiction of the Courts of Danzig, the Danzig Agent asked by letter whether the intention of the Court was that there should be Counter-Memorials in that case; the Court, on December 15th, 1927, decided that no further document would be called for, but that, should either or both of the interested governments wish Counter-Memorials to be filed, the time-limit for the presentation of such documents would be January 15th, 1928. The Polish Agent was also notified accordingly.

Such Counter-Memorials having not been filed, the President, on behalf of the Court, decided formally to invite the Parties concerned to present oral statements, thus converting the option to make such statements into an obligation.

In the question concerning the jurisdiction of the European Commission of the Danube, the Registrar pointed out to the French and other governments that Article 34 of the Rules of Court had been expressly recognized by the Court as applicable by analogy in advisory procedure.

Similarly, in the course of the same affair, the Registrar drew the attention of interested governments to the fact that Article 47 of the Rules also applied to proceedings for an advisory opinion, and, in connection with a request for a translation into one official language of a document submitted in the other, it was pointed out that Article 37 of the Rules was also applicable by analogy. Again in the same case, the attention of the agent of an interested government was drawn to Article 40 of the Rules (No. 5 of second paragraph).

In connection with the advisory opinion given by the Court in regard to the jurisdiction of the European Commission of the Danube at the Twelfth Session, the Registrar pointed out to the representative of one of the interested States that Article 23 of the Statute (as to the Court's obligation to finish, before separating, cases entered on the list for a given session) was no doubt applicable also as regards advisory opinions.

It was at the same time observed that the giving of an advisory opinion, requested by the Council, could not be unduly delayed without the consent of that body.

In connection with advisory procedure and Rules, Article 73, it was also pointed out that under that article there was no right to submit written Replies and that in this procedure any extension of time granted must be regarded as an extraordinary measure.

SECTION III.

OTHER ACTIVITIES.

(See Third Annual Report, pp. 228-229.)

(5) Under a conciliation treaty between Sweden and Colombia, the President of the Court for the time being was entrusted with the appointment of certain members of the conciliation commission, failing agreement between the two States on the subject; the President, on being requested to do so, accepted this task in accordance with precedent.

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ABBREVIATIONS :

I. L. O. International Labour Office.
L. N. League of Nations.

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Postponement of—	23 (1, 2)	27, 28	3	183-185
Revision of Rule 27 considered	23 (2)	—	3	185

CHAPTER VII [1].

PUBLICATIONS OF THE COURT.

Question of printing.

At its twenty-third session, held at Geneva from April 27th to 30th, 1927, the Supervisory Commission of the League of Nations examined the question of the method adopted for the printing, distribution and sale of documents emanating from the two institutions established at Geneva, namely, the Secretariat of the League of Nations and the International Labour Organization. In this connection, certain questions were also raised in regard to the corresponding arrangements made by the Registrar of the Court. After discussion, the Commission requested the Registrar, who represented the Court at the session, "to examine the whole system [the system adopted by the Registry for the printing and publication of the Court's documents] in order to ascertain whether it would not be possible to introduce certain improvements therein, as regards economies which might be effected and the circulation of the Court's publications" (meeting of April 29th, 1927).

Subsequently, and more especially at the session held by the Supervisory Commission in January 1928, it was agreed that the results of the enquiry to be undertaken with this end in view should be submitted to the Commission at its April session of the same year in the form of a detailed report.

Report by the Registrar.

In accordance with the wish thus expressed, the Registrar of the Court submitted to the Commission in April 1928 a general report dealing with the question from the three following points of view :

(*a*) possibility of reducing the sale prices ;
(*b*) possibility of increasing circulation ;
(*c*) possibility of effecting economies, either within the framework of the existing organization (Section I of the report) or by establishing an essentially different organization (Section II).

[1] Cf. First Annual Report, p. 273, and Third Annual Report, p. 243.

* * *

Report to the Supervisory Commission of the League of Nations.

The Registrar's report was placed on the agenda of the session held by the Supervisory Commission in London on June 15th and 16th, 1928. On this occasion, the report on the printing and publication services of the Secretariat of the League of Nations, of the International Labour Organization and of the Court, prepared by the rapporteur of the Commission, was approved for submission to the Assembly.

This report contains the following in regard to "the position of the third financially autonomous institution of the League of Nations, namely, the Permanent Court of International Justice" :

"The Court publishes regularly its judgments ; its advisory opinions ; acts and documents relating to judgments and advisory opinions ; acts and documents concerning the organization of the Court ; texts governing the jurisdiction of the Court ; annual reports and, finally, indexes.

These publications are divided into the following six series :

A. Series : Collection of Judgments.
B. ,, : Collection of Advisory Opinions.
C. ,, : Acts and Documents relating to Judgments and Advisory Opinions given by the Court.
D. ,, : Acts and Documents concerning the organization of the Court.
E. ,, : Annual Reports.
F. ,, : Indexes.

The number of volumes published on May 1st, 1928, in each of these series is as follows :

A. and B. Series : 28 volumes in-8°, with a total of 2334 pages.
C. Series : 31 volumes ,, , ,, ,, ,, ,, 15140 ,, [1].
D. Series : 3 ,, in-4°, ,, ,, ,, ,, 1184 ,, .
(texts concerning the organization of the Court)
D. Series : 1 volume in-8°, with a total of 164 ,, .
D. Series : 4 volumes ,, , ,, ,, ,, ,, 1256 ,, .
(texts governing the jurisdiction of the Court)
E. Series : 6 volumes in-8°, with a total of 2488 ,, .
F. Series : 1 volume ,, , ,, ,, ,, ,, 254 ,, .

[1] On June 15th, 1928 : 32 volumes (15,256 pages), not including 2 volumes of 1250 pages in the press. [*Note by the Registrar.*]

In addition to its publications properly so-called, the Court prints the applications for judgments and for advisory opinions, as well as the special agreements for arbitration submitted to it; these documents instituting proceedings are contained in 30 pamphlets in-quarto totalling 368 pages [1]; it also prints, for its own use, most of the dossiers submitted to it in the various cases. This has resulted in the printing of altogether forty volumes called "preliminary volumes" totalling 5550 pages in-quarto [2]. The type used for these two latter classes of documents is later employed for the printing of the volumes of the C. Series.

The Commission considers that the publications and documents mentioned above are essential for the carrying out by the Court of the work for which it was created."

The report of the Supervisory Commission then goes on to state the conditions governing the printing and sale of the Court's publications:

"As regards printing and publication, the Registry of the Court has adopted a system which is altogether different from that employed by the Geneva organizations, but which, having regard to the conditions under which its work is carried out, is certainly the most practical and the least costly method for the Court to apply. A contract is concluded with the largest Dutch printing and publishing firm [3] for the printing and publication of the Court's documents. The latter merely undertakes to purchase the number of copies needed for its work and for free distribution, mainly to governments. Prices are calculated so as to cover the publisher against any serious loss, but he must obtain his profit solely from the sales."

The question of sale prices and of circulation is commented upon as follows in the report:

"At the Commission's request, the Registrar submitted a report dealing mainly with the three following questions:

(1) reduction of sale prices;
(2) increased circulation;
(3) reduction of expenditure.

On the basis of this report, the Commission has been able to satisfy itself that, as compared with Geneva publications, the selling prices of the Court's publications are quite normal,

[1] On June 15th, 1928: 33 pamphlets in-quarto totalling 408 pages. [*Note by the Registrar.*]
[2] On June 15th, 1928: 44 volumes totalling 5766 pages. [*Note by the Registrar.*]
[3] A. W. Sijthoff's Publishing Company, Leyden (Netherlands).

and that they have, moreover, been gradually reduced, as the result of technical simplifications. The Registrar, in conjunction with the publisher, and at the latter's expense, has made and is still making considerable efforts to obtain as large a circulation as possible, and for some years past steps have been taken to reduce the cost of production to the minimum compatible with the work of the Court."

Lastly, the section of the report relating to the Court's publications states that "the Commission has gone closely into the matter in order to see whether it would be possible to effect any considerable saving by reorganizing the services of the Court", but that "it found, however, that such an arrangement, instead of reducing the League's expenditure, would increase it". In these circumstances, the Commission "recommends that the present system should continue, as it appears to be more suitable than any other".

* * *

Series of Publications.

The Court's publications are issued in the six following 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 latter 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 or procured by it ; the fourth, correspondence in regard to the case ; the fifth and sixth parts are devoted to a table of contents and an alphabetical index. The alphabetical index only exists from Volume No. 5—I of Series C. onwards.

Series D. : Acts and Documents concerning the organization of the Court.
,, E. : The Court's Annual Reports.
The present volume is the fourth of this series.
Series F. : General Indexes.

The object of this new series is explained as follows in the preface of the first volume published in October, 1927 :

"This series will comprise general indexes or tables, published from time to time and referring to the subject matter contained in the volumes of three other series (A., B. and C.). It was thought that it would be useful to facilitate reference to the diplomatic documents, printed in many cases for the first time in these publications, as well as to the legal opinions, memorials and pleadings, the authoritative texts of which are only published in the volumes issued by the Court. Having regard to the limited scope of the work and in order to avoid rendering it unwieldy for purposes of consultation, it has been prepared in the form of an index consisting mainly of references to names (of countries, persons, institutions) and titles (of judgments, opinions, treaties) with the sole exception of a few special subject headings, confined, however, to certain large groups. It follows that the new General Indexes do not in any way duplicate the Analytical Index of the Opinions and Judgments which appears in Series E, volumes (Annual Reports)."

In accordance with the present scheme, the volumes of the new Series F. will only be issued twice during each period of nine years; this period corresponds to the time for which members of the Court are appointed, after a new election of the whole Court. It is thus intended to publish them at alternate intervals of five and four years, Volume No. 2 of Series F. being issued in 1931 and No. 3 in 1936. In the interval, the indications given in the Annual Reports, as regards Series A. and B., and in the indexes included at the end of each of the volumes of Series C. as regards that series, will temporarily serve as a guide to persons wishing to consult those of the Court's publications which deal with its main activities.

* * *

The following volumes have already appeared:

SERIES A.—*Collection of Judgments.*

Publications already issued.

No. 1. The S.S. *Wimbledon.*
No. 2. The Mavrommatis Palestine Concessions.
No. 3. Treaty of Neuilly, Article 179, Annex, paragraph 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. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Orders of January 8th, February 15th and June 17th, 1927. Indication of measures of interim protection.

No. 9. (Judgment No. 8.) Case concerning the Factory at Chorzów (Jurisdiction).

No. 10. (Judgment No. 9.) The *Lotus* case.

No. 11. (Judgment No. 10.) Case of the readaptation of the Mavrommatis Jerusalem Concessions (Jurisdiction).

No. 12. Case concerning the Factory at Chorzów (Indemnity).—Order of November 21st, 1927, in regard to the request made by the German Government for the indication of a measure of interim protection.

No. 13. (Judgment No. 11.) Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów).

No. 14. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Order of February 21st, 1928.

No. 15. Case concerning certain rights of minorities in Upper Silesia (Minority Schools).

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), delivered 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, 1926 [1].

No. 14. Advisory Opinion concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila, given by the Court on December 8th, 1927 [2].

No. 15. Advisory Opinion concerning the jurisdiction of the Courts of Danzig (Pecuniary claims of Danzig railway officials who have passed into the Polish service, against the Polish railways Administration), delivered by the Court on March 3rd, 1928 [3].

[1] See Third Annual Report, page 131.
[2] ,, p. 201.
[3] ,, ,, 213.

SERIES C.—*Acts and Documents relating to Judgments and Advisory Opinions given by the Court.*

No. 1. First (ordinary) Session (June 15th—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).
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 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. 9I. Eighth (ordinary) Session (June—August, 1925).
Documents relating to Judgment No. 6 (Case concerning certain German interests in Polish Upper Silesia).

No. 9II. 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—May, 1926).
(3 vol.). 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).

No. 13I. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 8 (Case concerning the Factory at Chorzów—Claim for Indemnity—Jurisdiction) [1].

[1] See p. 155.

No. 13II. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 9 (The *Lotus* case) [1].

No. 13III. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 10 (Case of the readaptation of the Mavrommatis Jerusalem Concessions—Jurisdiction) [2].

No. 13IV. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Advisory Opinion No. 14 (Jurisdiction of the European Commission of the Danube between Galatz and Braila) [3].

No. 13V. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 11 (Interpretation of Judgments Nos. 7 and 8—Factory at Chorzów) [4].

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 meetings of the Court; report by the President; notes, observations and suggestions by 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).

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[1] See page 166.
[2] ,, ,, 176.
[3] ,, ,, 201.
[4] ,, ,, 184

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).
No. 4. Fourth Annual Report of the Permanent Court of International Justice (June 15th, 1927—June 15th, 1928).

SERIES F.—*General Indexes.*

No. 1. First General Index to the Publications of the Court (Series A., B. and C.).—First—eleventh Sessions (1922-1926). English and French in one volume.

* * *

With the authorization of the Registrar of the Court and under his supervision, a German edition of certain of the Court's publications is to be published by the *Institut für Internationales Recht* of Kiel. These publications will be :

(*a*) All the volumes of Series A. (Judgments) and B. (Advisory Opinions) ;

(*b*) A digest of the four volumes of Series E. (Annual Reports) issued up to August 15th, 1928 ;

(*c*) The introduction (Synopsis) to Volume No. 5 of Series D. (Collection of Texts governing the jurisdiction of the Court.)

A Spanish edition of Series A. and B. is published by the *Instituto Ibero-Americano de Derecho Comparado* at Madrid.

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.)

SALARIES' ADJUSTMENT (COST OF LIVING).

In Chapter I of the present report (p. 52), after recalling the fact that the salaries of officials are divided into two parts, one fixed (80 %) and the other (20 %) subject to variation in accordance with the fluctuations of the cost of living, whenever these fluctuations reach 10 %, it is explained that the extent of these fluctuations is determined by a special committee which reports to the Court towards the end of each year.

According to this Committee, the fluctuations as compared with the basic period have been as follows :

July	1922—June	1923	9.01 %
,,	1923— ,,	1924	8.08 %
,,	1924— ,,	1925	6.90 %
,,	1925— ,,	1926	8.90 %
,,	1926— ,,	1927	11.78 %

Accordingly, there was no occasion to modify the variable portion of salaries during the years 1924-1927. On the other hand, for the year 1928 the variable portion has had to be reduced by 11.78 %, i.e. there has been a reduction of 2.36 % in the nominal value of salaries.

The last report of the Salaries' Adjustment Committee, in which this modification of salaries is recommended, contains the observation that the Committee's calculations, hitherto based on municipal statistics prepared with the aid of data collected for four families, will be prepared on a wider basis; the report also contains the following paragraph III:

"The Committee, however, in arriving at this conclusion, does not mean to indicate that it is unreservedly in favour of the system at present in force. On the contrary, it is unanimously of opinion that it would be preferable to substitute for the present system (involving a division of salaries into two parts, one of which varies in accordance with the fluctuations of the cost of living) a system of fixed salaries, it being clearly understood that, should the cost of living at The Hague undergo, over a long period, serious modification in one direction or another, the administration would then have the right to increase or diminish salaries, as the case might be, but by an amount which would remain fixed for a certain period of time.

In this connection, and having particular regard to the fact that the whole question regarding the best method of fixing salaries is, according to the decision of the Eighth Assembly, submitted for investigation to the Supervisory Commission, in so far as the Geneva organizations are concerned, the Committee feels that it should recommend the Court to cause a similar investigation to be made as regards The Hague, which investigation should, if possible, result in the suggestion of an amended system corresponding to the conditions of life in that town. It would be preferable that this investigation should be undertaken with the collaboration of the Municipal Bureau of Statistics at The Hague."

The Court, on receiving this report, adopted the following resolution:

> "The Court, on receiving the VIth report of the Salaries' Adjustment Committee for The Hague,
>
> "(1) decides that the salaries of permanent officials of the Registry payable in 1928 shall, in so far as the

variable portion thereof is concerned, be reduced by 11.78 % ;

"(2) takes note of a statement by the Registrar to the effect that he, like the higher officials of the Geneva organizations, agrees to the same reduction in so far as concerns 10 % of his salary, this percentage being regarded as the variable portion ;

"(3) invites the Registrar, after ascertaining the results of the similar investigation undertaken at Geneva, to undertake the investigation mentioned under Head III of the report."

(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].

1927.

I. – BUDGET ESTIMATES.

(See Third Annual Report, p. 253.)

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[1] For the details of budgets and accounts see:
(*a*) for the 1927 budget: *League of Nations, Official Journal*, VIIIth year, No. 1 (January 1927), p. 66;
(*b*) for the 1927 accounts: *League of Nations Document:* A. 3. 1928. X;
(*c*) for the 1928 budget: *League of Nations, Official Journal*, IXth year, No. 1 (January 1928), p. 61;
(*d*) for the draft budget for 1929: *League of Nations Document:* A. 4 (*b*). 1928. X.

2. — ACCOUNTS.

	Credits.	Expenditure.
	Dutch florins.	
SECTION 1.		
Ordinary expenditure.		
Chapter I.		
Sessions of the Court	560,200.—	401,079.28
Chapter II.		
General services of the Court . . .	458,902.83	446,379.07
Chapter III.		
Cost of administration of the Court's Funds	75.—	1,089.48 (net profit on exchange)
Chapter IV.		
Contribution towards the constitution of a Fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court	10,000.—	10,000.—
SECTION 2.		
Chapter V.		
Capital Account	10,000.—	9,681.54
	1,039,177.83	866,050.41
Receipts to be deducted :		
Bank interest	10,000.—	6,966.86
	1,029,177.83	859,083.55

3 – SUMMARY OF ASSETS AND LIABILITIES ON DECEMBER 31st, 1927.

Liabilities.	Dutch florins.
Depreciation Account	62,078.01½
Surplus of assets over liabilities	528,602.83
Fl.	590,680.84½

Assets.	Dutch florins.
Furniture, typewriters, etc.	70,092.24
Library	2,326.35½
Compounded arrears of contributions account :	
Gold francs 1,379.42	686.70
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 117,461.59	56,391,17
Contributions to be received for ninth financial period :	
Gold francs 261,875.77	125,720.69
Cash in hand and at bank	109,745.04
Fl.	590,680.84½

1928[1].

1. – BUDGET ESTIMATES.

SECTION 1.—ORDINARY EXPENDITURE.

Chapter I.	Dutch florins.
Sessions of the Court	557,900.—
Chapter II.	
General services of the Court	474,033.13
Chapter III.	
Cost of administration of the Court's Funds . . .	75.—
Chapter IV.	
Contribution towards the constitution of a fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court . . .	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

Chapter V.	
Capital Account	5,500.—
	1,047,508.13
Receipts to be deducted :	
Interest at Bank	5,211.57
	1,042,296.56

[1] In the Third Annual Report were given, on page 254, 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.

1929 [1].

I.—BUDGET ESTIMATES.

SECTION I.—ORDINARY EXPENDITURE.

	Dutch florins.
Chapter I.	
Sessions of the Court	579,600.—
Chapter II.	
General services of the Court	490,164.37
Chapter III.	
Cost of administration of the Court's Funds . . .	75.—
Chapter IV.	
Contribution towards the constitution of a fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court . . .	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

Chapter V.	
Capital Account	10,000.—
	1,089,839.37
Receipts to be deducted :	
Interest at Bank	7,000.—
	1,082,839.37

[1] Presented to the Ninth Session of the Assembly of the League of Nations (September, 1928).

CHAPTER IX.

No. 4.

BIBLIOGRAPHICAL LIST OF OFFICIAL AND UNOFFICIAL PUBLICATIONS CONCERNING THE PERMANENT COURT OF INTERNATIONAL JUSTICE [1].

[The present list is a continuation of the bibliographical lists which appeared in the Second and Third Annual Reports (Series E., Nos. 2 and 3, ch. IX). It supplements and refers to them, the system of grouping being the same.]

[1] This list has been prepared, like those of the three preceding 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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4. The Election of Judges. Biographies of Judges	1897-1901
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B. *Unofficial Publications*	1909-1917
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1. From the Second Hague Peace Conference (1907) to the World War.

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[See pages 24, 27, 31, 33, 35.]

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[Article XIV *passim*, see "Index by articles", p. 837; see also "General Subject Index" under the heading "Court (Permanent) of International Justice".]

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1865. DESCAMPS (ÉD.), *Closing address by the President of the Advisory Committee of Jurists .... establishing an International Court of Justice, July* 24, 1920.
(Advocate of Peace, Vol. 82, 1920, Sept.—Oct., pages 307-308.)

1866. *A comment on the "Avant-projet pour l'institution de la Cour permanente de Justice internationale".* (The Pacific Ocean, Vol. 2, No. 10.)
[In Chinese.]

B.—THE PERMANENT COURT OF INTERNATIONAL JUSTICE. (ITS CONSTITUTION.—ITS ORGANIZATION.—ITS PROCEDURE.—ITS JURISDICTION.)

1. PREPARATION OF THE STATUTE BY THE COUNCIL AND BY THE FIRST ASSEMBLY OF THE LEAGUE OF NATIONS.

A.—*Official Documents.*

(See Second Annual Report pp. 226-227.)

B.— *Unofficial Publications* (1920-1921.)

(See Second Annual Report, pp. 227-232, and Third Annual Report, pp. 259-260.)

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(La Nación [Uruguayan newspaper], 5 de Setiembre de 1921.]

1870. *La Corte de Justicia Internacional.*
(El Siglo [Uruguayan newspaper], 8 de Diciembre de 1921.)

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A.—*Official Texts* [1].

(See Second Annual Report, p. 232,
and Third Annual Report, p. 260.)

1872. *Venezuela y otros Estados. — Estatuto de la Corte permanente de Justicia internacional prevista por el articulo* 14 *del Pacto de la Sociedad de las Naciones, firmado en Ginebra el* 16 *de Diciembre de* 1920. (Aprobación legislativa: 21 de Junio de 1921. — Ratificación ejecutiva: 7 de Setiembre de 1921.)
(Tratados públicos y acuerdos internacionales de Venezuela, volumen II, 1900-1920, pages 773-786.)

B.— *Unofficial Publications.*

(See Second Annual Report, pp. 233-234,
and Third Annual Report, p. 261.)

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1875. *The Statute of the Permanent Court of International Justice.*
(The Pacific Ocean, Vol. 3, No. 2.)
[In Chinese.]

[1] See also Nos. 1876-1896 of this list.

3. LEGISLATIVE INSTRUMENTS OF VARIOUS COUNTRIES.—PARLIAMENTARY DOCUMENTS AND DEBATES.—LAWS AND DECREES OF APPROVAL AND PUBLICATION.

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ALLEMAGNE.—GERMANY.

1876. *Entwurf eines Gesetzes über die Anrufung des Ständigen Internationalen Gerichtshofs im Haag.* Entwürfe des Deutschen Reichstags, 1928, 1. Berlin, Heymann, 1928. 8 Seiten.

1877. *Gesetz über die Anrufung des Ständigen Internationalen Gerichtshofs im Haag. Vom 17. Februar* 1928. Disposition facultative .... Optional Clause .... *Fakultative Bestimmung* ....
(Reichsgesetzblatt, 1928, Teil II, Nr. 6, 24. Februar, Seiten 19-20.)

AUTRICHE.—AUSTRIA.

1878. *Staatsvertrag. Verlängerung der Wirksamkeit der Fakultativen Bestimmung des Artikels* 36 *des Statuts des Ständigen Internationalen Gerichtshofes* [*Gesetz Nr.* 104]. *Erklärung* .... [French text] (*Übersetzung*) ....

Dieser Staatsvertrag wird mit dem Beifügen verlautbart, dass die Unterzeichnungen und Ratifikationen der „Fakultativen Bestimmung" .... aus der in der Anlage enthaltenen Übersicht ersichtlich sind. Anlage. Übersicht über die Unterzeichnungen und Ratifikationen ....

(Bundesgesetzblatt für die Republik Österreich, 1927, 8. April, 30. Stück, Seiten 349-350.)

CANADA.

1879. [Debate in House of Commons. January 27, 1928. Mr. WOODSWORTH .... directed the attention of the House to a Resolution which was being placed on the order paper by his colleague from E. Calgary (Mr. ADSHEAD) to the effect that: The Government of Canada should discuss with the Government of Great Britain the desirability of Canada accepting Article 36 of the Statute of the Permanent Court of International Justice for compulsory arbitration in international Disputes .....]
(Journal of the Parliaments of the Empire, Vol. IX, No. 2, 1928, April, p. 373.)

1880. [Membership of Permanent Court of International Justice. On 31st March, 1927, in the Senate, Sir GEORGE FOSTER drew attention to the work of the League of Nations during 1926 and invited discussion on the advisability of Canada's adherence to Section 36 of the Protocol of Signature of the Permanent Court of International Justice.

On 13th April, the Leader of the Senate (Senator the Hon. R. DANDURAND) stated .... Senator the Hon. W. B. WILLOUGHBY .... Senator the Hon. N. A. BELCOURT ....]

(Journal of the Parliaments of the Empire, Vol. VIII, No. 3, 1927, July, pages 571-575.)

ÉTATS-UNIS D'AMÉRIQUE.—UNITED STATES OF AMERICA [1].

DEBATES AND SPEECHES IN CONGRESS.

1881. *Senate.* January 24, 1928. *World Court. Remarks of Hon.* ROYAL S. COPELAND *of New York in the Senate of the United States, Tuesday, January 24 (legislative day of Monday, January 23), 1928. Statement made to the President regarding the World Court, with a List of Signers.* (Congressional Record, Vol. 69, No. 32, *Appendix*, pages 2055-2059.)

1882. *Senate.* April 2, 1928. *World Court. Remarks of Hon.* JOSEPH T. ROBINSON *of Arkansas in the Senate of the United States, Monday, April 2, 1928. Address by Hon.* DAVID J. LEWIS, *of Maryland, entitled "The World Court", delivered to the Pennsylvania Society of New Jersey at Newark, January 28, 1928.* (Congressional Record, Vol. 69, No. 88, *Appendix*, pages 6035-6037.)

1883. *Senate.* April 9, 1928. *Speeches of Mr.* REED *of Pennsylvania. Mr.* KING, *Mr.* SHIPSTEAD, *Mr.* FESS, *Mr.* BORAH, *Mr.* FLETCHER, *Mr.* WATSON, *Mr.* BLAINE, *Mr.* SWANSON. (Congressional Record, Vol. 69, No. 94, pages 6313-6318.)

1884. *House of Representatives.* April 16, 1928. *Permanent Court of International Justice of the League of Nations. Extension of remarks of Hon.* GEORGE HOLDEN TINKHAM *of Massachusetts in the House of Representatives, Monday, April 16, 1928.* (Congressional Record, Vol. 69, No. 101, *Appendix*, pages 6830-6831.)

1885. *Senate.* April 28, 1928. *Permanent Court of International Justice. Mr.* SHORTRIDGE .... *I present a petition accompanied by a letter addressed to me from Mr.* GEORGE M. DAY .... (Congressional Record, Vol. 69, No. 112, pages 7678-7679.)

1886. *Senate.* May 1, 1928. *The World Court. Mr.* GILLETT ...., *Mr.* REED, *Mr.* BORAH, *Mr.* NORRIS, *Mr.* BRUCE, *Mr.* GLASS, *Mr.* COPELAND. (Congressional Record, Vol. 69, No. 115, pages 7809-7815.)

1887. *Senate.* May 2, 1928. *The World Court. Mr.* SHORTRIDGE .... *I hold in my hand a letter addressed to me from Pomona College, Claremont, Calif., with an accompanying petition, relating to the resolution of the Senator from Massachusetts* [*Mr.* GILLETT] *in respect to the Court of International Justice .... The petition, with the names of the petitioners attached, ... as follows ....* (Congressional Record, Vol. 69, No. 116, page 7889.)

[1] See also Section F of this list, pp. 382-385.

1888. *Senate.* May 5, 1928. *The World Court. Remarks of Hon.* JOSEPH T. ROBINSON, *of Arkansas, in the Senate of the United States, Saturday, May* 5 *(legislative day of Thursday, May* 3), 1928. *Letter from* [DAVIS Y. THOMAS] *respecting the subject of the World Court and the* GILLETT *resolution.*
(Congressional Record, Vol. 69, No. 119, page 8225.)

GRANDE-BRETAGNE.—GREAT BRITAIN [1].

1889. [Private Members of Parliament have at various times in 1927 directed questions to Ministers of the Crown on the subject of acceptance of the Optional Clause. These will be found in following volumes of Parliamentary Debates, Official Report.]

Mr. BRIANT, House of Commons, 24 March, 1927. Answer of Sir A. CHAMBERLAIN	Vol. 204, page 602.
Mr. ROBERT YOUNG and Mr. AMERY, House of Commons, 13 April, 1927. Answer of Sir A. CHAMBERLAIN	Vol. 205, pages 345-346.
Mr. TREVELYAN and Mr. PONSONBY. House of Commons, 16 November, 1927. Answer of Sir A. CHAMBERLAIN	Vol. 210, pages 1001-1002.
Mr. RENNIE SMITH, House of Commons, 5 December, 1927. Answer of Mr. LOCKER-LAMPSON	Vol. 211, page 993.
Mr. RAMSAY MACDONALD's Motion relating to International Peace and Disarmament. House of Commons, 24 Nov., 1927. Reply by Sir A. CHAMBERLAIN. Speeches by several other Members of Parliament	Vol. 210, pages 2089-2198.
Lord PARMOOR, House of Lords, 6 Nov., 1927. Motion for Papers. Reply by Lord CUSHENDUN and speeches by Viscount CECIL of CHELWOOD and Lord PHILLIMORE	Vol. 69, pages 67, 75-83, 93-94, 106-109.
Lord NEWTON, House of Lords, 17 Nov., 1927. Question as to Roumania and Mixed Arbitral Tribunal. Remarks by Lord PHILLIMORE	Vol. 69, pages 113-114, 125-127.

[See also: Journal of the Parliaments of the Empire, Vol. IX, No. 1, 1928, January, pages 2, 5.)

JAPON.—JAPAN.

1890. [*Ordonnance impériale concernant la signature, la ratification et le dépôt de ratification du Protocole de signature du Statut de la Cour permanente de Justice internationale. Textes japonais du Protocole . . . . et du Statut . . .* (Bulletin officiel de l'Empire du Japon du 30 novembre 1921).]

PAYS-BAS.—NETHERLANDS.

1891. *Commissie van advies voor volkenrechtelijke vraagstukken. Rapport naar aanleiding van het ministerieel schrijven van 17 April* 1924 *betreffende arbitrage en conciliatie.* [De Voorzitter, J. LIMBURG.]

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[1] See also Nos. 2213-2222 of this list.

[In dit schrijven werd aan de Commissie advies gevraagd over de volgende punten :

1°. Is, in verband met de reserve, door Nederland gemaakt bij de aanvaarding van de obligatoire jurisdictie van het Permanente Hof van Internationale Justitie, wijziging van de bestaande door Nederland gesloten arbitrageverdragen en van de arbitrageclausules in andere verdragen gewenscht, voor zoover daarbij aan andere organen dan het Permanente Hof van Internationale Justitie de beslissing van geschillen wordt opgedragen ? Indien dit wenschelijk zou zijn, in welken zin zouden dan de betreffende bepalingen eventueel kunnen worden gewijzigd ?

2°. Moet de verplichting tot arbitrage voor zoover zij behouden wordt, beperkt worden tot rechtsgeschillen ? . . . . . .

3°. Welke is de functie die aan de conciliatie-procedure behoort te worden toegekend ? . . . . Moet te dezer zake een onderscheid worden gemaakt tusschen Staten, die . . . . en die al of niet de obligatoire jurisdictie van het Permanente Hof van Internationale Justitie hebben aanvaard ?]

(Verslag van de Handelingen der Staten-Generaal, Zitting van 16 September 1924—12 September 1925, Eerste Kamer, vel 122, blz. 454-460.)

URUGUAY.

1892. *Ministerio de Instrucción Pública.* — *Montevideo, 21 de Junio de* 1921. — *Honorable Consejo :* — *La Presidencia de la República . . . solicita la opinión de V. H. sobre el protocolo relativo al Estatuto de la Corte Permanente de Justicia Internacional . . . .*

1893. *Poder Ejecutivo.* — *Consejo Nacional de Administración, Junio de* 1921. *Al Señor Presidente de la República Dr. Don* BALTASAR BRUM . . . . . *Ministerio de Relaciones Exteriores. Montevideo, 24 de Junio de* 1921. *Diríjase a la Asamblea General el Mensaje acordado . . . .*

1894. *Estatuto de la Corte permanente de Justicia internacional. Sométese a la decisión legislativa el texto del sancionado por la Asamblea de la Sociedad de las Naciones, así como su Protocolo de Firma respectivo.* — *Mensaje del Presidente de la República a la Honorable Asamblea General. Montevideo, 24 de Junio de* 1921 . . . . *Proyecto de ley . . Montevideo, 24 de Junio de* 1921. *Textos traducidos del original francés. Estatuto de la Corte . . . . Protocolo de Firma . . . . Disposición facultativa . . . .* (Boletín del Ministerio de Relaciones Exteriores, Año IX, 1921, pages 645-671.)

1895. *Estatuto de la Corte permanente de Justicia internacional. Aprobación del sancionado por la Asamblea de la Sociedad de las Naciones, así como el Protocolo de Firma respectivo. Ley. Poder Legislativo. El Senado y la Cámara de Representantes de la República Oriental del Uruguay, reunidos en Asamblea General, Decretan . . . .*
(Boletín del Ministerio de Relaciones Exteriores, Año IX, 1921, pages 813-814 ; see also: Registro Nacional de Leyes. Decretos y otros documentos, 1921, pages 454-455.)

1896. *Cámara de Representantes.* — *No.* 1155. — *Montevideo, 24 de Agosto de* 1921. — *A la Presidencia de la República. Tengo el honor de remitir a Vuestra Excelencia la ley sancionada por las Honorables Cámaras en sesión de fecha 22 del mes en curso, por la que se aprueba el Estatuto de la Corte Permanente de Justicia Internacional* . . . .

4. The Election of Judges. Biographies of Judges.

(See Second Annual Report, pp. 260-261, and Third Annual Report, pp. 270-271.)

1897. [Huber (Max)], Dionisio Anzilotti, *Presidente della Corte permanente di Giustizia Internazionale.* (Rivista di Diritto internazionale, Anno XIX, Fasc. IV, 1927, 1ª ottobre—31 dicembre, pages 457-459.)

1898. Wehberg (Hans), *Der neue Präsident des Haager Weltgerichtshofes.* [Prof. D. Anzilotti.] (Die Friedens-Warte, XXVIII. Jahrgang, Heft 1, 1928, Januar, p. 24.)

1899. P. M. F. —, Ruy Barbosa. (Revista de Derecho Internacional, 1923, 31 Marzo, p. 97.)

1900. Lapradelle (A. de), Ruy Barbosa *au Brésil et dans le Monde. I: Au Brésil.*
(La Vie des Peuples, 1923, 10 avril, p. 1045.)

1901. John Bassett Moore, *The New Counselor for the Department of State.* (American Journal of International Law, VII, 1913, p. 351.)

5. Inauguration of the Court.

(See Second Annual Report, pp. 261-262, and Third Annual Report p. 271.)

6. Preparation of the Rules of Court. Procedure. Texts of the Rules and of the Revised Rules of Court.

A.—*Official Documents.*

(See Second Annual Report, p. 262, and Third Annual Report, p. 271.)

1902. *Reglemente med däri vidtagna ändringar antaget av den fasta mellanfolkliga domstolen. Haag den* 31 *juli* 1926. [*textes français, anglais et suédois du Règlement revisé de la Cour.*] (Sveriges Överenskommelser med främmande Makter, 1927, N:o 15, Utkom av trycket den 23 september 1927, pages 77-120.)

1903. *Ändring i Reglementet för den fasta mellanfolkliga domstolen, antagen av domstolen. Haag den 7 september* 1927. *Art.* 71 .... [*textes français et anglais et traduction suédoise.*]
(Sveriges Överenskommelser med främmande Makter, 1927, N:o 21, Utkom av trycket den 2 januari 1928, pages 211-212.)

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 262-263, and Third Annual Report, p. 272.)

1904. HAMMARSKJÖLD (Å.), *Le Règlement revisé de la Cour permanente de Justice internationale.* (Revue de Droit international et de Législation comparée, 54me année, 1927, nos 4-5, pages 322-359.)

1905. [ANZILOTTI (D.)], *Come lavora la Corte di Giustizia internazionale.* (Rivista di Diritto internazionale, Anno XX, Serie III — Vol. VII (1928), Fasc. II, pages 215-218.)

7. JURISDICTION OF THE COURT [1].

A.—*Official Documents.*

(See Second Annual Report, p. 263, and Third Annual Report, p. 272.)

1906. *Premier et Second Addenda à la Troisième édition de la Collection des Textes gouvernant la compétence de la Cour.* (Chapitre X des Troisième et Quatrième Rapports annuels de la Cour permanente de Justice internationale.)

1907. *First and Second Addenda to the Third edition of the Collection of Texts governing the jurisdiction of the Court.* (Chapter X of the Third and Fourth Annual Reports of the Permanent Court of International Justice.)

1908. [*Projet de protocole à signer à La Haye pour reconnaître à la Cour permanente de Justice internationale la compétence d'interpréter les Conventions de droit international privé.* [*I :*] *Texte du projet* .... (voir Protocole final) [*II :*] *Discussions au sein de la Troisième Commission* .... (voir Procès-verbaux nos 4 et 6 de la Troisième Commission). Conférence de La Haye de Droit international privé. Sixième session.]

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 263-264, and Third Annual Report, p. 272.)

1909. HEYMANN (HERBERT), *Die Zuständigkeit des Ständigen Internationalen Gerichtshofes.* [Maschinenschrift.] 142 S. 4°. — [Auszug nicht gedruckt.] Würzburg, R. u. Staatswiss. Diss. v. 28. April 1925.

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[1] See also Section D (Nos. 2029-2078) of this list.

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M. Villegas *donne ensuite lecture du projet de résolution suivant* .. *Le projet de résolution est adopté.*
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COVA (N. de la) **3**: 1398.
CRAWFORD (W. H.) **3**: 1708.
CROCKER (C.) **2**: 1108.
CROSBY (O. T.) **2**: 4. **4**: 1854.
CRUCHAGA (M.) **2**: 951.
CRUSTIANSKY (L.) **4**: 1978.
CURTIS (W. J.) **2**: 787.
CUSHENDUN **4**: 1889.
CYBICHOWSKI (Z.) **4**: 2112.

D. (D. E.) **3**: 1308.
D. (E. D.) **3**: 1533.
DÄNIKER (A.) **3**: 1519.

DALIÉTOS (A.) **2**: 688.
DALTON (H.) **3**: 1435. **4**: 2169.
DANDURAND (R.) **4**: 1880.
DARBY (W. E.) **2**: 1 (note).
DAUVERGNE (C.) **2**: 446.
DAVIS (J.) **2**: 1178.
DAVIS (J. W.) **2**: 788, 1109.
DAVY (G.) **2**: 984.
DAY (E. C.) **4**: 2113.
DAY (G. M.) **4**: 1885.
DÉAK (F.) **4**: 1920, 2234.
DELAHAYE (D.) **2**: 540.
DELHORBE (F.) **2**: 167.
DEMBINSKI **2**: 389.
DEMERS **3**: 1336.
DESCAMPS (E.) **4**: 1865, 2246.
DETH (A. van) **4**: 1967.
DE VOGUË **2**: 533.
DEWEY (J.) **4**: 2179.
DICKINSON (E. D.) **2**: 1090. **3**: 1534.
DIENA (G.) **2**: 168, 169, 985. **4**: 2246.
DILL **2**: 319.
DJOUROVITCH (D.) **4**: 2166.
DJUVARA (M.) **2**: 1043.
DOHERTY (C. J.) **2**: 256. **3**: 1334, 1335, 1336, 1337, 1338.
DONNEDIEU DE VABRES (H.) **2**: 1282. **3**: 1828. **4**: 1988, 1989, 2227, 2246.
DOR (L.) **4**: 1990.
DOUGLAS (J. J.) **2**: 309.
DRECHSEL (M.) **3**: 1616.
DRESSELHUYS (H. C.) **2**: 100.
DUFF-COOPER (A.) **2**: 623.
DUGDALE (E.) **4**: 2235.
DUGGANN (E.) **2**: 875.
DUGUIT (L.) **4**: 2246.
DULLES (J. F.) **2**: 847.
DU PREZ (W. A.) **2**: 638.
DUPUIS (Ch.) **4**: 1914, 2236.
DUPUY (W. A.) **3**: 1450.
DUSEK (C.) **2**: 406.
DYER (C. H. A.) **2**: 1236.

EAGLETON (C.) **4**: 2140.
ECKHARDT (P.) **2**: 927.
EDDY (G. S.) **3**: 1680.
EDEN (R. A.) **2**: 622.
EDGE **2**: 1214.
EDMUNDS (S. E.) **2**: 952.
EDORNÉVAL **2**: 357.
EGBERT (L.) **2**: 1088.
EHRLICH (L.) **4**: 2123.
ELIOT (Ch. W.) **2**: 32.
ELLINGWOOD (A. R.) **2**: 448.
ELLIOTT (Ch. B.) **2**: 1166.
EMBDEN (van) **2**: 381.
EMMRICH (K. G.) **3**: 1511.
ENCKELL **2**: 542, 544.
ENDO (G.) **4**: 2114.
EPSTEIN (L.) **2**: 667, 673, 817.
ERICH (E. R.) **2**: 334, 548, 549, 656, 719, 1011. **3**: 1697. **4**: 1914.
ERRERA (P.) **2**: 675.
ERZBERGER (M.) **2**: 60
ESSEN (J. L. F. van) **4**: 1921.
EYQUEM (D.) **2**: 170.
EYSINGA (W. J. M. van) **3**: 1596.

F. (P. M.) **4**: 1899.
FABIAN COMMITTEE **2**: 43, 44, 65.
FABRE-LUCE (A.) **2**: 1012.
FACHIRI (A. P.) **2**: 772. **3**: 1472. **4**: 1979, 2141.
FAISNE (R.) **2**: 1016.
FANSHAWE (M.) **2**: 907. **3**: 1502.
FARAG (W. M.) **3**: 1503.
FARBMAN (M.) **4**: 2184.
FAUCHILLE (P.) **2**: 962.
FAUNCE (W. H. P.) **2**: 1239.
FEDOZZI (P.) **4**: 2246.
FEHLINGER (H.) **2**: 932, 933.
FENWICK (Ch. G.) **2**: 23, 171, 945, 978, 1111.
FERNALD **2**: 320, 327, 329.
FERNANDES (R.) **3**: 1813, 1814.
FERRIS **2**: 320.
FESS (S. D.) **2**: 1167. **4**: 1883.
FETTAH (Suleiman Bey) **2**: 626.
FIELD (N. H.) **4**: 2157.
FIELDING (W. S.) **2**: 256. **3**: 1334.
FIENNES (C.) **2**: 908, 909, 1271.
FINCH (G. A.) **2**: 1112, 1168.

FINLAY (R. B.) **4** : 1946.
FINNEY **2** : 356 *a*.
FISH **2** : 295, 298, 301.
FISHER (H. A. L.) **2** : 356 *b*, 1058. **3** : 1684.
FISHER (I.) **2** : 1048. **3** : 1728.
FITZGERALD (D.) **3** : 1366.
FLACK (H. E.) **2** : 106.
FLEINER (F.) **3** : 1640.
FLEISCHMANN (M.) **2** : 954.
FLETCHER **4** : 1883.
FLINT (H. J.) **2** : 1240.
FLOWERS (M.) **3** : 1554.
FODOR (A.) **4** : 2079.
FOIGNET (R.) **2** : 940, 963.
FONTEIN **4** : 2102.
FORSTER (H. W.) **3** : 1328.
FORTUIN (H.) **2** : 654.
FOSDICK (H. E.) **2** : 1047.
FOSDICK (R. B.) **3** : 1774.
FOSTER (G.) **4** : 1880.
FRANCQUEVILLE (B. de) **4** : 1964.
FRANKFURTER (F.) **2** : 660.
FRAZIER **2** : 321, 327.
FREYTAGH LORINGHOVEN (von) **3** : 1599, 1835, 1836. **4** : 2054.
FRIED (A. H.) **2** : 1 (note).
FRIERSON (W.) **2** : 1113.
FRY (C. B.) **2** : 887.
FUCHS (W.) **4** : 2019.
FÜLSTER (H.) **4** : 2142.
FURUGAKI (T.) **2** : 888.

GADSKESEN **2** : 261 *a*.
GAINER (J. H.) **2** : 1241.
GANNETT (L. S.) **2** : 1199.
GARFIELD (W.) **2** : 1000.
GARNER (J. W.) **2** : 818, 953, 1019. **3** : 1775. **4** : 2207.
GARNIER (P.) **4** : 1965.
GAROFALO (M. R.) **3** : 1829.
GARVIN (J. L.) **2** : 70.
GAUDARD **2** : 396, 397.
GEMMA (S.) **2** : 941. **4** : 2246.
GEORGE (W. H.) **4** : 2200.
GEROULD (J. T.) **3** : 1776.
GIANNINI (A.) **3** : 1633.
GIBLIN (J. V.) **3** : 1504. **4** : 2196.
GIDEL (G.) **2** : 727. **3** : 1476, 1477, 1478.
GILLETT **2** : 328. **4** : 1886, 1887, 1888.
GLASS **4** : 1886.
GLASSER **2** : 539, 540.
GOMPERS (S.) **2** : 1114.
GONSIOROWSKI (M.) **3** : 1603.
GORGÉ (C.) **3** : 1652.
GOSSWEILER (Ch. H.) **2** : 975.
GOTHEIN **3** : 1575.
GOTTSCHALK (E.) **3** : 1837.
GOULÉ (P.) **2** : 775.
GRALINSKI (Z.) **2** : 987.
GRAM (G.) **2** : 56.
GRÄTZ (G.) **4** : 2115.
GREEN (A.) **3** : 1310.
GREEN (R. D.) **4** : 2066.
GREEN (W.) **3** : 1571.
GREGORY (Ch. N.) **2** : 642.
GRIFFITHS (A. E.) **4** : 2189.
GRIGAUT (M.) **4** : 2103.
GROOM (L. E.) **2** : 231. **3** : 1327.
GROTTE (M. de la) **3** : 1473.
GRUNEWALD (E.) **3** : 1661.
GUERREAU (M.) **2** : 929.
GUGGENHEIM (P.) **2** : 665, 690, 700, 709, 713, 721, 736. **3** : 1483, 1484.
GUP (S. M.) **2** : 1242.
GUTHRIE (W. D.) **3** : 1582.

H. (L.) **4** : 1993.
HAASE (B.) **2** : 580.
HADLEY (H. S.) **2** : 848.
HALDANE **4** : 2217.
HALL (W. E.) **2** : 946.
HALPHON (R. S.) **3** : 1576.
HAMBURGER (R. C. S.) **2** : 655.
HAMMARSKJÖLD (Å.) **2** : 138, 139, 439, 635, 896. **3** : 1394, 1567, 1845. **4** : 1904, 1912, 1913, 1914, 2046, 2047, 2048, 2067.
HAMMOND (J. H.) **2** : 172.
HARD (W.) **2** : 1115, 1243, 1254. **3** : 1541.
HARDING (W. G.) **2** : 1066, 1067, 1068, 1069, 1070, 1105, 1138,

1139, 1140, 1149, 1152, 1158, 1189. **3**: 1705, 1715, 1732, 1740.
HARLEY (J. E.) **2**: 876. **3**: 1520, 1627.
HARRELD **2**: 324.
HARRIMAN (E. A.) **2**: 1081, 1169. **3**: 1535, 1778.
HARRIS (H. W.) **2**: 643, 901.
HARRIS (J.) **2**: 328, 356 *a*.
HARRISON **2**: 325.
HARVEY (J. L.) **4**: 2130.
HASPER (R.) **2**: 773.
HATSCHEK (J.) **2**: 942, 967. **3**: 1628, 1629.
HATVANY (A.) **2**: 980, 1080.
HEFLIN **2**: 323, 324, 328.
HEGEL **3**: 1643.
HEILBORN (P.) **4**: 2116.
HELD (H. J.) **4**: 1939, 2068, 2167.
HELLBERG **3**: 1372.
HENRY (Noel) **4**: 1991.
HERRE (P.) **2**: 1037.
HERSHEY (A. E.) **2**: 865.
HERSHEY (A. S.) **4**: 1855, 2124.
HESSE (F.) **3**: 1460, 1461.
HEYKING (A. de) **3**: 1847. **4**: 2256.
HEYMANN (H.) **4**: 1909.
HIGGINS (A. P.) **2**: 946. **4**: 2246.
HILL (D. H.) **3**: 1779.
HILL (D. J.) **2**: 173, 272, 1064, 1171, 1172, 1244, 1245. **3**: 1505, 1583.
HILL (J. Ph.) **3**: 1351.
HINCKLEY (F. E.) **3**: 1387.
HIRST (C. J. B.) **2**: 898.
HIS (E.) **4**: 2237, 2246.
HITCHCOCK (G. M.) **2**: 73. **3**: 1555.
HOBSON (J. A.) **2**: 1001.
HOBZA (A.) **4**: 1914.
HODGES (CH.) **3**: 1667.
HOFFMANN (K.) **3**: 1468.
HOLSTEIN **2**: 260, 261.
HOOVER (H.) **2**: 1116, 1149, 1152, 1158.
HOPKINSON (A.) **4**: 2237.
HORVATH (J.) **4**: 2080.
HOUSE (Colonel) **2**: 73. **4**: 1860.
HOUSE (E. M.) **2**: 1158.
HOUSTON (H. S.) **2**: 419.
HOWALDT (H.) **3**: 1442.
HOWARD (E.) **2**: 844.
HÖIJER (O.) **2**: 988. **4**: 2143.
HOYER (R.) **2**: 920.
HUBER (M.) **2**: 849, 850, 851. **3**: 1654. **4**: 1897, 1914, 2071, 2125.
HUBERT (L. L.) **4**: 1992.
HUDSON (M. O.) **2**: 636, 660, 661, 676, 679, 686, 687, 694, 695, 698, 704, 711, 712, 714, 731, 732-734, 740, 789, 790, 826-828, 911, 1079, 1085, 1091-1093, 1117-1123, 1143, 1163, 1174-1176, 1200, 1203, 1220, 1223, 1246, 1247, 1291. **3**: 1474, 1480, 1536, 1780, 1781. **4**: 2026, 2027, 2049, 2144, 2178.
HUGHES (C. E.) **2**: 844, 1052, 1105, 1124-1126, 1143, 1149, 1152, 1158. **3**: 1521, 1522, 1556, 1716, 1729, 1739, 1782. **4**: 2130, 2197.
HUGHES (W. M.) **3**: 1328.
HULL (W. E.) **3**: 1349.
HULL (W. I.) **2**: 57, 1177. **3**: 1730. **4**: 1850, 1853.
HURST **2**: 73. **4**: 1860.
HUTCHINSON (R.) **2**: 622.
HYDE (Ch. Ch.) **2**: 936.

IMBERG (K. E.) **4**: 2069.
IMPERIALI **2**: 526, 527, 530, 531.
IMPEY (L.) **4**: 2020.
IRK (A.) **4**: 2088, 2117, 2126.
IRWIN (W. H.) **3**: 1710.
IWATA (K.) **2**: 791.
IZUMI (T.) **4**: 2081, 2118.

JACOBS (S.) **2**: 256. **3**: 1334, 1336.
JAGOW (K.) **2**: 1037.
JASPAR **2**: 241, 246.
JELF (E. A.) **2**: 1006.
JELLINEK (G.) **2**: 1036.
JESSUP (Ph. C.) **3**: 1783. **4**: 2208.

JÈZE (G.) **3** : 1404. **4** : 2246.
JOEKES (A. M.) **2** : 385, 629.
JOERNS (G.) **2** : 1249.
JOHNSEN (J. E.) **2** : 769. **3** : 1506.
JOHNSON **2** : 323, 327.
JOHNSON (H.) **2** : 1127.
JOHNSON (T.) **3** : 1366.
JOHNSON (W.F.) **2** : 1128.
JONES (F. L.) **2** : 1204.
JONES (R.) **4** : 2092.
JONG VAN BEEK EN DONK (B. de) **2** : 428.
JOUVENEL (H. de) **3** : 1537.
JULLIOT DE LA MORANDIÈRE (Léon) **3** : 1415.

KAESTNER (P. J.) **2** : 663.
KAHN (H.) **3** : 1587.
KALIJARVI (Th.) **2** : 657.
KALLAB (J.) **3** : 1830.
KARNEBEEK (H. A. van) **2** : 113, 381, 385, 387.
KATZ (E.) **2** : 99.
KAUFMANN **2** : 566, 567.
KAUFMANN (E.) **2** : 666. **4** : 2238.
KAUFMANN (P.) **3** : 1674.
KEEN (F. N.) **2** : 793, 820, 889, 996.
KEITH (B.) **2** : 718.
KELLOGG (F. B.) **2** : 844, 1228, 1258. **3** : 1737.
KELLOR (F.) **2** : 980, 1078, 1080.
KELLY (M. C.) **2** : 1205.
KEMPF (J.) **3** : 1655.
KENWORTHY (J. M.) **2** : 623.
KESJAKOV (B.) **4** : 2170.
KIBUCHI (I.) **2** : 1129.
KIKUCHI (Y.) **4** : 2190.
KING **2** : 277, 279, 280, 283, 325. **4** : 1883.
KING (M.) **3** : 1334.
KLEIN (P.) **2** : 669.
KLINGHARDT (K.) **3** : 1462, 1463.
KLUYVER (C. A.) **2** : 174, 870. **3** : 1784.
KNORR (W.) **2** : 852.
KNOX (P. C.) **2** : 5.
KOHDE (O. H.) **3** : 1406.
KOHN (G. F.) **3** : 1588.
KONSUL **2** : 710.
KRAGH **2** : 261 *a*.
KRAUS (H.) **2** : 669. **3** : 1785, 1844.
KRČMAR (J.) **4** : 1968.
KRIEG **4** : 2016.
KUHN (A. K.) **4** : 2015.
KULSKI (L.) **4** : 2152.
KUNZ (J. L.) **3** : 1422, 1479. **4** : 2239.
KUTTIG (E.) **2** : 927.

LACOUR-GAYET (J.) **4** : 2158.
LA FOLLETTE **2** : 325.
LA FONTAINE (H.) **2** : 20, 48, 111, 112, 241, 246. **4** : 2246.
LAGEMANS (E. G.) **2** : 221.
LAIDONER **2** : 605, 606.
LAMBERT (E.) **3** : 1604, 1620.
LAMINGTON **2** : 622.
LAMMASCH (H.) **2** : 56, 63.
LAMY (P.) **3** : 1815.
LANGE (Chr. L.) **2** : 1 (note), 10, 34. **4** : 2159.
LAPE (E. E.) **2** : 1049. **3** : 1786. **4** : 2199.
LAPRADELLE (A. Geouffre de) **2** : 175, 176, 644, 794. **3** : 1625, 1632, 1642. **4** : 1860, 1900, 1912, 1915, 1950, 1994, 1995, 2237.
LARNAUDE (F.) **2** : 871. **3** : 1577. **4** : 1860.
LASALA LLANAS (M. de) **2** : 829.
LAS CASES (De) **2** : 345, 346.
LASKI (H. J.) **2** : 1040.
LA TERZA (P.) **3** : 1633.
LATEY (W.) **2** : 177, 178, 645, 795.
LAUTERPACHT (H.) **3** : 1636.
LAUZANNE (S.) **2** : 890.
LAWRENCE (T. J.) **2** : 947. **3** : 1692.
LEBLANC (J.) **4** : 2107.
LECHARTIER (G.) **2** : 1251, 1252.
LE FUR (L.) **3** : 1415, 1464. **4** : 1874, 1914, 2028, 2127, 2240, 2246.

LEMIEUX (R.) **2**: 256. **3**: 1334, 1336.
LÉMONON (E.) **2**: 796.
LENARD (A.) **4**: 2246.
LENROOT **2**: 278, 311, 313, 314, 323, 324, 325, 1214. **4**: 2130.
LEVERMORE (Ch. H.) **2**: 877, 878, 891, 899, 1178.
LEVINSON (S. O.) **2**: 1253.
LEWINSKY (H.) **4**: 1974.
LEWIS (D. J.) **4**: 1882.
LIBBY (F. J.) **2**: 1206. **3**: 1678, 1740. **4**: 2180.
LIEN (A. J.) **3**: 1787.
LIMBURG (J.) **4**: 1891, 2237, 2246.
LINDSAY (R.) **2**: 626, 964.
LIPPMANN (W.) **2**: 1254.
LISZT (F. von) **2**: 954.
LOCKER LAMPSON (G.) **3**: 1363, 1435. **4**: 1889.
LODER (B. C. J.) **2**: 53, 55, 180, 181, 182, 183, 184, 425, 426, 427, 830, 831, 995, 996. **4**: 1946, 2076.
LODGE (H. C.) **2**: 271, 273, 281, 1084, 1105, 1178, 1180, 1181. **3**: 1709.
LÖFGREN (E.) **3**: 1677.
LÖKEN (H.) **2**: 45.
LŒNING (O.) **2**: 705, 706. **3**: 1457.
LŒWENFELD (E.) **2**: 853, 921. **3**: 1542.
LOUCHEUR **2**: 73.
LOUDON **2**: 546, 547, 548, 549.
LOUTER (J. de) **3**: 1836.
LOWELL (A. L.) **2**: 1085. **3**: 1692. **4**: 1855.
LUNDSTEDT (A. V.) **2**: 1051.
LUNDSTEDT (A. W.) **4**: 2104.
LUNT (A. E.) **3**: 1681.
LYNCH (F.) **2**: 1085.
LYON-CAEN (Ch.) **2**: 108. **4**: 2246.
LYSEN (A.) **3**: 1605.

MACARTNEY (C. A.) **4**: 2186.
MACDONALD (J. G.) **2**: 1182, 1256. **3**: 1788.
MACDONALD (J. R.) **2**: 623.
MACDONALD (R.) **2**: 1255. **4**: 1889.
MACELROY (R.) **3**: 1684, 1789.
MACFARLAND (H. B. F.) **2**: 30.
MACGREGOR **2**: 296, 297, 300.
MACGUIRE (O. R.) **3**: 1682.
MACKELLAR **2**: 327.
MACKENZIE (D. D.) **2**: 256. **3**: 1336, 1337.
MACKINLEY **2**: 323. **3**: 1346.
MACLEAN **2**: 1214.
MACNAIR (A. D.) **3**: 1403, 1631.
MACNAIR (H. F.) **2**: 1131.
MACNEILL **2**: 534.
MAGALHAES (B. de) **4**: 2246.
MAGYARY (G. von) **2**: 854, 879. **3**: 1513. **4**: 2077, 2241.
MAHAIM (E.) **2**: 631.
MAKOWSKI (J.) **4**: 2119, 2160, 2161.
MALAUZAT (A.) **2**: 33.
MALCOLM (Neil L.) **2**: 1022.
MANDELSTAMM (A.) **2**: 1298. **4**: 2089.
MANDERE (H. Ch. G. J. van der) **2**: 100, 646, 658, 678, 763, 797.
MANTON (M. T.) **2**: 1183.
MANTOUX (P.) **2**: 900.
MARBURG (E.) **3**: 1471. **4**: 2128, 2242.
MARBURG (Th.) **2**: 39, 106. **3**: 1790.
MARÈS (A.) **2**: 979.
MARIOTTE (P.) **2**: 922. **4**: 2209.
MARKS VON WÜRTEMBERG (E.) **3**: 1558.
MARKUS **2**: 616.
MARQUIS (H.) **3**: 1620.
MARTENS (G. F. de) **2**: 8, 16, 218, 435. **4**: 1916.
MARTIN (Ch. E.) **4**: 2070, 2200.
MATSUBARA (K.) **3**: 1816. **4**: 2120.
MAURRAS (Ch.) **4**: 2000.
MAZURIER **2**: 538, 539, 540.
MEAD (E. D.) **3**: 1791.

MEIEROVICS **2**: 548, 549.
MELLO-FRANCO **2**: 554, 555, 566, 567, 574-577.
MENGELE (F.) **4**: 2094.
MENTHON (F. de) **3**: 1664.
METCALF (J. H.) **2**: 315, 316.
MEULEN (J. ter) **2**: 1 (note).
MEYER (C. L. W.) **3**: 1665.
MILENKOVITCH (V. M.) **3**: 1675.
MILHOLLAND (V.) **3**: 1742, 1792.
MILLER **2**: 73.
MILLER (C.) **4**: 1860.
MILLER (D. H.) **2**: 1020, 1132. **3**: 1793. **4**: 1860.
MILLIS **2**: 1214.
MILLS (O. L.) **2**: 1133, 1143, 1185.
MIRKOVITCH (L.) **4**: 1972.
MÖLLER (A.) **2**: 955.
MOELWYN-HUGHES (R.) **3**: 1635.
MOLENGRAAFF (W. L. P. A.) **2**: 798.
MOLTESEN **2**: 260-262.
MOLTKE **2**: 262, 263.
MONTMORENCY (J. E. G. de) **4**: 2246.
MOON (P. T.) **3**: 1402, 1451, 1794.
MOORE **2**: 294, 314.
MOORE (J. B.) **2**: 799, 800, 801, 834, 948, 1152. **3**: 1387, 1524. **4**: 1901, 1946.
MOORE (R. W.) **3**: 1354.
MORAWSKI **2**: 576, 577.
MORELLET (J.) **2**: 140, 1134. **3**: 1481, 1482.
MOREUX (R.) **4**: 2001.
MOREY (W. C.) **2**: 1046.
MORGAN (C. C.) **3**: 1593.
MORI (T.) **2**: 1002.
MORINAUD **2**: 537, 537 *a*.
MORISHIMA (M.) **4**: 2191.
MORPHY **3**: 1336.
MORRISON (Ch. C.) **4**: 2179.
MORTON (Ch.) **4**: 1922.
MOSER (Ernö) **2**: 361.
MOSES **2**: 272, 275, 321, 322, 325-329, 1214, 1232.
MOTTA **2**: 396-399.
MOULLINS (C.) **3**: 1656.
MOUTET (M.) **3**: 1607.
MÜLLER (K. E.) **3**: 1458.
MUIR (R.) **4**: 2184.
MULDER (A.) **2**: 989. **3**: 1630.
MULLETT (A. J.) **3**: 1331.
MUNCH (P.) **2**: 260, 261, 262, 901.
MUNIR BEY **2**: 594, 595.
MURRAY (G.) **2**: 889, 1276.
MUÛLS (F.) **3**: 1408.
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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.
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German interests in Polish Upper Silesia, see also *Chorzów, Cases concerning the Factory at—*.
German Settlers in Poland, see *Settlers* (*German*) *in Poland*.
Germany, Legislative documents **3** : 1326. — *and the Court* **3** : 1839-1842. **4** : 1876-1877.
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Great Britain and the Optional Clause **2** : 356 *a-b*, 1271-1278. **3** : 1821-1822. **4** : 2213-2222.
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Jurisdiction of the Courts of Danzig (Pecuniary claims of Danzig railway officials . . . .). Advisory opinion No. 15. Text of— **4** : 1937, 1952-1956. Effects of— **4** : 1961-1962. Review articles on— **4** : 2028.
Jurisdiction of the European Commission of the Danube (Advisory Opinion No. 14). Acts and Documents relating to— **4** : 1927-1928. Text of— **3** : 1429, 1433. **4** : 1936, 1949, 1952, 1957. Review articles on— **4** : 2016-2019.
Jurists, see *Committee of Jurists.*
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League of Nations, Drafts of covenant **2** : 72-127. **4** : 1860-1861. Official publications— **2** : 741-749. **3** : 1489-1496. **4** : 2029-2040. Preparation of the Statute of the Court by the Council and by the First Assembly **2** : 128-210. **3** : 1300-1318. **4** : 1867-1871. Text of Covenant **2** : 92, 93, 94. **4** : 1860-1861. Works on— containing chapters on the Court **2** : 870-926. **3** : 1572-1613. **4** : 2079-2106. See also **4** : 2258.
Legislative instruments of various countries **2** : 231-406. **3** : 1326-1383. **4** : 1876-1896.
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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.
Mavrommatis, Case of the readaptation of the— Jerusalem concessions. (Judgment No. 10.) Acts and Documents relating to the Judgment **4** : 1926. Text of—**4** : 1931. Review articles on—**4** : 2013, 2015.
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1960. Review articles on— **4**: 2022-2025.

Monastery of Saint-Naoum, see *Saint-Naoum.*

Monographs on the Court in general **2**: 763-869. **3**: 1502-1571. **4**: 2045-2078.

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. **4**: 1963-1967.

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Neutral Powers, Draft plans of the — for an International Court **2**: 72-127. **4**: 1860-1866.

New Zealand, Legislative instruments **2**: 376.

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Peace Conference of Versailles **2**: 72-127. **4**: 1860-1866.

Peace Conference (Second Hague— 1907) **2**: 1-34. **4**: 1848-1852.

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Settlement (*Pacific*)— *of International Disputes.* (Works on — containing chapters on the Court.) **2** : 973-994. **3** : 1646-1676. **4** : 2152-2188.
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. Effects of— **2** : 554-565. Review articles on— **2** : 662 *et sqq.*, 739.
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Treaty between China and Belgium (Denunciation of—). Orders **3** : 1416. **4** : 1934. Review articles **3** : 1429-1431, 1433, 1485-1487. **4** : 2020-2021.

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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.

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United States of America, Arbitration Treaties of 1911 **2** : 9. Bryan Peace Treaties **2** : 10, 11. Legislative instruments **2** : 270-329. **3** : 1345-1354. **4** : 1881-1889.

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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. **4** : 2079-2188.

Works on the Court in general **2** : 763-780. **3** : 1502-1506. **4** : 2045-2078.

World Court, see *Permanent Court.*

World War, Draft plans published during the— **2** : 35-71. **4** : 1853-1859.

Year books **2** : 1055-1063. **3** : 1686-1687. **4** : 2184-2188.

CHAPTER X.

SECOND ADDENDUM

TO THE

THIRD EDITION OF THE COLLECTION OF TEXTS GOVERNING THE JURISDICTION OF THE COURT[1].

The third edition of the *Collection of Texts governing the jurisdiction of the Court* which appeared on December 15th, 1926, and which contains the extracts affecting the Court taken from all the international instruments which had come to the knowledge of the Registry on that date, has already been supplemented by a first addendum. This first addendum constitutes Chapter X of the Third Annual Report and contains all information on the subject communicated to the Registry or collected by it between December 15th, 1926, and June 15th, 1927. Below is given, in the form of Chapter X of the present Report, and as a second addendum, information obtained between June 15th, 1927, and June 15th, 1928.

Like Chapter X of the Third Annual Report, the plan of which it follows, the present Chapter is therefore destined to complete the third edition of the *Collection*. It is divided into two sections. The first comprises modifications and additions affecting the texts given in the third edition and in the first addendum and arising amongst other things from new signatures, ratifications, etc. The serial numbers refer to those two publications (Nos. 1-169 to the third edition of the *Collection*; Nos. 170-202 to the first addendum). The second section comprises new international instruments concluded or made public since the first addendum appeared, i.e. since June 15th, 1927. They are arranged in chronological order and begin with No. 203 (the last instrument given in the first addendum being No. 202).

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

[1] Publications of the Court, Series D., No. 5.

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.

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.

On June 15th, 1928, replies to this communication had been received in the following order from the Governments of Spain, the Netherlands, Monaco, Austria, Germany, Russia, Norway, Italy, Turkey, Great Britain, Switzerland, Finland, Mexico, Esthonia, China, Belgium, Peru, the United States of America, Siam, Sweden, New Zealand, Czechoslovakia, Hungary, Latvia, India, Denmark, Poland (for the Polish Government and that of the Free City of Danzig) and Egypt.

These Governments informed the Registry either that they had executed no instruments providing for the jurisdiction of the Court, or that they had not executed any instruments other than those already published in the third edition of the *Collection*, or, finally, that they had executed new ones and in such case they communicated them to the Registry.

The information thus obtained has been duly utilized in compiling the present chapter as also information which some of the Governments above mentioned have communicated at intervals to the Registry since their original replies.

On June 5th, 1928, the Registrar of the Court addressed a new note to the governments which had not yet replied to his communication of March 24th, 1927, asking them what response they felt able to make to it. The Governments to which this note was sent were the following : the Governments of Albania, the Argentine Republic, Australia, Bolivia,

Brazil, Bulgaria, Canada, Chile, Colombia, Costa-Rica, Cuba, the Dominican Republic, Ecuador, Ethiopia, France, Germany, Greece, Guatemala, Haiti, Honduras, Iceland, the Irish Free State, Japan, Liberia, Lithuania, Luxemburg, Nicaragua, Panama, Paraguay, Persia, Portugal, Roumania, the Dominican Republic, San Salvador, the Serb-Croat-Slovene State, South Africa, Uruguay and Venezuela.

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[1].		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*[2]).
Albania	July 13th, 1921			
Australia	Aug. 4th, 1921			
Austria	July 23rd, 1921	March 14th, 1922	Reciprocity. 5 years.	
		Renewed on Jan. 12th, 1927	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] *Cf. also* p. 118.

[2] 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	Aug. 4th, 1921			
Bulgaria	Aug. 12th, 1921	(1921) [2]	Reciprocity.	Aug. 12th, 1921
Canada	Aug. 4th, 1921			
Chile				
China	May 13th, 1922	May 13th, 1922	Reciprocity. 5 years.	
Colombia				
Costa Rica		(Before January 28th, 1921) [3]	Reciprocity.	
Cuba	Jan. 12th, 1922			
Czechoslovakia	Sept. 2nd, 1921			
Denmark	June 13th, 1921	(Before January 28th, 1921) [3]	Ratification. Reciprocity. 5 years.	June 13th, 1921
		Renewed on Dec. 11th, 1925	Ratification. Reciprocity. 10 years (from June 13th, 1926).	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.	Protocol 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.	
		Renewed on June 25th, 1928[1]	Extension for a period of 10 years as from May 2nd, 1928.	
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)[2]	Ratification. Reciprocity. 5 years.	April 6th, 1922
		Renewed on March 3rd, 1927	Reciprocity. 10 years (as from April 6th, 1927).	
France	Aug. 7th, 1921	Oct. 2nd, 1924	Ratification. Reciprocity. 15 years. Other reservations[3].	

[1] Date of the letter by which the Minister for Foreign Affairs of the Esthonian Government informed the Secretary-General of the League of Nations of the extension of the period for which that Government was bound.

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

[3] See Third Annual Report, 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*).
Germany	March 11th, 1927	Sept. 23rd, 1927	Reciprocity. 5 years. For any future dispute arising after ratification regarding situations or facts subsequent to ratification, except in cases where the Parties may have agreed or may agree to have recourse to another method of pacific settlement.	Feb. 29th, 1928
Greece	Oct. 3rd, 1921			
Guatemala		Dec. 17th, 1926	Ratification. Reciprocity.	
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			

[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*).
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.	
Lithuania	May 16th, 1922	Oct. 5th, 1921	5 years.	May 16th, 1922
Luxemburg		(1921) [1]	Ratification. Reciprocity. 5 years.	
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.	
		Renewed on Sept. 2nd, 1926	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.	
New Zealand	Aug. 4th, 1921			
Norway	Aug. 20th, 1921	Sept. 6th, 1921	Ratification. Reciprocity. 5 years.	Oct. 3rd, 1921

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

States.	Protocol of signature.	Optional Clause.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (*if any*).
Norway (*cont.*)		*Renewed* on Sept. 22nd, 1926	Reciprocity. 10 years (from Oct. 3rd, 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.	
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.	
		Renewed on March 18th, 1926	Reciprocity. 10 years.	
Switzerland	July 25th, 1921	(Before January 28th, 1921) [1]	Ratification. Reciprocity. 5 years.	July 25th, 1921
		Renewed on 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.)

Germany.

On behalf of the German Government, I 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 conformity with Article 36, paragraph 2, of the Statute of the Court for a period of five years, in any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to this ratification, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 23rd, 1927.
(*Signed*) STRESEMANN.

Esthonia.

The declaration of renewal notified to the Secretary-General of the League of Nations by a letter from the Esthonian Minister for Foreign Affairs dated Tallinn, June 25th, 1928, contains the following passage:

. . . . "I have the honour to inform you, on behalf of the Government of the Republic, that the above declaration [1] recognizing as regards Esthonia the compulsory jurisdiction of the Permanent Court of International Justice, in conformity with Article 36 of the Statute, is deemed to be renewed for a period of ten years as from May 2nd, 1928."

[1] This declaration is the original one, dated May 2nd, 1923, whereby the Esthonian Government subscribed to the Optional Clause (see *Collection of Texts governing the Court's Jurisdiction*, Series D., No. 5, p. 77). [*Note by the Registrar.*]

18.

CONVENTION FOR THE REGULATION OF AERIAL NAVIGATION

SIGNED AT

PARIS

ON OCTOBER 13th, 1919.

Adhesions (cont.):

Denmark	October 14th, 1927.
Sweden	July 16th, 1927.

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.) :

Luxemburg	April 16th, 1928.

21.

CONVENTION CONCERNING UNEMPLOYMENT

ADOPTED AT

WASHINGTON

ON NOVEMBER 28th, 1919,

BY THE FIRST SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

Hungary	March 1st, 1928.
Luxemburg	April 16th, 1928.

22.

CONVENTION CONCERNING NIGHT WORK OF WOMEN

ADOPTED AT

WASHINGTON

ON NOVEMBER 28th, 1919,

BY THE FIRST SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

Hungary	April 19th, 1928.
Luxemburg	April 16th, 1928.

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.) :

Luxemburg	April 16th, 1928.

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.) :

Hungary	April 28th, 1928.
Luxemburg	April 16th, 1928.

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.) :

Germany	October 31st, 1927.
Hungary	April 19th, 1928.
Luxemburg	April 16th, 1928.

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.) :

Hungary	March 1st, 1928.
Luxemburg	April 16th, 1928.
Norway	October 7th, 1927.

29.

CONVENTION
CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP,
ADOPTED AT
GENOA
ON JULY 9th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

Luxemburg	April 16th, 1928.

30.

CONVENTION
FOR ESTABLISHING FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN,
ADOPTED AT
GENOA
ON JULY 10th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

France	January 25th, 1928.
Luxemburg	April 16th, 1928.

39.

CONVENTION AND STATUTE ON FREEDOM OF TRANSIT CONCLUDED AT BARCELONA ON APRIL 20th, 1921.

Ratifications (cont.) :

Chile	March 19th, 1928.

Adhesions (cont.) :

Hungary	May 18th, 1928.

40.

CONVENTION AND STATUTE ON THE RÉGIME OF NAVIGABLE WATERWAYS OF INTERNATIONAL CONCERN, CONCLUDED AT BARCELONA ON APRIL 20th, 1921.

Ratifications (cont.) :

Chile	March 19th, 1928.
Greece	January 3rd, 1928.
Sweden	September 15th, 1927.

Adhesions (cont.) :

Hungary	May 18th, 1928.

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.) :

France	March 22nd, 1928.
Hungary	March 1st, 1928.
Luxemburg	April 16th, 1928.
Netherlands	March 9th, 1928.

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.) :

France	January 16th, 1928.
Hungary	March 1st, 1928.
Luxemburg	April 16th, 1928.
Norway	October 7th, 1927.

48.

CONVENTION CONCERNING WORKMEN'S COMPENSATION IN AGRICULTURE,

ADOPTED AT

GENEVA

ON NOVEMBER 12th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

France	April 4th, 1928.
Luxemburg	April 16th, 1928.

49.

CONVENTION
CONCERNING THE RIGHTS OF ASSOCIATION
AND COMBINATION OF AGRICULTURAL WORKERS,
ADOPTED AT
GENEVA
ON NOVEMBER 12th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Luxemburg	April 16th, 1928.

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.) :

Belgium	June 13th, 1928.
Luxemburg	April 16th, 1928.

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.) :

Luxemburg	April 16th, 1928.

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.) :

Hungary [1]	January 4th, 1928.
Luxemburg	April 16th, 1928.

[1] This ratification will only come into effect for Hungary when France, Great Britain and Germany have ratified the Convention.

59.

COMMERCIAL CONVENTION BETWEEN POLAND AND SWITZERLAND SIGNED AT WARSAW ON JUNE 26th, 1922.

Adhesions (cont.) :

Free City of Danzig	September 28th, 1923.

84.

CONVENTION
FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN OBSCENE PUBLICATIONS
SIGNED AT
GENEVA
ON SEPTEMBER 12th, 1923.

Adhesions (cont.) :

His Britannic Majesty, for Jamaica	August 22nd, 1927.

Ratifications (cont.) :

Luxemburg	August 10th, 1927.
Netherlands	September 13th, 1927.
Portugal	October 4th, 1927.

87.

INTERNATIONAL CONVENTION
RELATING TO
THE SIMPLIFICATION OF CUSTOMS FORMALITIES,
CONCLUDED AT
GENEVA
ON NOVEMBER 3rd, 1923.

Ratifications (cont.) :

Finland	May 23rd, 1928.
Greece	July 6th, 1927.

90.

CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF RAILWAYS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Adhesions (cont.) :

Colombia (subject to ratification)	December 3rd, 1927.

Ratifications (cont.) :

Danzig	January 7th, 1928.
Germany	December 5th, 1927.
Netherlands	February 22nd, 1928.
Poland	January 7th, 1928.
Sweden	September 15th, 1927.

91.

CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF MARITIME PORTS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Adhesions (cont.) :

Netherlands, for the Dutch Indies, Surinam and Curaçao	February 22nd, 1928.

Ratifications (cont.) :

Netherlands	February 22nd, 1928.
Sweden	September 13th, 1927.

100.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE NETHERLANDS AND POLAND

SIGNED AT

WARSAW

ON MAY 30th, 1924.

Adhesions (cont.) :

Free City of Danzig	May 4th, 1926.

131.

CONVENTION CONCERNING OPIUM

CONCLUDED AT

GENEVA

ON FEBRUARY 19th, 1925.

Adhesions (cont.) :

Finland	December 5th, 1927.

Ratifications (cont.) :

Austria	November 25th, 1927.
Belgium	August 24th, 1927.
Danzig	June 16th, 1927.
France	July 2nd, 1927.
Luxemburg	March 27th, 1928.
Netherlands	June 4th, 1928.
Poland	June 16th, 1927.
Roumania [1]	May 18th, 1928.

[1] The Roumanian Government had adhered to the Convention on March 26th, 1926, subject to ratification.

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.) :

Belgium	October 3rd, 1927.
Denmark	March 31st, 1928.
Finland	September 17th, 1927.
France	April 4th, 1928.
India	September 30th, 1927.
Italy	March 15th, 1928.
Latvia	May 29th, 1928.
Luxemburg	April 16th, 1928.
Netherlands	September 13th, 1927.
Poland	February 28th, 1928.

140.

CONVENTION CONCERNING NIGHT WORK IN BAKERIES

ADOPTED AT

GENEVA

ON JUNE 8th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications (cont.) :

Finland	May 26th, 1928.
Luxemburg	April 16th, 1928.

(In accordance with the terms of Article 8, this Convention came into force following its ratification by Finland on May 26th, 1928.)

141.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE NETHERLANDS AND SIAM

SIGNED AT

THE HAGUE

ON JUNE 8th, 1925.

Ratifications: The exchange of ratifications took place at The Hague on August 24th, 1926.

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.) :

Belgium	October 3rd, 1927.
Hungary	April 19th, 1928.
Latvia	May 29th, 1928.
Luxemburg	April 16th, 1928.
Netherlands	September 13th, 1927.

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.) :

Belgium	October 3rd, 1927.
Finland	September 17th, 1927.
Hungary	April 19th, 1928.
India	September 30th, 1927.
Irish Free State	November 25th, 1927.
Luxemburg	April 16th, 1928.
Switzerland	November 16th, 1927.

155.

TREATY OF CONCILIATION BETWEEN THE NETHERLANDS AND SWITZERLAND SIGNED AT THE HAGUE ON DECEMBER 12th, 1925.

Ratifications: The exchange of ratifications took place at The Hague on June 11th, 1927.

163.

TREATY OF ARBITRATION AND CONCILIATION BETWEEN GERMANY AND THE NETHERLANDS

SIGNED AT

THE HAGUE

ON MAY 20th, 1926.

Ratifications: The exchange of ratifications took place at Berlin on July 14th, 1927.

166.

CONVENTION CONCERNING THE SIMPLIFICATION OF THE INSPECTION OF EMIGRANTS ON BOARD SHIP

ADOPTED AT

GENEVA

ON JUNE 5th, 1926,

BY THE EIGHTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications :

Austria	December 29th, 1927.
Belgium	February 15th, 1928.
Great Britain [1]	September 16th, 1927.
Czechoslovakia	May 25th, 1928.
India	January 14th, 1928.
Luxemburg	April 16th, 1928.
Netherlands	September 13th, 1928.

[1] This ratification will take effect when unconditional ratifications have been registered with the Secretariat-General of the League of Nations by France, Germany, the Netherlands, Italy, Norway and Spain.

167.

CONVENTION CONCERNING THE REPATRIATION OF SEAMEN

ADOPTED AT

GENEVA

ON JUNE 23rd, 1926,

BY THE NINTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications :

Belgium	October 3rd, 1927.
Luxemburg	April 16th, 1928.

(In accordance with the terms of Article 8, this Convention came into effect following its ratification by Luxemburg on April 16th, 1928.)

168.

CONVENTION
CONCERNING SEAMEN'S ARTICLES OF AGREEMENT

ADOPTED AT

GENEVA

ON JUNE 24th, 1926,

BY THE NINTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Ratifications :

Belgium	October 3rd, 1927.
France	April 4th, 1928.
Luxemburg	April 16th, 1928.

(In accordance with the terms of Article 17, this Convention came into effect following its ratification by France on April 4th, 1928.)

183.

PROTOCOL
ANNEXED TO THE CREDIT AND CUSTOMS TREATY BETWEEN GERMANY AND THE NETHERLANDS

SIGNED AT

BERLIN

ON NOVEMBER 26th, 1925.

Ratifications: The exchange of ratifications took place at Berlin on September 10th, 1926.

190.

COMMERCIAL CONVENTION BETWEEN GREECE AND THE NETHERLANDS

SIGNED AT

ATHENS

ON MAY 12th, 1926.

Ratifications: The exchange of ratifications took place at Athens on March 3rd, 1927.

196.

TREATY OF COMMERCE BETWEEN HAITI AND THE NETHERLANDS

SIGNED AT

PORT-AU-PRINCE

ON SEPTEMBER 7th, 1926.

Ratifications: The exchange of ratifications took place at Port-au-Prince on January 14th, 1928.

197.

SLAVERY CONVENTION
SIGNED AT
GENEVA
ON SEPTEMBER 25th, 1926.

Adhesions (cont.) :

His Britannic Majesty, for the Sudan	September 15th, 1927.
Egypt	January 25th, 1928.
Haiti	September 3rd, 1927.
Monaco	January 17th, 1928.
Nicaragua	October 3rd, 1927.

Ratifications (cont.) :

Austria	August 19th, 1927.
Belgium	September 23rd, 1927.
British Empire	June 18th, 1927.
Australia	
India	
New Zealand	
South Africa (Union of—)	
Finland	September 29th, 1927.
Latvia	July 9th, 1927.
Netherlands	January 7th, 1928.
Norway	September 10th, 1927.
Portugal	October 4th, 1927.
Spain	September 12th, 1927.
Sweden	December 17th, 1927.

SECTION II.

203.

CONVENTION [1]

CONCERNING

THE ESTABLISHMENT OF A CONCILIATION COMMISSION, BETWEEN CHILE AND SWEDEN,

SIGNED AT

STOCKHOLM

ON MARCH 26th, 1920 [2].

Ratifications: The exchange of ratifications took place at Stockholm on May 3rd, 1921; the Treaty came into force on that date.

ARTICLE 1 [3].

All disputes of any kind henceforth arising between the Government of His Majesty the King of Sweden and the Government of the Republic of Chile which prove incapable of settlement by diplomacy and shall not have been referred for judicial decision either to a court of arbitration or to the Permanent Court of International Justice to be established by the League of Nations, shall be submitted for investigation by a Permanent Commission, constituted as provided in the following article.

Until this condition has been complied with, neither Party may refer the dispute, in accordance with Article 15 of the Covenant of the League of Nations, to the Council of the League.

ARTICLE 2.

The Commission shall be composed of five members. Each State will appoint two members, one from amongst its own

[1] *Sveriges överenskommelser med främmande makter*, 1921, No. 8.
[2] The Treaty is concluded for 10 years.
[3] Translation by the Registry.

nationals and the other from the nationals of a third State. The fifth, who will act as president, shall be national of a third State which is not already represented on the Commission. He shall be appointed by mutual agreement by the High Contracting Parties. Should it prove impossible to arrive at an agreement, he shall, at the request of either of the Parties, be appointed by the Permanent Court of International Justice of the League of Nations and, until that body takes up its duties, by the President of the Swiss Federal Council. Subsidiarily shall be applied those provisions of Article 45 of the Hague Convention of 1907 for the pacific settlement of international disputes which relate to a case in which either the Parties, or the arbitrators appointed by them, have been unable to agree upon the choice of an umpire.

The Commission shall be established within six months from the time of the exchange of ratifications of this Convention.

204.

CONVENTION CONCERNING THE ESTABLISHMENT OF A PERMANENT COMMISSION OF CONCILIATION BETWEEN SWEDEN AND URUGUAY,

SIGNED AT

MONTEVIDEO

ON FEBRUARY 24th, 1923 [1].

Ratifications: The exchange of ratifications took place at Montevideo on February 24th, 1927; the Convention came into force on that date.

ARTICLE 1 [2].

All disputes of any kind arising between the Government of His Majesty the King of Sweden and the Government of the Eastern Republic of Uruguay which prove incapable of settlement by diplomacy and shall not have been referred either to the Permanent Court of International Justice for judicial decision, or to procedure by arbitration, shall be submitted to a Commission of enquiry and conciliation composed as provided in Article 3.

Nevertheless, should the dispute assume so acute a form as to render it likely to lead to a rupture, Article 15 of the Covenant of the League of Nations shall remain applicable.

[1] *Sveriges överenskommelser med främmande makter*, 1927, No. 14.
[2] Translation by the Registry.

205.

TREATY OF COMMERCE AND NAVIGATION BETWEEN AUSTRIA AND LATVIA

SIGNED AT

RIGA

ON AUGUST 9th, 1924 [1].

Ratifications: The exchange of ratifications took place on July 26th, 1927.

ARTICLE 27 [2].

Disputes and differences of opinion between the two High Contracting Parties concerning the application and interpretation of the present Treaty shall be settled by a mixed arbitral tribunal. The mixed arbitral tribunal shall be constituted *ad hoc* and shall comprise an equal number of representatives of the two Parties. Should these representatives be unable to come to an agreement, they shall appeal to a neutral umpire whom the President of the Permanent Court of International Justice shall, if necessary, be requested to appoint.

[1] *Bundesgesetzblatt für die Republik Oesterreich.*
[2] Translation by the Registry.

206.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND LATVIA,

SIGNED AT

BRUSSELS

ON JULY 7th, 1925[1].

Ratifications: The exchange of ratifications took place at Brussels on August 6th, 1926.

ARTICLE 24.

All disputes and differences of opinion between the two contracting Parties with reference to the application and interpretation of the present Treaty shall be decided by a joint arbitral tribunal.

A separate arbitral tribunal shall be formed for each case, and shall consist of an equal number of representatives of each of the two Parties. If these representatives fail to come to an agreement, they shall appeal to a neutral arbitrator, whom the President of the Permanent Court of International Justice may be requested to appoint.

[1] *League of Nations, Treaty Series*, Vol. LIV (1926-1927), p. 267.

207.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN SPAIN AND SIAM

SIGNED AT

MADRID

ON AUGUST 3rd, 1925 [1].

Ratifications: The exchange of ratifications took place at Madrid on July 28th, 1926.

ARTICLE II.

The High Contracting Parties agree that, in case of 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 a common agreement between the two Parties, or in case of failure to agree, by the simple request of either Party.

[1] *League of Nations, Treaty Series*, Vol. LV (1926), p. 39.

208.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN PORTUGAL AND SIAM

SIGNED AT

LISBON

ON AUGUST 14th, 1925 [1].

Ratifications: The exchange of ratifications took place at Lisbon on July 31st, 1926.

ARTICLE II.

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 a common agreement between the two Parties, or, in case of a failure to agree, by the simple request of either Party, except as to questions which affect the independence or the honour of either of the High Contracting Parties, or which concern the interests of third Parties.

[1] *League of Nations, Treaty Series*, Vol. LV (1926), p. 57.

209.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN POLAND AND SWEDEN

SIGNED AT

STOCKHOLM

ON NOVEMBER 3rd, 1925 [1].

Ratifications: The exchange of ratifications took place at Warsaw on March 28th, 1927.

ARTICLE 1 [2].

The contracting Parties undertake to submit to procedure by conciliation all disputes arising between them which prove incapable of settlement by ordinary diplomatic methods within a reasonable time and for the settlement of which no special procedure has been provided by other agreements between the Parties.

Nevertheless, the contracting Parties may agree to submit a dispute direct to the Permanent Court of International Justice or to procedure by arbitration.

ARTICLE 2.

Should the conciliation procedure provided for by the present Treaty lead to no result, the dispute shall be settled as follows:

In the case of a question in regard to which the Parties are in conflict as to their respective rights, it shall be referred to the Permanent Court of International Justice, or, should one of the Parties so request, submitted to the arbitration procedure hereinafter described. It is agreed that the disputes suitable for submission to the Permanent Court of International Justice include, amongst others, those mentioned in Article 13, paragraph 2, of the Covenant of the League of Nations.

Any question which cannot be settled by conciliation and which has not been referred to the Permanent Court of International Justice shall be submitted to arbitration in accordance with the provisions of this Treaty.

[1] *Sveriges överenskommelser med främmande makter*, 1927, No. 5.

[2] Translation by the Registry.

The provisions referred to in this Article shall not apply to questions which, under international law, are solely within the domestic jurisdiction of either of the Parties.

ARTICLE 15.

When an arbitration or proceedings before the Permanent Court of International Justice are to take place between them, the contracting Parties undertake, within three months from the date on which one of the Parties shall have addressed a request for arbitration to the other, to conclude a special agreement, clearly defining the subject of the dispute, the details of the procedure—should that be necessary—and any other conditions agreed upon between them.

In the absence of stipulations to the contrary in the special agreement, the Parties shall conform, as regards proceedings by arbitration, to the rules established in the Convention signed at The Hague on October 18th, 1907, for the settlement of international disputes, or, in the case of proceedings before the Permanent Court of International Justice, to those laid down in the Statute of the Court.

ARTICLE 21.

Any dispute relating to the interpretation of the present Treaty or to a special agreement concluded by the Parties under the terms of the present Treaty shall be submitted to the Permanent Court of International Justice.

PROTOCOL OF SIGNATURE.

In signing the Treaty of Conciliation and Arbitration dated this day, the contracting Parties agree that, should Poland subsequently ratify the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice, the said Court, instead of the tribunal provided for in the Treaty, shall thereafter have jurisdiction in all disputes covered by the clause referred to.

It is, however, clearly understood that this obligation shall be subject to the same reservations and shall have the same duration as the adherence of the Polish Government to the said Optional Clause.

210.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN SIAM AND SWEDEN

SIGNED AT

STOCKHOLM

ON DECEMBER 19th, 1925 [1].

Ratifications: The exchange of ratifications took place at Stockholm on October 25th, 1926; the Treaty came into force on that date.

ARTICLE XX.

Any dispute which may arise between the High Contracting Parties with respect to the interpretation, application or execution of the present Treaty or the Protocol 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.

[1] *League of Nations, Treaty Series*, Vol. LVIII (1926-1927), Nos. 1, 2, 3 and 4, p. 431.

211.

AGREEMENT OF GOOD NEIGHBOURLY RELATIONS BETWEEN PALESTINE AND SYRIA AND GREAT LEBANON [1],

SIGNED AT

JERUSALEM

ON FEBRUARY 2nd, 1926 [2].

ARTICLE II.

Any disputes which may arise with regard to the application of the provisions of this Agreement and which cannot be settled directly by agreement between the authorities on the two sides of the frontier, shall be referred to a Commission which will decide on all matters at issue.

The Commission shall be composed of one delegate from the State of the Great Lebanon, one delegate from the State of Damascus, and two delegates from Palestine, and a president, who shall be named by mutual agreement between the French High Commissioner in Syria and the Lebanon and the High Commissioner of His Britannic Majesty for Palestine.

This Commission shall be convened as soon as possible after a request to that effect has been made by either of the two High Commissioners. Its decisions shall be in accordance with the votes of the majority, and the president shall have a casting vote.

Any dispute arising with regard to the interpretation of a clause of the present Agreement or to the execution of a decision of the Commission prescribed in this Article shall be settled by direct agreement between the British and French High Commissioners at Jerusalem and Beirut.

In default of such agreement, the matter at issue shall be referred to the International Court of Justice at The Hague constituted by the League of Nations.

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[1] *League of Nations, Treaty Series*, Vol. LVI (1926), p. 79.

[2] This Agreement was concluded between the British and French Governments acting on behalf of the territories of Palestine, on the one hand, and Syria and Great Lebanon, on the other. It came into force on February 2nd, 1926.

212.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN BELGIUM AND SWEDEN

SIGNED AT

BRUSSELS

ON APRIL 30th, 1926 [1].

ARTICLE 1 [2].

All disputes of any kind between Sweden and Belgium in regard to which the Parties are in conflict as to their respective rights, and which prove incapable of settlement in a friendly manner by ordinary diplomatic methods, shall be submitted for judgment to the Permanent Court of International Justice in accordance with the following provisions.

This undertaking only applies to disputes arising after the ratification of the present Treaty in regard to situations or facts posterior to such ratification.

Disputes for the settlement of which a special procedure is provided by other conventions in force between Sweden and Belgium shall be dealt with in accordance with the terms of those conventions.

ARTICLE 2.

Before the institution of proceedings before the Permanent Court of International Justice, a dispute may, by mutual agreement between the Parties, be submitted for conciliation to a Permanent International Commission, constituted in accordance with the present Treaty.

ARTICLE 15.

Failing conciliation before the Permanent Conciliation Commission, a dispute shall be submitted by special agreement to the Permanent Court of International Justice, under the

[1] Communicated by the Swedish Government.
[2] Translation by the Registry.

conditions and in accordance with the procedure laid down in its Statute.

Should the Parties fail to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice by application.

ARTICLE 19.

The Swedish and Belgian Governments undertake to abstain, during the course of proceedings begun under the terms of the present Treaty, from any measure capable of having a prejudicial effect either as regards the execution of the judgment of the Permanent Court of International Justice or of the arbitral award, or as regards the arrangements proposed by the Permanent Conciliation Commission, and in general not to do anything whatever capable of aggravating or extending the dispute.

In all cases and particularly if the question in regard to which the Parties disagree, arises out of acts already accomplished or on the point of being so, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall indicate, with the least possible delay, what measures of interim protection are to be taken. It shall likewise rest with the arbitral tribunal to which a dispute has been referred under the terms of Article 17 of this Treaty to indicate appropriate interim measures. The High Contracting Parties undertake to apply the interim measures indicated by the Court or by the arbitral tribunal.

ARTICLE 21.

All disputes concerning the interpretation of the present Treaty shall be submitted to the Permanent Court of International Justice.

213.

CONVENTION CONCERNING THE EXECUTION OF CONTRACTS FOR LIFE INSURANCE AND LIFE ANNUITIES BETWEEN ITALY AND CZECHOSLOVAKIA,

SIGNED AT

PRAGUE

ON MAY 4th, 1926 [1].

Ratifications: The exchange of ratifications took place at Rome on March 26th, 1927.

ARTICLE 15.

Any disputes arising between the two High Contracting Parties as to the execution of the present Convention shall be submitted to an arbitral tribunal of three members, one of whom shall be nominated by the Italian Government and one by the Government of the Czechoslovak Republic ; the two arbitrators shall elect the president.

In case of failure to agree on the choice of the president, he shall be nominated by the President of the Permanent Court of International Justice at The Hague.

The arbitral tribunal shall lay down the procedure and decide as to the costs of the case.

[1] *League of Nations, Treaty Series*, Vol. LXI (1927), p. 257.

214.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN ITALY AND SIAM

SIGNED AT

ROME

ON MAY 9th, 1926 [1].

Ratifications: The exchange of ratifications took place at Rome on March 8th, 1927.

ARTICLE 2.

The High Contracting Parties agree that in case any difference should arise between them which could not be settled by mutual agreement or by diplomatic means they will submit such 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 either by means of a common agreement between the two Parties, or in case of a failure to agree, by the simple request of either Party.

[1] *League of Nations, Treaty Series*, Vol. LXI (1927), p. 215.

215.

CONVENTION OF FRIENDSHIP AND GOOD NEIGHBOURLY RELATIONS BETWEEN FRANCE AND TURKEY

SIGNED AT

ANGORA

ON MAY 30th, 1926 [1].

Ratifications: The exchange of ratifications took place at Angora on August 12th, 1926.

ARTICLE XIV.

The High Contracting Parties undertake to settle by the following pacific means any disputes arising between them which cannot be settled through the ordinary diplomatic channels.

The disputes shall be brought before a Commission composed as follows: Each Party shall appoint one or two delegates according to the nature of the dispute; the delegates of either Party shall in any case be equal in number; if the Commission cannot reach an agreement, there shall be added to it one or three members selected by joint agreement from among nationals of countries regarded as neutral.

The two Parties reserve the right to submit the dispute for settlement to an arbitrator chosen by joint agreement or to apply to the Hague Court in accordance with the procedure laid down in the international conventions to which the two Parties have already adhered or may adhere.

The contracting Parties reserve full liberty of action in regard to questions of sovereignty as defined by the rules of international law.

[1] *League of Nations, Treaty Series*, Vol. LIV (1926-1927), p. 195.

216.

AGREEMENT REGARDING THE SANITARY CONTROL OVER MECCA PILGRIMS AT KAMARAN ISLAND BETWEEN THE UNITED KINGDOM AND THE NETHERLANDS,

SIGNED AT

PARIS

ON JUNE 19th, 1926 [1].

(This Agreement was confirmed by an exchange of notes dated July 22nd and August 14th, 1926.)

Adjustment of disputes arising out of the interpretation of the Agreement.

13. Disputes between the British or Indian Governments, of the one part, and the Governments of the Netherlands or the Netherlands East Indies, of the other part, arising out of the interpretation of this Agreement, shall be adjusted as follows:

If the Director of the Quarantine Station is unable to agree with the medical officer appointed by the Government of the Netherlands East Indies, when the latter is acting either as Medical Superintendent or as Deputy-Medical Superintendent, as to the interpretation of any article of this Agreement, he shall report the circumstances to the Government of India, who shall forthwith communicate his report to the Government of the Netherlands East Indies. The respective Governments shall thereupon endeavour to reach a settlement of the dispute by agreement. If, after full consideration, the Government of India and the Government of the Netherlands East Indies are unable to reach a settlement of the dispute by agreement, or if as between themselves a dispute arises in regard to the budget or any matter referred to in this Agreement or in regard to the interpretation of this Agreement, they shall severally communicate statements of the facts to the British and Netherlands Governments, who shall endeavour to reach a settlement through the diplomatic channel. If a settlement is still not reached by this procedure, the British and Netherlands Governments shall each appoint a representative in order

[1] *League of Nations, Treaty Series*, Vol. LVII (1926), p. 41.

that these representatives may endeavour in conference to reach a settlement of the dispute by agreement. If the two representatives fail to reach an agreement they shall jointly appoint a third member. If on this point there is disagreement between the two representatives, the British and Netherlands Governments shall request the President of the Permanent Court of International Justice to appoint a third member and the Commission thus constituted shall determine the dispute.

217.

TREATY CONCERNING THE ESTABLISHMENT OF ECONOMIC RELATIONS BETWEEN GERMANY AND LATVIA

SIGNED AT

RIGA

ON JUNE 28th, 1926 [1].

Ratifications: The exchange of ratifications took place at Berlin on December 1st, 1926.

ARTICLE V.

Any difference between the two contracting Parties in regard to the application or interpretation of the present Treaty shall be settled by a mixed arbitral tribunal. The arbitral tribunal shall be constituted *ad hoc* and shall consist of representatives appointed by each of the contracting Parties in equal numbers. If the representatives of the two Parties are unable to agree, they shall appoint a neutral umpire, whom the President of the Permanent Court of International Justice at The Hague may, if necessary, be requested to designate.

[1] *League of Nations, Treaty Series*, Vol. LVIII (1926-1927), p. 403.

218.

TREATY OF ARBITRATION BETWEEN DENMARK AND FRANCE

SIGNED AT

PARIS

ON JULY 5th, 1926 [1].

ARTICLE 2 [2].

All disputes of any kind between the High Contracting Parties which prove incapable of settlement in a friendly manner 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.

Disputes for the settlement of which a special procedure is provided by other conventions in force between the High Contracting Parties shall be settled in accordance with the terms of such conventions.

ARTICLE 3.

Before recourse to arbitration proceedings or to proceedings before the Permanent Court of International Justice, a dispute shall be submitted for conciliation to a Permanent International Commission, known as the Permanent Commission of Conciliation, constituted in accordance with the present Treaty.

ARTICLE 17.

Failing conciliation before the Permanent Court of International Justice, 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 laid down by its Statute, or to an arbitral tribunal, under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

[1] Text annexed to the draft resolution submitted to the Danish Rigsdag for approval.

[2] Translation by the Registry.

Should the Parties be unable to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice by application.

General Provision.

ARTICLE 18.

In all cases and particularly where the question at issue between the Parties arises out of acts already performed or on the point of being so, the Conciliation Commission or, if the question is no longer before that body, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall, if necessary, indicate with the least possible delay, what measures of interim protection are to be applied. Each of the High Contracting Parties undertakes to conform thereto, to abstain from any measure calculated to have a prejudicial effect in regard to the execution of the decision or in regard to the suggestions proposed by the Conciliation Commission, and in general not to do anything whatever calculated to aggravate or extend the dispute.

ARTICLE 21.

The present Treaty shall be ratified. Ratifications shall be exchanged at Paris.

It shall come into force upon the exchange of ratifications and shall replace the Arbitration Convention concluded at Copenhagen on August 9th, 1911, in the relations between Denmark and France. It is concluded for ten years from the time of its entry into force. If not denounced six months before the expiration of this time, it shall be held to be renewed for a further period of five years and so on for successive periods.

If, at the expiration of the present Treaty, any proceedings under this Treaty should be pending before the Permanent Commission of Conciliation, before an arbitral tribunal or before the Permanent Court of International Justice, such proceedings shall be continued and terminated.

219.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM AND HUNGAR

SIGNED AT

LONDON

ON JULY 23rd, 1926 [1].

Ratifications: The exchange of ratifications took place at London on July 26th, 1927.

ARTICLE 17.

The two contracting Parties agree in their relations with each other to give effect to the provisions of—

1. The conventions and statutes concluded at Barcelona in 1921 respecting freedom of transit and navigable waterways of international concern [2].

2. The conventions and statutes concluded at Geneva in 1923 respecting customs formalities and railways [3]; whether or not they have ratified these instruments.

ARTICLE 19.

The two contracting Parties agree 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 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.

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[1] *Treaty Series*, No. 23 (1927), London, H.M. Stationery Office.

[2] See Series D., No. 5 (Nos. 39 and 40).

[3] " " " " " (" 87 " 90).

220.

COMMERCIAL CONVENTION BETWEEN GREECE AND SWEDEN [1]

SIGNED AT

ATHENS

ON SEPTEMBER 10th, 1926 [2].

Ratifications: The exchange of ratifications took place at Athens on May 27th, 1927.

ARTICLE 7 [3].

As regards conditions of transit, the two contracting Parties undertake reciprocally to apply in relations between them the provisions of the Convention and Statute concerning Freedom of Transit signed at Barcelona on April 20th, 1921, and they mutually guarantee in this respect to accord most favoured nation treatment.

ARTICLE 13.

The two contracting Parties agree to submit to arbitration any dispute concerning the interpretation or application of the provisions of the present Convention which may arise between them and proves incapable of settlement by diplomacy.

Disputes thus submitted to arbitration shall be settled by the Permanent Court of International Justice established by the Protocol of December 16th, 1920.

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[1] *Sveriges överenskommelser med främmande makter*, 1927, No. 12.

[2] See Series D., No. 5 (No. 39).

[3] Translation by the Registry.

221.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN POLAND AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES,

SIGNED AT

GENEVA

ON SEPTEMBER 18th, 1926 [1].

ARTICLE 17 [2].

It is understood that the obligations assumed by the contracting Parties under the terms of the present Treaty in no way affect their right, by mutual consent, to submit a dispute arising between them to the Permanent Court of International Justice at The Hague.

ARTICLE 19.

When the court of arbitration or the Permanent Court of International Justice are called upon to decide a dispute referred to them, they shall, unless otherwise agreed by the Parties, apply the following :

1. international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. international custom, as evidence of a general practice accepted as law ;
3. the general principles of law recognized by civilized nations ;
4. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

ARTICLE 21.

An award by arbitration as also an award of the Permanent Court of International Justice shall be binding and shall be carried out in good faith by the Parties.

[1] Communicated by the Polish Government.
[2] Translation by the Registry.

Should, however, the award establish that a decision af a court or any other authority of one of the contracting Parties is entirely or partially contrary to a generally recognized rule of international law and should the municipal law of that Party not permit or only permit in part the obliteration by administrative action of the effects of the decision in question, equitable satisfaction of some other kind shall be accorded to the injured Party.

In the event of a dispute as to the meaning or scope of the award, its interpretation shall rest with the tribunal responsible for it to construe it at the request of either Party.

ARTICLE 23.

Any dispute regarding the interpretation of this Treaty shall be referred to the Permanent Court of International Justice.

222.

PROVISIONAL COMMERCIAL CONVENTION BETWEEN GREECE AND SWITZERLAND

SIGNED AT

ATHENS

ON NOVEMBER 29th, 1926 [1].

Ratifications: The exchange of ratifications took place at Athens on May 23rd, 1927.

ARTICLE 9.

Any disputes arising between the contracting Parties concerning the interpretation or application of the present Convention, including the additional protocol, which cannot be settled through the diplomatic channel within a reasonable time shall, at the request of either of the Parties, be referred to an arbitral tribunal consisting as a rule of three members, the contracting Parties each appointing one member and jointly nominating the chief arbitrator. If, however, one of the Parties so request, the arbitral tribunal may be composed of five members, the contracting Parties each appointing one arbitrator and jointly nominating three others, including the chief arbitrator.

The chief arbitrator, the jointly nominated arbitrators, if any, may not be nationals of the contracting States, nor be domiciled in their territory, nor be engaged in their service.

Should the nomination of the chief arbitrator, of the arbitrators to be nominated jointly or by one of the contracting Parties, if any, not take place within four months following the notification of a request for arbitration, they shall be nominated, if one of the Parties so requests, by the President of the Permanent Court of International Justice, or, if the latter is a national of one of the contracting Parties, by the Vice-President, or should the Vice-President be in a similar position, by the senior member of the Court.

The tribunal shall meet at the place designated by the chief arbitrator. It shall establish its own rules of procedure and its decisions shall be binding.

Should there be any difference of opinion whether a dispute is concerned with the interpretation or application of this Convention, this prior question shall be submitted to arbitration in the same way as the other questions mentioned in paragraph 1 of the present article.

[1] *League of Nations, Treaty Series*, Vol. LXIII (1927), p. 27.

223.

TREATY OF ARBITRATION BETWEEN DENMARK AND CZECHOSLOVAKIA

SIGNED AT

PRAGUE

ON NOVEMBER 30th, 1926 [1].

ARTICLE 2 [2].

All disputes of any kind between the High Contracting Parties which prove incapable of settlement in a friendly manner by ordinary diplomatic methods, shall be submitted for judgment, either to the Permanent Court of International Justice, or to an arbitral tribunal, as hereinafter provided.

Disputes for the settlement of which a special procedure is provided by other conventions in force between the High Contracting Parties shall be settled in accordance with those conventions.

ARTICLE 3.

Before recourse to arbitration proceedings or to proceedings before the Permanent Court of International Justice, a dispute shall be submitted for conciliation to a Permanent International Commission, known as the Commission of Conciliation, constituted in accordance with the present Treaty.

ARTICLE 6.

The Permanent Commission of Conciliation shall be constituted within three months from the entry into force of this Convention.

Should the president to be jointly selected not have been appointed within this time or, in the event of replacement, within three months from the date on which the post falls vacant, the President of the Permanent Court of International Justice or—should he be a national of one of the High Contracting Parties—the Vice-President or senior member of

[1] Text annexed to the draft resolution submitted to the Danish Rigsdag for approval.

[2] Translation by the Registry.

the Court who is not a national of either of the High Contracting Parties shall, unless otherwise agreed, be requested to make the necessary appointment.

ARTICLE 17.

Failing conciliation before the Permanent Commission of Conciliation, 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 laid down by its Statute, or to an arbitral tribunal, under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the Parties fail to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice, by application.

General Provisions.

ARTICLE 18.

In all cases and particularly when the question in regard to which the Parties are at issue arises out of acts already performed or on the point of being so, the Conciliation Commission, or should the question no longer be before that body, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall if necessary indicate, with the least possible delay, what measures of interim protection are to be taken. Each of the High Contracting Parties undertakes to conform thereto and to abstain from any measure calculated to have a prejudicial effect as regards the execution of the decision or the arrangements proposed by the Conciliation Commission and in general not to do anything whatever calculated to aggravate or extend the dispute.

ARTICLE 22.

The present Treaty shall be ratified. The ratifications shall be exchanged at Copenhagen.

It shall come into force upon the exchange of ratifications. Its duration shall be for ten years as from the date of its entry into force. If not denounced six months before the expiration of this time, it shall be held to be renewed for a further period of five years and so on for successive periods.

If, at the expiration of this Treaty, proceedings under it should be pending before the Permanent Commission of Conciliation, before an arbitral tribunal or before the Permanent Court of International Justice, such proceedings shall be continued and terminated.

224.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN DENMARK AND LITHUANIA

SIGNED AT

KOVNO

ON DECEMBER 11th, 1926 [1].

ARTICLE 2 [2].

All disputes of any kind between the contracting Parties which prove incapable of settlement in a friendly manner 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.

Disputes for the settlement of which a special procedure is provided by other conventions in force between the contracting Parties shall be settled in accordance with those conventions.

ARTICLE 3.

Before recourse to arbitration proceedings or to proceedings before the Permanent Court of International Justice, a dispute shall be submitted for conciliation to a Permanent International Commission, known as the Commission of Conciliation, constituted in accordance with the present Treaty.

ARTICLE 6.

The Permanent Commission of Conciliation shall be constituted within three months from the entry into force of this Convention.

Should the member of the Commission to be jointly selected not have been appointed within this time, or in the event of replacement, within three months from the date on which the post falls vacant, the President of the Permanent Court of

[1] Text annexed to the draft resolution submitted to the Danish Rigsdag for approval.

[2] Translation by the Registry.

International Justice or, should he be a national of one of the contracting States, the Vice-President of the Court shall, unless otherwise agreed, be requested to make the necessary appointments.

ARTICLE 17.

Failing conciliation before the Permanent Commission of Conciliation, 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 laid down by its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down in the special agreement.

Should the Parties fail to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice, by application.

General Provision.

ARTICLE 18.

In all cases and particularly when the question in regard to which the Parties are at issue arises out of acts already performed or on the point of being so, the Conciliation Commission, or should the question no longer be before that body, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall if necessary indicate, with the least possible delay, what measures of interim protection are to be taken. Each of the contracting Parties undertakes to conform thereto and to abstain from any measure calculated to have a prejudicial effect as regards the execution of the decision or the arrangements proposed by the Conciliation Commission, and in general not to do anything whatever calculated to aggravate or extend the dispute.

ARTICLE 21.

The present Treaty shall be ratified. Ratifications shall be exchanged as soon as possible.

It shall come into force upon the exchange of ratifications and shall have a duration of ten years as from the date of its entry into force. If not denounced six months before the expiration of this time, it shall be held to be renewed for a further period of five years and so on for successive periods.

If, at the expiration of this Treaty, proceedings under it should be pending before the Permanent Commission of Conciliation, before an arbitral tribunal or before the Permanent Court of International Justice, such proceedings shall be continued and terminated.

225.

EXCHANGE OF NOTES CONCERNING THE ABROGATION OF THE ARBITRATION CONVENTION [1] BETWEEN PORTUGAL AND SWEDEN,

SIGNED AT

LISBON

ON DECEMBER 29th, 1926 [2].

THE SWEDISH MINISTER AT LISBON
TO THE PORTUGUESE MINISTER FOR FOREIGN AFFAIRS.

Lisbon, December 29th, 1926.

Monsieur le Ministre,

The Arbitration Convention of November 15th, 1913, at present in force between Sweden and Portugal, provides that disputes of a legal nature, or concerning the interpretation of treaties which arise between the contracting Parties and which prove incapable of settlement by diplomacy, shall be submitted to the Permanent Court of Arbitration established by the Convention of October 18th, 1907, at The Hague, provided however that they do not concern the vital interests, independence or honour of the contracting States and that they do not affect the interests of third Powers.

Sweden, like Portugal, having in accordance with Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice accepted the jurisdiction of the Court for all disputes of one of the categories therein mentioned, there now exist between the two countries obligations in regard to the pacific settlement of disputes of a legal nature wider in scope than those assumed by them under the Convention of November 15th, 1913.

For these reasons and in order to avoid any uncertainty as to the application between the two countries of the principle of arbitration, the Swedish Government considers it expedient formally to abrogate the Arbitration Convention of 1913.

Should the Government of the Republic also take this view, I venture to suggest that the present note and Your

[1] Convention of November 15th, 1913, renewing the Convention of May 6th, 1905. For the text of the latter, see: *Traités généraux d'arbitrage communiqués au Bureau international de la Cour d'Arbitrage*, première série, p. 185. Van Langenhuysen frères, 1911.

[2] *Sveriges överenskommelser med främmande makter*, 1926, No. 43. English translation by the Registry.

Excellency's reply thereto should serve to record the agreement concluded between the two countries to the effect that the Arbitration Convention signed on November 15th, 1913, shall cease to be operative as from to-day.

I have, etc.

(*Signed*) DANIELSSON.

THE PORTUGUESE MINISTER FOR FOREIGN AFFAIRS TO THE SWEDISH MINISTER AT LISBON.

Lisbon, December 29th, 1926.

Monsieur le Ministre,

I have the honour to acknowledge receipt of the note which Your Excellency has this day sent me to the following effect :

The Arbitration Convention of November 15th, 1913, now in force between Portugal and Sweden, provides that disputes of a legal nature or concerning the interpretation of treaties in force between the two countries, which arise between them and prove incapable of settlement by diplomacy, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18th, 1907, provided however that they do not concern the vital interests, independence or honour of the two contracting Parties, or the interests of third States. Since Sweden, like Portugal, has, in accordance with Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice, accepted the jurisdiction of the Court for all disputes of one of the categories therein mentioned, there now exist between the two countries obligations in regard to the pacific settlement of disputes of a legal nature wider in scope than those assumed by them under the Convention of November 15th, 1913.

For these reasons and in order to avoid any uncertainty concerning the application between the two countries of the principle of arbitration, the Swedish Government considers it expedient formally to abrogate the Arbitration Convention of 1913.

In reply I have the honour to inform Your Excellency that the Government of the Portuguese Republic shares the views of the Swedish Government and agrees that the present note, together with that of Your Excellency to which I now have the honour to reply, shall serve to record the formal agreement concluded between the two States to the effect that the Arbitration Convention, signed on November 15th, 1913, shall cease to be operative as from to-day.

I have, etc.

(*Signed*) DR. DE BETTENCOURT RODRIGUEZ.

226.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN GERMANY AND ITALY

SIGNED AT

ROME

ON DECEMBER 29th, 1926 [1].

ARTICLE 1 [2].

The contracting Parties undertake to submit to procedure by conciliation disputes arising between them which cannot be settled in a friendly manner by ordinary diplomatic negotiation.

This provision shall not apply as regards disputes arising out of circumstances anterior to this Treaty and belonging to the past.

Should the conciliation proceedings fail, the dispute shall be submitted either to an arbitral tribunal or to the Permanent Court of International Justice of The Hague, in accordance with Article 8 and the following articles of this Treaty.

Disputes for the settlement of which the contracting Parties are bound, under other agreements in force between them, to have recourse to some special procedure, shall be settled in accordance with the provisions of such agreements.

ARTICLE 2.

In the case of disputes which, under the terms of the present Treaty, should be dealt with according to the procedure provided for in Articles 1, 8 and 9, if such disputes, according to the municipal law of the Party against whom a claim has been made, fall within the jurisdiction of some judicial authority or administrative tribunal, that Party may demand that the dispute shall be submitted either to procedure by conciliation or, if that course is indicated, to arbitration or to the Permanent Court of International Justice, in conformity with Article 8 and the following articles, but only after a final decision has been delivered in the judicial or administrative proceedings. Should one of the Parties wish to impeach the decision of the judicial or administrative authority, the dispute

[1] *Reichsgesetzblatt, Jahrgang* 1927, *Teil II*, p. 461.
[2] Translation by the Registry.

must be submitted to procedure by conciliation within a maximum period of one year from the date of the pronouncement of that decision.

ARTICLE 3.

If in an award by the arbitral tribunal or by the Permanent Court of International Justice it is declared that a decision or irrevocable measure taken by a court or other authority of one of the Parties, is wholly or in part contrary to international law, but that, according to the constitutional law of that Party, the effects of the decision or measure cannot be completely obliterated by administrative action, the injured Party may refer the dispute to the Permanent Conciliation Commission in order that the question whether it should be accorded equivalent satisfaction of some other kind may be examined.

ARTICLE 8.

Should the Parties disagree upon a point of law, and should they not accept the proposals of the Conciliation Commission, the dispute shall be referred by special agreement to a special court of arbitration.

ARTICLE 9.

In the circumstances mentioned in the preceding article, the Parties may submit a dispute to the Permanent Court of International Justice at The Hague, instead of submitting it to a special court of arbitration. In that case they shall formulate by agreement the terms of the questions in regard to which a decision is required. Should the Parties not agree upon the terms of the questions, either of them, upon giving two months' notice to the other, shall be entitled to refer the dispute direct by application to the Permanent Court of International Justice.

ARTICLE 10.

The decision of the court of arbitration or of the Permanent Court of International Justice shall be complied with in good faith by the Parties.

The contracting Parties undertake so far as possible, throughout the proceedings before the Permanent Commission of Conciliation, the court of arbitration or the Permanent Court of International Justice, to refrain from any measure calculated adversely to affect either the adoption of the proposals of the Permanent Conciliation Commission, or the decision of the court of arbitration or of the Permanent Court of International Justice.

The court of arbitration may, at the request of one of the Parties, order measures of interim protection in so far as the Parties can apply them by administrative action. The Permanent Commission of Conciliation may also make proposals to the same end.

ARTICLE 12.

This Treaty shall be applicable between the contracting Parties, even if other Powers are also interested in the dispute.

Nevertheless, when it is possible together with the other interested Powers, jointly to submit the dispute to arbitration or judicial proceedings, the contracting Parties shall conclude agreements to that effect.

227.

CONVENTION OF COMMERCE AND NAVIGATION BETWEEN GREECE AND LATVIA

SIGNED AT

RIGA

ON FEBRUARY 25th, 1927 [1].

ARTICLE 19 [2].

Disputes and differences of opinion between the two contracting Parties regarding 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 include an equal number of representatives of the two Parties. Should these representatives not succeed in arriving at agreement, they shall appeal to an umpire, whom the President of the Permanent Court of International Justice will, if necessary, be requested to appoint.

The decision of the arbitrators shall be binding.

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[1] Communicated by the Latvian Government.

[2] Translation by the Registry.

228.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN BELGIUM AND DENMARK,

SIGNED AT

BRUSSELS

ON MARCH 3rd, 1927 [1].

ARTICLE 1 [2].

All disputes of any kind between Denmark and Belgium in regard to which the Parties are in conflict as to their respective rights and which prove incapable of settlement in a friendly manner by ordinary diplomatic methods, shall be submitted for judgment to the Permanent Court of International Justice as hereinafter provided.

Disputes of this kind, for the settlement of which some special procedure is provided by other conventions in force between Denmark and Belgium, shall be settled in accordance with such conventions.

ARTICLE 2.

Before recourse to proceedings before the Permanent Court of International Justice a dispute may, by mutual agreement between the Parties, be submitted for conciliation to a Permanent International Commission, known as the Permanent Commission of Conciliation, constituted in accordance with this Treaty.

ARTICLE 4.

The Permanent Commission of Conciliation shall be constituted within six months after the entry into force of the present Treaty.

Should the members of the Commission to be jointly selected not have been appointed within this time, or in the event of replacement, within three months from the date on which

[1] Text annexed to the draft resolution submitted to the Danish Rigsdag for approval.

[2] Translation by the Registry.

a seat falls vacant, the President of the Permanent Court of International Justice or, should he be a national of one of the contracting Parties, the Vice-President or senior member of the Court who is not a national of either of the Parties, shall, unless otherwise agreed, be requested to make the necessary appointments.

ARTICLE 15.

Failing conciliation before the Permanent Commission of Conciliation, the dispute shall be submitted by special agreement to the Permanent Court of International Justice under the conditions and in accordance with the procedure laid down in its Statute.

Should the Parties be unable to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice, by application.

ARTICLE 19.

The Danish and Belgian Governments undertake to abstain, during the course of proceedings instituted under the present Treaty, from any measure calculated to have a prejudicial effect either as regards the execution of the judgment of the Permanent Court of International Justice or of the arbitral decision, or the arrangements proposed by the Permanent Commission of Conciliation, and in general not to do anything whatever calculated to aggravate or extend the dispute.

In all cases and particularly when the question in regard to which the Parties are at issue arises from acts already performed or on the point of being so, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall indicate with the least possible delay what measures of interim protection are to be taken. It shall likewise rest with the arbitration tribunal to which a dispute has been referred under Article 17 of this Treaty to indicate appropriate measures of interim protection. The High Contracting Parties undertake to apply the measures of interim protection indicated by the Court or the arbitral tribunal.

ARTICLE 21.

All disputes concerning the interpretation or application of the present Treaty shall be submitted to the Permanent Court of International Justice.

229.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN BELGIUM AND FINLAND

SIGNED AT

STOCKHOLM

ON MARCH 4th, 1927 [1].

Ratifications: The exchange of ratifications took place at Stockholm on November 19th, 1927; the Treaty came into force on that date.

ARTICLE 1 [2].

All disputes of any kind between Finland and Belgium in regard to which the Parties are in conflict as to their respective rights and which prove incapable of settlement by ordinary diplomatic methods, shall be submitted for judgment to the Permanent Court of International Justice as hereinafter provided.

This obligation shall only apply to disputes arising after the ratification of the present Treaty and in regard to situations or facts posterior to such ratification.

Disputes for the settlement of which some special procedure is provided by other conventions in force between Finland and Belgium shall be settled in accordance with such conventions.

ARTICLE 2.

Before the institution of proceedings before the Permanent Court of International Justice, a dispute may, by mutual agreement of the Parties, be submitted for conciliation to a Permanent International Commission known as the Permanent Commission of Conciliation, constituted in accordance with the present Treaty.

[1] *Finlands författningssamling*, 1927, Nos. 323-326.
[2] Translation by the Registry.

ARTICLE 15.

Failing conciliation before the Permanent Commission of Conciliation, the dispute shall be submitted by special agreement to the Permanent Court of International Justice under the conditions and in accordance with the procedure laid down by its Statute.

Should the Parties fail to agree upon the terms of the special agreement, either of them shall be at liberty, upon giving one month's notice, to bring the dispute directly before the Permanent Court of International Justice, by application.

ARTICLE 18.

In the case of a dispute the subject of which, according to the domestic legislation of one of the two Parties, falls within the jurisdiction of that Party's national courts, including administrative tribunals, that Party may object to the dispute being subjected to the procedure provided for by this Treaty until a judgment having the force of *res judicata*, for which reasonable time shall be allowed, has been delivered by the competent national judicial authority.

ARTICLE 19.

The Finnish and Belgian Governments undertake to abstain, during the course of proceedings instituted under the present Treaty, from any measure calculated to have a prejudicial effect either as regards the execution of the judgment of the Permanent Court of International Justice or the arbitral decision, or as regards the arrangements proposed by the Permanent Commission of Conciliation and, in general, not to do anything whatever calculated to aggravate or extend the dispute.

In all cases and particularly when the question in regard to which the Parties are at issue arises out of acts already performed or on the point of being so, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall indicate, with the least possible delay, what measures of interim protection are to be taken. It shall likewise rest with the arbitral tribunal to which a dis-

pute has been referred under Article 17 of this Treaty, to indicate appropriate interim measures. The High Contracting Parties undertake to apply the measures of interim protection indicated by the Court or by the arbitral tribunal.

ARTICLE 21.

All disputes concerning the interpretation or application of the present Treaty shall be submitted to the Permanent Court of International Justice.

230.

CONVENTION CONCERNING THE APPLICATION OF QUARANTINE REGULATIONS BETWEEN BELGIUM AND THE NETHERLANDS

SIGNED AT

BRUSSELS

ON MARCH 24th, 1927 [1].

ARTICLE 15 [2].

Disputes arising between the High Contracting Parties regarding the interpretation and application of the present Convention, which prove incapable of settlement by diplomacy, may, before recourse to judicial or arbitral proceedings, be submitted for advisory opinion to an international public health organization selected in agreement by the High Contracting Parties.

Disputes proving incapable of direct settlement or of settlement on the basis of the opinion of the technical organization referred to, shall be submitted, at the request of either of the High Contracting Parties, to the Permanent Court of International Justice, unless, under an agreement specially concluded, the dispute be submitted for settlement to arbitration.

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[1] *Bijlagen der Handelingen van de Tweede Kamer der Staten-Generaal*, session 1927-1928, No. 243.

[2] Translation by the Registry.

231.

TREATY OF COMMERCE BETWEEN GUATEMALA AND THE NETHERLANDS SIGNED AT GUATEMALA ON MAY 12th, 1927 [1].

ARTICLE 7 [2].

Any dispute concerning the interpretation, application or execution of the present Treaty which cannot be settled between the High Contracting Parties by diplomacy shall be submitted to the Permanent Court of International Justice.

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[1] *Bijlagen der Handelingen van de Tweede Kamer der Staten-Generaal*, session 1927-1928, No. 201.

[2] Translation by the Registry; original texts in Spanish and Dutch.

232.

CONVENTION REGARDING AIR NAVIGATION BETWEEN GERMANY AND ITALY

SIGNED AT

BERLIN

ON MAY 20th, 1927 [1].

Ratifications: The exchange of ratifications took place at Berlin on March 13th, 1928.

ARTICLE 20 [2].

Details in regard to the application of the present Convention (more especially the question of customs formalities) shall, as far as possible, be settled by direct agreement between the various competent departments of the two High Contracting Parties.

Any dispute as to the application of the present Convention which cannot be settled in a friendly manner by ordinary diplomatic methods, shall be settled in accordance with the provisions of the Italo-German Treaty of conciliation and arbitration of December 29th, 1926.

[1] *Reichsgesetzblatt, Jahrgang* 1927, *Teil II*, p. 940.
[2] Translation by the Registry.

233.

TREATY OF CONCILIATION BETWEEN THE NETHERLANDS AND SWEDEN

SIGNED AT

THE HAGUE

ON MAY 21st, 1927 [1].

ARTICLE I [2].

All disputes of any kind arising between the High Contracting Parties which prove incapable of settlement by diplomacy within a reasonable time and which are not suitable for judicial or arbitral settlement under Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice, or under any other international convention in force between the High Contracting Parties, shall be submitted, at the request of one or both Parties, to a Permanent Conciliation Commission for enquiry and report.

The High Contracting Parties may agree that a dispute suitable for judicial or arbitral settlement, shall first of all be submitted to procedure by conciliation. If, in a dispute of this kind, one of the Parties does not accept the proposals of the Commission within a reasonable time, either of them may bring the dispute before the Permanent Court of International Justice.

[1] *Bijlagen der Handelingen van de Tweede Kamer der Staten-Generaal*, session 1927-1928, No. 281.

[2] Translation by the Registry.

234.

CONVENTION CONCERNING SICKNESS INSURANCE FOR WORKERS IN INDUSTRY AND COMMERCE AND DOMESTIC SERVANTS

ADOPTED AT

GENEVA

ON JUNE 15th, 1927,

BY THE TENTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE [1].

(The Convention, under the terms of Article 12, comes into force ninety days after the deposit of the second ratification.)

Ratifications :

Germany	January 23rd, 1928.

[1] *International Labour Office. International Labour Conference,* Tenth Session.

235.

CONVENTION CONCERNING SICKNESS INSURANCE OF AGRICULTURAL WORKERS

ADOPTED AT

GENEVA

ON JUNE 15th, 1927,

BY THE TENTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE [1].

(The Convention, under Article 11, comes into force upon the deposit of the second ratification.)

Ratifications :

Germany	January 23rd, 1928.

[1] *International Labour Office. International Labour Conference,* Tenth Session.

236.

CONVENTION REGARDING AERIAL NAVIGATION BETWEEN GERMANY AND GREAT BRITAIN

SIGNED AT

BERLIN

ON JUNE 29th, 1927 [1].

Ratifications: The exchange of ratifications took place at Berlin on December 1st, 1927.

ARTICLE 20.

The details of the application of the present Agreement (especially the question of Customs formalities) shall, as far as possible, be settled direct by arrangement between the various competent departments of the two High Contracting Parties.

The two High 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 Agreement shall, at the request of either Party, be referred to arbitration.

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 High Contracting Parties agree otherwise.

[1] *Treaty Series*, No. 1 (1928), London, H.M. Stationery Office.

237.

INTERNATIONAL CONVENTION ESTABLISHING AN INTERNATIONAL RELIEF UNION

CONCLUDED AT

GENEVA

ON JULY 12th, 1927 [1].

Signatories: Albania
Belgium
Brazil, *ad referendum*
Bulgaria
Colombia
Cuba
Czechoslovakia
Free City of Danzig
Ecuador
Egypt, *subject to a reservation*
Finland
France
Germany
Greece
Guatemala
Hungary
India
Italy
Latvia
Monaco
Nicaragua
Peru
Poland
Portugal
Roumania
San Marino
Spain
Turkey
Uruguay
Venezuela

Adhesions: Great Britain, for the Sudan.

[1] *League of Nations*, Document C. 364. M. 137, 1927. V.

ARTICLE 14.

The High Contracting Parties agree that all disputes between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation or by some other method of amicable settlement, be referred for decision to the Permanent Court of International Justice. The Court may be seized of the dispute, if necessary, by the application of either of the Parties. In case either or both of the 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 of them, either to the Permanent Court of International Justice or to a tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other tribunal of arbitration.

238.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN BELGIUM AND SPAIN

SIGNED AT

BRUSSELS

ON JULY 19th, 1927 [1].

Ratifications: The exchange of ratifications took place at Brussels on May 23rd, 1928.

ARTICLE 2 [2].

All disputes of any kind between the High Contracting Parties in regard to which the Parties are in conflict as to their respective rights and which prove incapable of settlement by ordinary diplomatic methods, shall be submitted for judgment either to an arbitral tribunal or to the Permanent Court of International Justice.

Disputes for the settlement of which a special procedure is provided by other conventions in force between the High Contracting Parties shall be settled in accordance with these conventions.

ARTICLE 9.

The Conciliation Commission's task shall be to elucidate the questions in dispute, to collect for this purpose all useful information by means of an enquiry or otherwise and to endeavour to reconcile the Parties. It may, after investigating the case, announce to the Parties the terms of the arrangement which it considers to be appropriate and fix a time within which they are to state whether they accept it.

Having concluded its work, the Commission will draw up a procès-verbal recording either that the Parties have come to an arrangement and, if necessary, the conditions of such arrangement, or that it has proved impossible to reconcile the Parties.

The Commission shall, unless otherwise agreed by the Parties,

[1] Communicated by the Belgian Government.
[2] Translation by the Registry.

conclude its work within six months from the date on which the dispute is referred to it.

Should the Parties not be reconciled, the Commission may, unless the two members thereof appointed by the Parties at their discretion object, order, even before the Permanent Court of International Justice or the arbitral tribunal to which the dispute is referred has given its final decision, the publication of a report recording the opinion of each member of the Commission.

ARTICLE 17.

Failing conciliation before the Permanent Commission of Conciliation, the dispute shall be submitted either to an arbitral tribunal or to the Permanent Court of International Justice, in accordance with the provisions of Article 2 of the present Treaty.

In such case, just as in a case where recourse has not in the first place been had to the Permanent Commission of Conciliation, the Parties shall jointly draw up the special agreement referring the dispute to the Permanent Court of International Justice or appointing arbitrators. The special agreement shall clearly define the subject of the dispute, any special powers which may be bestowed upon the Permanent Court of International Justice or the arbitral tribunal and all the conditions agreed upon between the Parties. The conclusion of the special agreement shall be recorded by an exchange of notes between the two Governments.

The Permanent Court of International Justice when entrusted with the decision of a dispute or the arbitral tribunal appointed for the same purpose, as the case may be, shall be competent to interpret the terms of the special agreement.

Should the terms of the special agreement not be established within three months from the date on which one of the Parties shall have received a demand for judicial settlement, either Party may, upon giving one month's notice, bring the dispute directly before the Permanent Court of International Justice by application. For the rest, the procedure applicable shall be that laid down in the Statute of the Permanent Court of International Justice, or, in the case of recourse to an arbitral tribunal, that laid down by the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

General Provisions.

ARTICLE 21.

Should the Permanent Court of International Justice or the arbitral tribunal find that a decision given by the Court or by some other authority of one of the contracting Parties is entirely or partially contrary to international law, and should the constitutional law of that Party not permit or only permit in part the obliteration by administrative action of the effects of the decision in question, the judgment or arbitral award shall determine the nature and extent of the reparation to be granted to the injured Party.

ARTICLE 22.

During conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measure capable of affecting the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice or of the award of the arbitral tribunal. In this respect, the Conciliation Commission, the Court of Justice or the arbitral tribunal shall, if necessary, make an order as to the measures of interim protection to be taken.

ARTICLE 23.

Disputes arising regarding the interpretation or execution of the present Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice by ordinary application.

239.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN COLOMBIA AND SWITZERLAND

SIGNED AT

BERNE

ON AUGUST 20th, 1927 [1].

ARTICLE 1 [2].

All disputes of any kind arising between the two States which cannot be settled by diplomacy within a reasonable time, shall be submitted, at the request of one of the contracting Parties, to procedure by conciliation.

In the event of the failure of the conciliation proceedings the dispute shall be submitted, at the request of either Party, to judicial or arbitral proceedings as provided in Article 13 of this Treaty.

The contracting Parties shall nevertheless be at liberty to agree that a particular dispute shall be referred to judicial settlement or to arbitration, without previous recourse to conciliation.

ARTICLE 2.

Conciliation shall be entrusted to a Commission of three members specially constituted for each case by the contracting Parties.

The contracting Parties shall each appoint one member of their own choice and shall jointly nominate the third member, who will automatically preside over the Commission, from amongst the nationals of third States. The member thus jointly appointed must not be resident in the territory of the contracting Parties or be in their service.

The Conciliation Commission shall be constituted within three months from the date on which one of the Parties shall have notified the other that it intends to have recourse to conciliation.

Should the member to be jointly selected not have been appointed within this time, he shall be appointed, at the

[1] Message No. 2261 of the Swiss Federal Council to the Federal Assembly (Berne, November 11th, 1927).

[2] Translation by the Registry.

request of one Party only, by the President of the Permanent Court of International Justice, or, should the latter be a national of one of the contracting Parties, by the Vice-President or senior member of the Court who is not a national of one of the contracting States.

ARTICLE 13.

Should one of the Parties not accept the proposals of the Conciliation Commission or not give its decision within the time fixed in the report, either of them may have recourse by ordinary application to the Permanent Court of International Justice, if the dispute, according to the terms of Article 36, paragraph 2, of the Statute of the Court, concerns :

(*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.

In the event of a difference of opinion as to whether the dispute is capable of a judicial settlement within the meaning of the preceding paragraph, the decision shall rest with the Court of Justice.

All other disputes shall be settled, at the request of either Party, by arbitration under the conditions laid down in Article 14 of this Treaty.

ARTICLE 15.

During conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measure capable of having a prejudicial effect as regards the acceptance of the proposals of the Conciliation Commission, or as regards the execution of the judgment of the Permanent Court of International Justice or the award of the arbitral tribunal.

ARTICLE 16.

Disputes arising in regard to the interpretation or execution of the present Treaty shall, unless otherwise agreed by the Parties, be submitted to the Permanent Court of International Justice by ordinary application.

240.

TREATY OF CONCILIATION BETWEEN COLOMBIA AND SWEDEN

SIGNED AT

LONDON

ON SEPTEMBER 13th, 1927 [1].

ARTICLE 1 [2].

The contracting Parties undertake to submit to a Permanent Commission of Conciliation, constituted as hereinafter provided, all disputes of any kind which prove incapable of settlement by diplomacy and which are not, under the terms either of the Statute of the Permanent Court of International Justice or of any other agreement concluded between them, to be submitted to that Court or to an arbitral tribunal.

Either Party may decide as to the time when procedure by conciliation may be substituted for diplomatic negotiation.

ARTICLE 2.

If a dispute, referred by one Party to the Commission, is submitted by the other Party, in accordance with the stipulations referred to in the first Article, to the Permanent Court of International Justice or to an arbitral tribunal, the Commission shall suspend its examination of the dispute until the Court or the tribunal has given its decision on the question of jurisdiction.

ARTICLE 5.

The Commission shall be constituted within six months from the entry into force of this Treaty.

Should the members of the Commission to be jointly selected not have been appointed within this time, or in the case of replacement, within three months from the date on which the seat falls vacant, the President of the Permanent Court of

[1] Communicated by the Swedish Government.
[2] Translation by the Registry.

International Justice, or, should the latter be a national of one of the contracting States, the Vice-President of the Court shall, unless otherwise agreed, be requested to make the necessary appointments.

ARTICLE 17.

All disputes concerning the interpretation of the present Treaty shall be submitted to the Permanent Court of International Justice.

241.

TREATY OF CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN ITALY AND LITHUANIA

SIGNED AT

ROME

ON SEPTEMBER 17th, 1927 [1].

Ratifications: The exchange of ratifications took place at Rome on February 22nd, 1928.

ARTICLE 16 [2].

Should one of the Parties not accept the proposals of the Permanent Conciliation Commission, or not make known its decision within the time fixed in the report, either of them may demand that the dispute shall be referred to the Permanent Court of International Justice.

If, in the opinion of the Court, the dispute is not of a legal nature, the Parties agree that it shall be settled *ex æquo et bono*.

ARTICLE 17.

The contracting Parties shall draw up in each case a special agreement clearly setting out the subject of the dispute, any special powers which may be entrusted to the Permanent Court of International Justice and all other conditions agreed upon between them.

The special agreement shall be concluded by an exchange of notes between the Governments of the contracting Parties.

It shall be construed in all respects by the Court of Justice.

Should the special agreement not be concluded within three months from the date on which one of the Parties shall have been notified of a request for judicial settlement, either Party may bring the dispute before the Court of Justice by ordinary application.

[1] *Gazzetta Ufficiale del Regno d'Italia, Anno VI*, No. 10 (Jan. 13th, 1928), p. 198.

[2] Translation by the Registry.

ARTICLE 18.

Should the Permanent Court of International Justice declare that a decision of some court of law or other authority of one of the contracting Parties is wholly or in part in conflict with international law, and if the constitutional law of that Party does not permit, or only partially permit, the obliteration by administrative action of the effects of the decision in question, the injured Party shall be granted equitable satisfaction of some other kind.

ARTICLE 19.

The judgment of the Permanent Court of International Justice shall be complied with in good faith by the Parties. Difficulties to which the interpretation of the judgment may give rise shall be dealt with by the Permanent Court of International Justice, to which either Party may have recourse for this purpose by ordinary application.

ARTICLE 20.

Throughout the conciliation or judicial proceedings, the contracting Parties shall abstain from any measure capable of exercising a prejudicial effect as regards the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice.

ARTICLE 21.

Disputes arising in regard to the interpretation or execution of the present Treaty shall be, unless otherwise agreed, submitted direct to the Permanent Court of International Justice by ordinary application.

. . . . . .

242.

INTERNATIONAL CONVENTION FOR THE ABOLITION OF IMPORT AND EXPORT PROHIBITIONS AND RESTRICTIONS

CONCLUDED AT

GENEVA

ON NOVEMBER 8th, 1927 [1].

Signatories :

America (United States of—)
Austria
Belgium
Great Britain and Northern Ireland
(as well as all parts of the British Empire not separately Members of the League of Nations)
Bulgaria
Czechoslovakia
Denmark
Egypt
Esthonia
Finland
France
Germany
Hungary
Italy
Japan
Latvia
Luxemburg
Netherlands
Norway
Poland
Portugal
Roumania
Kingdom of the Serbs, Croats and Slovenes
Siam
Sweden
Switzerland

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[1] *League of Nations*, Document 559. M. 201. 1927. II. (C. I. A. P. 19 (1). 1927.)

ARTICLE 8.

If a dispute arises between two or more High Contracting Parties as to the interpretation or application of the provisions of the present Convention—with the exception of Articles 4, 5 and 6, and of the provisions of the Protocol relating to these articles—and if such dispute cannot be settled either directly between the Parties or by the employment of any other means of reaching agreement, the Parties to the dispute may, provided they all so agree, before resorting to any arbitral or judicial procedure, submit the dispute with a view to an amicable settlement to such technical body as the Council of the League of Nations or the Parties concerned may appoint. This body will give an advisory opinion after hearing the Parties and, if necessary, effecting a meeting between them.

The advisory opinion given by the said body will not be binding upon the Parties to the dispute unless it is accepted by all of them, and the Parties, if they all so agree, may either after resort to such procedure, or in lieu thereof, have recourse to any arbitral or judicial procedure which they may select, including reference to the Permanent Court of International Justice as regards any matters which are within the competence of that Court under its Statute.

If a dispute of a legal nature arises as to the interpretation or application of the provisions of the present Convention —with the exception of Articles 4, 5 and 6, and of the provisions of the Protocol relating to these articles—the Parties shall, at the request of any of them, refer the matter to the decision of the Permanent Court of International Justice or of an arbitral tribunal selected by them, whether or not there has previously been recourse to the procedure laid down in the first paragraph.

In the event of any difference of opinion as to whether a dispute is of a legal nature or not, the question shall be referred for decision to the Permanent Court of International Justice or to the arbitral tribunal selected by the Parties.

The procedure before the body referred to in the first paragraph above or the opinion given by it will in no case involve the suspension of the measures to which the dispute refers; the same will apply in the event of proceedings being taken before the Permanent Court of International Justice—unless the Court decides otherwise under Article 41 of its Statute—or before the arbitral tribunal selected by the Parties.

Nothing in the present Convention shall be construed as prejudicing the rights and obligations derived by the High Contracting Parties from the engagements into which they have entered with reference to the jurisdiction of the Permanent Court of International Justice, or from any bilateral conciliation or arbitration conventions between them.

243.

TREATY OF CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN FINLAND AND SWITZERLAND

SIGNED AT

BERNE

ON NOVEMBER 16th, 1927 [1].

Entry into force: The Treaty came into force on June 11th, 1928.

ARTICLE 1 [2].

The contracting Parties undertake to submit to procedure by conciliation, before having recourse to judicial proceedings, all disputes of any kind which arise between them and which prove incapable of settlement by diplomacy.

It shall rest with either of the Parties to decide as to the time when conciliation proceedings are to be substituted for diplomatic negotiations.

Disputes, for the settlement of which provision is made for some special jurisdiction by other agreements in force between the Parties, shall, however, be referred direct to such jurisdiction.

ARTICLE 5.

Should the members of the Conciliation Commission to be jointly selected or the President thereof not have been appointed within the period of six months laid down, or in the case of replacement, within three months from the date on which the place falls vacant, the appointments shall be made, at the request of one Party only, by the President of the Permanent Court of International Justice or, should the latter be a national of one of the contracting States, by the Vice-President, or should he be similarly situated, by the senior member of the Court.

[1] Message No. 2281 of the Swiss Federal Council to the Federal Assembly (Berne, January 13th, 1928).

[2] Translation by the Registry.

ARTICLE 15.

Should one of the Parties not accept the proposals of the Conciliation Commission or not give its decision within the time laid down in the report, either of them may demand that the dispute shall be submitted to the Permanent Court of International Justice, in accordance with the obligation assumed by the Parties in adhering to the Optional Clause of Article 36 of the Court's Statute. The contracting Parties shall remain reciprocally bound by this obligation until the expiration of the present Treaty, even though the obligation should in the meantime have ceased to be operative in respect of one or both of them.

The Parties furthermore agree that, should the dispute not fall within one of the categories of disputes of a legal nature enumerated in Article 36, paragraph 2, of the Statute of the Court of Justice, either of them may nevertheless require that it shall be referred to the Permanent Court of International Justice, which will give a decision *ex æquo et bono*, in so far as no applicable rule of law exists.

ARTICLE 16.

The contracting Parties shall, in each case, draw up a special agreement clearly defining the subject of the dispute, any special powers bestowed upon the Permanent Court of International Justice and all other conditions agreed upon between them.

The conclusion of the special agreement shall be recorded by an exchange of notes between the Governments of the contracting Parties.

It shall be construed in all respects by the Court of Justice.

Should the terms of the special agreement not have been drawn up within three months from the date on which one of the Parties shall have received a request for the submission of the dispute to judicial settlement, either Party may institute proceedings before the Court of Justice by ordinary application.

ARTICLE 17.

Should the Permanent Court of International Justice find that a decision of the Courts or of some other authority of one of the contracting Parties is entirely or partially contrary

to international law and should the constitutional law of that Party not permit or only permit in part the obliteration by administrative action of the effects of the decision in question, equitable satisfaction of some other kind shall be accorded the injured Party.

ARTICLE 18.

The judgment given by the Permanent Court of International Justice shall be complied with in good faith by the Parties.

Difficulties arising out of its interpretation shall be settled by the Court of Justice, to which either Party may have recourse for this purpose by ordinary application.

ARTICLE 19.

During conciliation or judicial proceedings, the contracting Parties shall abstain from any measure capable of exercising a prejudicial effect as regards the acceptance of the proposals of the Commission of Conciliation or as regards the execution of the judgment of the Permanent Court of International Justice.

ARTICLE 20.

Disputes arising in regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice by ordinary application.

244.

CONVENTION OF COMMERCE AND NAVIGATION BETWEEN DENMARK AND SPAIN

SIGNED AT

MADRID

ON JANUARY 2nd, 1928 [1].

Ratifications: The exchange of ratifications took place at Madrid on March 1st, 1928.

ARTICLE 11 [2].

Any dispute between the High Contracting Parties concerning the contents, interpretation or application of the present Convention which proves incapable of settlement by diplomacy, shall, at the request of either Party, be referred to the Permanent Court of International Justice, which shall give its decision thereon in accordance with the summary procedure mentioned in Article 29 of the Court's Statute, unless the High Contracting Parties agree that the ordinary procedure laid down in Chapter III of the Statute of the said Court, shall be applied.

[1] *Bekendtgørelse* of the Minister for Foreign Affairs of Denmark, dated March 2nd, 1928.

[2] Translation by the Registry.

245.

DRAFT PROTOCOL BESTOWING UPON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION TO CONSTRUE CONVENTIONS OF PRIVATE INTERNATIONAL LAW

ADOPTED AT

THE HAGUE

ON JANUARY 28th, 1928,

BY THE HAGUE CONFERENCE OF PRIVATE INTERNATIONAL LAW (SIXTH SESSION) [1].

The States signatory to the present Agreement recognize that the Permanent Court of International Justice has jurisdiction to hear any dispute between them concerning the interpretation of the Conventions prepared by the Conference of Private International Law of which they are signatories or to which they have adhered [2].

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[1] At this Conference took part delegates of the Governments of the following countries: Austria, Belgium, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Hungary, Italy, Japan, Latvia, Luxemburg, Netherlands, Norway, Poland, Portugal, Roumania, the Kingdom of the Serbs, Croats and Slovenes, Spain, Sweden and Switzerland.

[2] *List of Conventions:*

Convention for the regulation of the conflict of laws in regard to marriage, signed at The Hague, June 12th, 1902.

Convention for the regulation of the conflict of laws and jurisdictions in regard to divorce and separation, signed at The Hague, June 12th, 1902.

Convention for the regulation of the guardianship of minors, signed at The Hague, June 12th, 1902.

Convention concerning the conflict of laws in regard to the effects of marriage upon the rights and obligations of married persons in their personal relations and upon the property of married persons, signed at The Hague, July 17th, 1905.

Convention concerning interdiction and similar protective measures, signed at The Hague, July 17th, 1905.

Convention concerning civil procedure, signed at The Hague, July 17th, 1905.

List of draft Conventions:

Draft Convention concerning bankruptcy, adopted at The Hague, November 7th, 1925.

Draft Convention on the recognition and execution of judicial decisions, adopted at The Hague, November 7th, 1925.

The dispute shall be brought before the Court by application by whichever State is the first to do so[1].

Draft Convention on the conflict of laws and jurisdictions in regard to successions and wills, adopted on January 28th, 1928.

Draft Convention concerning gratuitous legal assistance and the gratuitous delivery of extracts from documents in the Public Records (*état civil*), adopted on January 28th, 1928.

Draft Convention supplementing the Convention of June 17th, 1905, concerning civil procedure, adopted on January 28th, 1928.

[1] Translation by the Registry.

246.

TREATY OF CONCILIATION AND ARBITRATION BETWEEN FRANCE AND SWEDEN

SIGNED AT

PARIS

ON MARCH 3rd, 1928 [1].

ARTICLE 1 [2].

All disputes of any kind between the Government of His Majesty the King of Sweden and the Government of the French Republic which prove incapable of settlement by ordinary diplomatic methods, shall, before recourse to proceedings before the Permanent Court of International Justice or to arbitration, be submitted for conciliation to a Permanent International Commission, known as the Permanent Commission of Conciliation, constituted in accordance with the present Treaty.

Nevertheless, the disputes contemplated in Article 15 of the present Treaty shall only be submitted to the Conciliation Commission if the two Governments agree to adopt this course. In all other cases, moreover, the High Contracting Parties shall always be at liberty to agree that a particular dispute shall be settled directly without recourse to the preliminary conciliation proceedings above mentioned.

Disputes for the settlement of which provision is made for some special procedure by other conventions in force between Sweden and France shall be settled in accordance with such conventions.

ARTICLE 15.

Disputes relating to a right claimed by one Party and denied by the other, and in particular the disputes mentioned in Article 13 of the Covenant of the League of Nations, shall, failing an arrangement for the submission of the dispute to the Permanent Commission of Conciliation, and in the event of such an arrangement, failing conciliation, be submitted by special agreement either to the Permanent Court of International Justice under the conditions and in accordance with the

[1] Communicated by the Swedish Government.

[2] Translation by the Registry.

procedure laid down by its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down in the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the Parties fail to agree upon the terms of the special agreement, either Party, upon giving one month's notice, shall be at liberty to bring the dispute directly before the Permanent Court of International Justice by application.

ARTICLE 17.

The Swedish and French Governments respectively undertake to abstain, during the course of proceedings begun under the provisions of the present Treaty, from any measure calculated to have a prejudicial effect either as regards the execution of the decision to be given by the Permanent Court of International Justice or by the arbitral tribunal, or as regards the arrangements proposed by the Permanent Commission of Conciliation, and in general not to do anything whatever calculated to aggravate or extend the dispute.

In all cases and particularly when the question in regard to which the Parties are at issue arises out of acts already performed or on the point of being so, the Conciliation Commission, or, should the dispute no longer be before that body, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the arbitral tribunal, shall indicate with the least possible delay what measures of interim protection are to be taken. The High Contracting Parties respectively undertake to conform to such measures.

ARTICLE 18.

Should a dispute arise between the High Contracting Parties concerning the application of the present Treaty, it shall be referred directly to the Permanent Court of International Justice under the conditions laid down in Article 40 of the Court's Statute.

ARTICLE 20.

The present Treaty which replaces the Arbitration Convention of July 9th, 1904, shall come into force upon the exchange of ratifications and shall have a duration of ten years as from

the date of its entry into force. If it is not denounced six months before the expiration of this time, it shall be held to be renewed for a period of five years and so on for successive periods.

If, at the expiration of the present Treaty, proceedings under this Treaty are pending before the Permanent Commission of Conciliation, the Permanent Court of International Justice or an arbitral tribunal, such proceedings shall be continued and terminated.

247.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN DENMARK AND SPAIN

SIGNED AT

COPENHAGEN

ON MARCH 14th, 1928 [1].

Ratifications: The exchange of ratifications took place at Copenhagen on May 24th, 1928.

ARTICLE 2 [2].

All disputes of any kind between the High Contracting Parties, in regard to which the Parties are in conflict as to their respective rights, and which prove incapable of settlement in a friendly manner by ordinary diplomacy, shall be submitted for decision, either to an arbitral tribunal or to the Permanent Court of International Justice. Disputes for the settlement of which some special procedure is provided by other conventions in force between the High Contracting Parties shall be dealt with in accordance with those conventions.

ARTICLE 9.

The Conciliation Commission's duty shall be to elucidate the questions in dispute, to collect for this purpose all relevant information by enquiry or otherwise, and to endeavour to reconcile the Parties. It may, after considering the matter, inform the Parties of the terms of the arrangement which may appear to it suitable and fix a time within which they are to decide whether to accept it.

At the conclusion of its work, the Commission shall draw up a report recording as the case may be either that the Parties have come to an arrangement, and, if necessary, the conditions thereof, or that it has proved impossible to reconcile the views of the Parties.

[1] Text annexed to the draft resolution submitted for approval by the Danish Rigsdag.

[2] Translation by the Registry.

The Commission, unless otherwise agreed between the Parties, shall complete its work within six months from the date on which the dispute shall have been referred to it.

If the Parties have not been reconciled, the Commission, unless the two members independently appointed by the Parties object, may order, even before the Permanent Court of International Justice or the arbitral tribunal, to which the dispute has been referred, has given a final decision, the publication of a report setting out the opinion of each member of the Commission.

ARTICLE 17.

Failing conciliation before the Permanent Conciliation Commission, the dispute shall be submitted either to an arbitral tribunal or to the Permanent Court of International Justice in accordance with the provisions of Article 2 of the present Treaty.

In that case, as in that in which previous recourse has not been had to the Permanent Conciliation Commission, the Parties shall draw up by mutual consent the special agreement referring the dispute to the Permanent Court of International Justice or appointing arbitrators. The special agreement shall clearly define the subject of the dispute, any special powers which may be entrusted to the Permanent Court of International Justice or the arbitral tribunal and any other conditions agreed upon between the Parties. It shall be concluded by an exchange of notes between the two Governments.

The Permanent Court of International Justice when entrusted with the decision of the dispute or the arbitral tribunal appointed for the same purpose, as the case may be, shall have power to construe the terms of the special agreement.

If the terms of the special agreement are not agreed upon within three months from the date on which one of the Parties shall have received notice of a request for judicial settlement, either Party may, on giving one month's notice, refer the dispute direct to the Permanent Court of International Justice by application.

For the rest, the procedure applicable shall be that laid down in the Statute of the Permanent Court of International Justice or, in the event of recourse to an arbitral tribunal, that laid down in the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

ARTICLE 21.

Should the Permanent Court of International Justice, or the arbitral tribunal, declare that a decision of a court of law or any other authority of one of the contracting Parties is wholly or in part in conflict with international law, and should the constitutional law of that Party not permit, or only partially permit, the obliteration by administrative action of the effects of the decision in question, the judicial or arbitral award shall determine the nature and extent of the reparation to be granted to the injured Party.

ARTICLE 22.

During conciliation proceedings or judicial or arbitral proceedings, the Parties shall abstain from any measure capable of affecting the acceptance of the proposals of the Conciliation Commission, or the execution of the judgment of the Permanent Court of International Justice or of the award of the arbitral tribunal. To this end, the Conciliation Commission, the Court of Justice or the arbitral tribunal shall, if necessary, order the measures of interim protection which are to be taken.

ARTICLE 23.

Disputes arising in regard to the interpretation or execution of the present Treaty shall, unless otherwise agreed, be referred direct to the Permanent Court of International Justice by ordinary application.

248.

SPECIAL ARBITRATION AGREEMENT BETWEEN FRANCE AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES,

SIGNED AT

PARIS

ON APRIL 19th, 1928 [1].

Ratifications: The exchange of ratifications took place at Paris on May 16th, 1928.

ARTICLE II [2].

It is understood that, within one month from the delivery of the decision to be given on the question formulated in Article I, the Government of the Kingdom of the Serbs, Croats and Slovenes and the representatives of the bondholders will enter negotiations with a view to concluding an arrangement which :

1° In the event of the Court's award being in accordance with the views of the Government of the Kingdom of the Serbs, Croats and Slovenes, will determine whether considerations of equity do not require that the Government of the Kingdom of the Serbs, Croats and Slovenes should make the bondholders certain concessions over and above that which—in the event of an award by the Court in favour of its contentions—it would be strictly obliged to do.

2° In the event of the Court's award recognizing the justice of the claims of the bondholders, will make to the Government of the Kingdom of the Serbs, Croats and Slovenes, having regard to its economic and financial situation and capacity for payment, certain concessions over and above that which it would be strictly entitled to claim.

Failing the conclusion of such an arrangement within three months from the commencement of the negotiations contemplated in paragraph 1 of this article, either of the two contracting Parties may submit the question of the concessions referred to in the preceding paragraph and of the method of

[1] Communicated by the French Government.
[2] Translation by the Registry.

giving effect to them to one or more arbitrators, who shall be appointed within two months from the expiration of the preceding time-limit, by agreement between the French Government and the Government of the Kingdom of the Serbs, Croats and Slovenes, or, failing such agreement, by the President of the Permanent Court of International Justice.

This second arbitral award shall be given and complied with within one year from the delivery of the award of the Permanent Court of International Justice, even in the event of one of the Parties failing to enter an appearance.

249.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN SPAIN AND SWEDEN

SIGNED AT

MADRID

ON APRIL 26th, 1928 [1].

ARTICLE 2 [2].

All disputes of any kind between the High Contracting Parties in regard to which the Parties are in conflict as to their respective rights and which prove incapable of settlement in a friendly manner by ordinary diplomatic methods, shall be submitted for judgment either to the Permanent Court of International Justice or to an arbitral tribunal.

Disputes for the settlement of which some special procedure is provided by other conventions in force between the High Contracting Parties shall be settled as provided in such conventions.

ARTICLE 3.

Before recourse to the Permanent Court of International Justice or to the arbitral tribunal, a dispute may, by mutual agreement between the Parties, be submitted for conciliation to a Permanent International Commission, known as the Permanent Commission of Conciliation, constituted in accordance with this Treaty.

ARTICLE 17.

Failing an arrangement referring the dispute to the Permanent Commission of Conciliation and, in the event of such arrangement, failing conciliation of the dispute before the Permanent Commission of Conciliation, the dispute shall be submitted by special agreement, either to the Permanent Court of International Justice under the conditions and in accordance

[1] Communicated by the Swedish Government.
[2] Translation by the Registry.

with the procedure laid down by its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the terms of the special agreement not be established within three months from the date on which one of the Parties shall have received a request for judicial settlement, either Party, upon giving one month's notice, may bring the dispute directly before the Permanent Court of International Justice by application.

ARTICLE 21.

During conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measure capable of exercising a prejudicial effect as regards the acceptance of the proposals of the Conciliation Commission or as regards the execution of the judgment of the Permanent Court of International Justice or of the award of the arbitral tribunal. In this respect, the Conciliation Commission, the Court of Justice or the arbitral tribunal shall, if necessary, order the measures of interim protection which are to be taken.

ARTICLE 22.

Should the Permanent Court of International Justice or the arbitral tribunal find that a decision of the Court or of some other authority of one of the contracting Parties is entirely or partially at variance with international law and if the constitutional law of that Party does not permit or only permits in part the obliteration by administrative action of the effects of the decision in question, the judgment or arbitral award shall determine the nature and extent of the reparation to be accorded to the injured Party.

ARTICLE 23.

Disputes arising in regard to the interpretation or execution of the present Treaty shall, unless otherwise agreed, be submitted directly to the Permanent Court of International Justice by ordinary application.

ARTICLE 25.

The present Treaty, which replaces the Arbitration Convention of January 23rd, 1905, shall come into force on the date of the exchange of ratifications and shall have a duration of ten years from the time of its entry into force. Unless denounced six months before the expiration of this time, it shall be held to be renewed for a further period of ten years and so on for successive periods.

If, at the expiration of this Treaty, conciliation proceedings, judicial proceedings or proceedings by arbitration should be pending, they shall be continued and concluded.

250.

COMMERCIAL AGREEMENT BETWEEN AUSTRIA AND FRANCE SIGNED AT PARIS ON MAY 16th, 1928 [1].

ARTICLE 35 [2].

Disputes arising between the High Contracting Parties regarding the interpretation or application of the present Convention which cannot be settled by diplomacy, 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 laid down in its Statute, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down in the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the Parties fail to agree upon the terms of the special agreement, either of them, upon giving one month's notice, may bring the dispute directly before the Permanent Court of International Justice, by application.

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[1] 162 *der Beilagen.* — *Nationalrat.* III. *Gesetzgebungsperiode* (Austrian Official Gazette).

[2] Translation by the Registry.

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